



Appeal Decisions

Site Visit made on 20 July 2021

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 13th September 2021

Appeal A: APP/H1515/W/20/3260135

Canterbury Tye Hall, Doddinghurst Road, Pilgrims Hatch CM15 0SD

- The appeal is made under section 20 of Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr & Mrs N Yardy against the decision of Brentwood Borough Council.
 - The application Ref: 19/01718/LBC, dated 11 December 2019, was refused by notice dated 18 June 2020.
 - The works proposed are demolition of buildings and conversion of former farm buildings to form 4 dwellinghouses.
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Appeal B: APP/H1515/Y/20/3260136

Canterbury Tye Hall, Doddinghurst Road, Pilgrims Hatch CM15 0SD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs N Yardy against the decision of Brentwood Borough Council.
 - The application Ref: 19/01717/FUL, dated 11 December 2019, was refused by notice dated 18 June 2020.
 - The development proposed is demolition of buildings and conversion of former farm buildings to form 4 dwellinghouses.
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Decision

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Applications for costs

3. Application for costs in respect of the appeals was made by Mr and Mrs N Yardy against Brentwood Borough Council. This application is the subject of a separate decision.

Preliminary Matters

4. As the proposal relates to listed buildings I have had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
5. Since the Council's decision, a new version of the Framework was published in July 2021. The new Framework echoes and reinforces policy relevant to the main issue in this case. I shall determine the appeal on this basis.

6. The appeal site is within the Green Belt. Even with the proposed new extensions and residential presence on the site, the proposed demolition of some more modern buildings on the site would help to significantly reduce the footprint and extent of buildings on the appeal site. Accordingly, the proposal would avoid disproportionate additions to buildings on the site. It would also entail re-use of buildings of permanent and substantial construction. As such, with reference to the National Planning Policy Framework (the Framework), Green Belt considerations are not a reason for refusal or main issue in this case.

Main Issues

7. The main issues are:

- The effect of the proposed works on the special architectural and historic interest of a) the Grade II listed building 'Barn 30 Metres North East of Canterbury Tye Hall Farmhouse' (Ref: 1197208) (the listed barn) and b) the Grade II curtilage listed barn buildings, and c) the setting of the Grade II listed building, 'Canterbury Tye Hall Farmhouse' (Ref: 1206468) (the listed farmhouse); and
- The effect of the proposal on highway safety.

Reasons

Listed buildings

8. The appeal site comprises a historic farmstead which is set down an access track off Doddinghurst Road. In addition to more historic farm buildings, there are several more modern outbuildings. Also, some of the barn buildings are being used for various non-agricultural, commercial and storage purposes.
9. The listed farmhouse is a two storey house of timber frame and brick construction, with tiled roofs. It sits close to the south-eastern end of the appeal site. The farmhouse dates from the sixteenth century, with some later alterations including nineteenth century chimney stacks.
10. The listed barn north-east of the farmhouse is a timber-framed and weatherboarded building with tiled roof. It has five bays with central midstrey and gabled wagon porch to the front. It dates from the sixteenth century, with some eighteenth, nineteenth and twentieth century additions.
11. Due to their physical proximity and functional relationship to the listed Canterbury Tye Hall farmhouse and barn, the other buildings in barn groups B and C may be considered as Grade II curtilage listed buildings in accordance with Section 5(2) of the Act. While part of these groups are of historic construction and character, various more modern outbuildings of less architectural and aesthetic merit have also been added, which to some extent dilutes and distracts from the farmstead's core historic character.
12. Pole barn D sits towards the front entrance of the appeal site. Its modernity of metal-clad construction, and distance from the main, more historic farmstead cluster separate it from the listed and curtilage listed buildings on the site.

13. The listed farmhouse and listed barn, together with curtilage listed farm building groups B and C¹ form a group towards the south-eastern head of the farmstead. Much of this group displays the traditional craftsmanship of farmstead carpentry and other construction trades. The combined mass of, and traditional materials of much of the group, including its charismatic roofscape, combination of characterful forms, historic building elevations and intricate timber frames and roof trusses together contribute to the characterful historic composition and presence of this Essex farmstead.
14. The listed barn and farmhouse and the more historic timber-framed and clad curtilage listed barn buildings embody evidential and historical values. Furthermore, this group has a traditional farmstead aesthetic value. Given the above, I consider the special interest of the listed farmhouse and barn, and the curtilage listed barn groups, insofar as it relates to these appeals, to be primarily associated with the legibility of the historic Essex farmstead, including the evolution of its architectural fabric from the sixteenth century to the nineteenth century.
15. The listed and curtilage listed barns form part of the foreground of the listed farmhouse. The more traditional agricultural barn buildings grouped within this foreground contribute positively to the legibility of the historic farmstead and thus the setting of the listed farmhouse.
16. The modern pole barn forms part of the approach to the farmhouse from Doddington Road. Given its spatial separation from the farmhouse and plain agricultural modernity of appearance, the pole barn has a separateness from the historic listed farmhouse, which limits its influence on how the historic farmstead core is experienced 'on the ground'. This limits the role of the pole barn in the setting of the listed farmhouse.
17. The proposal would increase the residential character of this historic farmstead site. That said, the impact of this evolution of character would be tempered by the context of the somewhat disparate, evolved mix of commercial and storage activities and buildings on the site, and the following combination of assimilating factors.
18. The U-shaped configurations of the main historic barn groups would be strengthened through a combination of decluttering through demolition of distracting and less sympathetic modern buildings, and the quietly unifying influence of a new glazed link extension adjoining barn B. Together this would architecturally declutter important front views of the grouping of barns B, B1 and B2, and help draw focus back to the main historic barn buildings B and C. The above would have a positive impact on the special interest of the listed farmhouse and barn, and the curtilage listed barn groups.
19. The carefully stepped extension profiles and fenestration rhythm across the proposal would articulate an ordered rejuvenation of the site that would conserve the core historic character of the farmstead. Thus, these aspects of the proposal would have a neutral impact on the special interest of the listed farmhouse and barn, and the curtilage listed barn groups.
20. The footprint of the pole barn building would be substantially reduced. The remaining part of the barn would be converted into two semi-detached

¹ As shown on Existing Site and Location Plans drawing A-1816-PL-101 Rev E.

dwelling. The metal clad facades of the building would retain a substantial element of agricultural architectural influence. The above combination of elements would help the pole barn's residential conversion to assimilate visually into its evolved farmstead setting. Its separateness from the listed farmhouse, would further limit its impact on the historic farmstead core. Thus, the pole barn dwellings would have a neutral impact on the special interest of the listed farmhouse and barn, and the curtilage listed barn groups.

21. Intervening vegetation in the landscape, including hedgerow along the northern edge of the farmstead's access track would further help limit the visual impact of the proposal in the landscape beyond the appeal site.
22. I therefore find that the proposal would preserve the special interest of the Grade II curtilage listed barn buildings, and the setting and significance of the Grade II listed Canterbury Tye Hall Farmhouse.
23. Regarding the listed barn, Members found there to be harm to the fabric of the listed barn, which the reason for refusal of listed building consent describes as 'a less than significant degree of harm', not outweighed by public benefit.
24. It is undisputed that the listed barn's timber structure is a good example of a surviving sixteenth century timber framed architecture and so has significant historic value². Within this context I have concern about the proposed cutting of studs and sole plates in the listed barn.
25. While the evolved advice of the Historic Buildings and Conservation Officer (HBCO) is that the studs 'can be removed'³, they described the cutting of the barn's timber frame as a 'last resort'⁴ and retain the view that the sole plate in the listed barn 'must remain in place'. The appellants' Appeal Statement⁵ confirms that 'the cutting of the sole plate was not agreed' and 'the conversion to residential will result in a small degree of harm from the alterations'.
26. The exact location and extent of the studs and sole plates to be cut in the listed barn is not sufficiently clearly depicted and justified in the drawings and statements presented in this case to support a finding that this loss of fabric to this significant example of sixteenth century timber framed architecture would be acceptable.
27. Therefore, notwithstanding the Council Planning Officer's recommendation to approve the proposal, and their description that scheme revisions 'have addressed concerns raised by' the HBCO, I find that there is not sufficiently clear detail and analysis of proposed loss of stud and sole plate fabric in the listed barn, in the appeal evidence, to demonstrate that this would be justified.
28. Therefore, I find that the proposed loss of stud and sole plate fabric would have a negative impact on the special interest of the listed barn. Thus, the proposal would fail to preserve the special interest of the Barn 30 Metres North East of Canterbury Tye Hall Farmhouse.
29. Paragraph 199 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Given the scale and substance of the

² As acknowledged on page 12 of the appellants' Heritage, Design and Access Statement.

³ As reported in section 5 of the Planning Officer's Report in these cases.

⁴ As stated in Appendix 1 of the Planning Officer's Report.

⁵ Paragraph 4.31.

proposal, I find the harm to the listed barn to be less than substantial in this instance, but nonetheless of considerable importance and weight. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against public benefits of the proposal, including any contribution to securing optimal viable use of listed buildings.

30. The proposal would contribute to housing land supply in the borough. This is within the context of a shortfall in the light of the Council's confirmation that it cannot demonstrate a five year supply of deliverable housing sites. The proposal would provide four new dwellings. Furthermore, the proposal would architecturally declutter important front views of the grouping of B, B1 and B2 barns, and help draw focus back to the main historic barn buildings B and C. Furthermore, the new residential investment would also stimulate future repair and maintenance of retained historic buildings, which would contribute to safeguarding the fabric of the farmstead's core heritage assets longer term. Also, as I find under the second main issue in this decision, the proposal would result in a modest improvement to highway safety.
31. Together these benefits carry significant weight. However, given the lack of clear detail and justification regarding the extent and location of the loss of stud and sole plate fabric in the listed barn, I have no certainty that this harm to the heritage asset would be of sufficiently small magnitude to be outweighed by the public benefits of the scheme. Accordingly, I find that the public benefits of the proposal do not outweigh the great weight given to the conservation of designated heritage assets and the less than substantial harm to their significance which I have identified.
32. In conclusion, the proposal would fail to preserve the special historic interest of the Grade II listed Barn 30 Metres North East of Canterbury Tye Hall Farmhouse. This would fail to satisfy the requirements of the Act and paragraph 196 of the Framework. This would also conflict with saved Policies CP1, C15 and C17 of the Brentwood Replacement Local Plan 2005 (LP), which together seek to ensure that proposals conserve heritage assets. As a result, the proposal would also not be in accordance with the development plan.

Highway safety

33. The site access is at the transition between straight and curving stretches of Doddinghurst Road. The visibility of the access to traffic travelling in a south-westerly direction from the north-east is limited by the curve of the road.
34. It is undisputed that the junction visibility of the site access is less than standard required for a new access. However, it does not automatically follow that the proposal would be unsafe.
35. From what I saw during my site visit, albeit a snapshot in time, there was a fairly steady flow of traffic round the curve of the road on the approach to the site access. Also, travelling round the curve from the north-east, the access is revealed at relatively short notice. This and the 60mph speed limit on the road indicates a typically steady flow of vehicles approaching the site access at some speed, with limited visibility from the north-east. As such, care is needed by vehicle drivers on this stretch of road, and agile vehicle movement is helpful when accessing the site. That is likely to continue to be the case in the future, with or without the proposal.

36. That said, the evidence of the appellants' highway consultants indicates that there is not a significant accident record in the vicinity of the site access. Given the change from a range of commercial and storage uses to four proposed dwellings, this evidence furthermore indicates that the proposal would result in a reduction in vehicle flows at the site.
37. I appreciate the concern of some residents in the area, drawing on their local experience and observations, about the safety of this less than ideal access. Some local residents consider the proposal would potentially result in an increase in vehicle movements involving the access.
38. However, even if there were not a vehicle flow reduction of the scale indicated by the appellants' highway consultants' analysis, the vehicles typically accessing the proposed dwellings, including residents' own vehicles, are likely to be more agile than commercial vehicles servicing and using the commercial and storage units. Furthermore, the volume of traffic arising from the proposal would be limited by the relatively modest number of new dwellings. This finding echoes the view of the Highway Authority that the proposed development is expected to reduce the number of daily vehicle trips to and from the site, and that there would be a reduction in slow moving commercial vehicles using the access. Also, in assessing a previous proposal on the site⁶ the other Inspector found that 'notwithstanding the view of local residents that the locality is an accident 'black spot', there is no compelling evidence before me to show the access has significantly contributed to highway safety problems'.
39. Taking the above together, I conclude that given the relative agility of future vehicles using the access to the proposal, and the relatively modest number of dwellings proposed, it is likely that the proposal would result in a modest improvement to highway safety in the vicinity of the site access, and would be acceptable in highway safety terms. As such, it would not conflict with saved Policies T2 and CP1 of the LP, which together seek to ensure that development avoids detrimental impact on the local transport system, and safeguards highway safety on the local transport network.

Other Matters

40. Given the harm to the designated heritage asset, the tilted balance under paragraph 11 of the Framework would not be engaged, in the light of the Council's admission of housing land supply shortfall in the borough.

Conclusion

41. The public benefits of the proposal are insufficient to outweigh the less than substantial harm that would be caused to the significance of a heritage asset.
42. While listed building harm was cited only in the reason for refusal of the application in Appeal A, it results in decisive conflict with the Act, the Framework and the development plan. Thus, it is grounds for dismissal of both appeals. Therefore, for the reasons given above, I conclude that these appeals should be dismissed.

William Cooper

INSPECTOR

⁶ Planning application Ref: 12/01271/FUL