
Appeal Decisions

Site visit made on 15 June 2021

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 20 October 2021

Appeal A Ref: APP/W1525/W/20/3256700

Springfield Hall Barns, Lawn Lane, Springfield, Chelmsford, Essex CM1 7TJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Mark Reeves against the decision of Chelmsford City Council.
 - The application Ref 20/00457/CUPAQ, dated 4 October 2019, was refused by notice dated 18 May 2020.
 - The development proposed is change of use of agricultural building to a dwellinghouse (class C3), and for associated operational development.
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Appeal B Ref: APP/W1525/W/20/3256702

1 Springfield Hall Barns, Lawn Lane, Springfield, Chelmsford, Essex CM1 7TJ

- 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 Mark Reeves against the decision of Chelmsford City Council.
 - The application Ref 20/00456/FUL, dated 5 January 2020, was refused by notice dated 16 June 2020.
 - The development proposed is described as *the re-use and adaption of an existing building. The building is of permanent construction and suitable for its intended use as a dwelling.*
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Appeal C Ref: APP/W1525/W/20/3256714

Springfield Hall Barns, Lawn Lane, Springfield, Chelmsford, Essex CM1 7TJ

- 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 Mark Reeves against the decision of Chelmsford City Council.
 - The application Ref 20/00468/FUL, dated 16 March 2020, was refused by notice dated 18 May 2020.
 - The development proposed is described as *self build of two dwellings for 2 self builders including repair and reconstruction of existing buildings along with change of use to residential.*
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Decisions

1. Appeals A, B and C are dismissed.

Preliminary Matters

Appeal A

2. Under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as

amended) (the GPDO), planning permission is granted for development consisting of the change of use of an agricultural building and its curtilage to dwellinghouses and building operations reasonably necessary to convert the building. This is subject to limitations and conditions.

3. Paragraph Q.1 of the GPDO sets out circumstances where such development is not permitted. These include, at Paragraph Q.1 (a), if the site was not used solely for an agricultural use as part of an established agricultural unit on 20 March 2013, or if not in use at that date when it was last in use.
4. The Planning Practice Guidance¹ (PPG) explains that the permitted development right assumes that the agricultural building is capable of functioning as a dwelling. It goes on to point out that it is not the intention to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use and that the right would only apply where the existing building is already suitable for conversion to residential use.
5. The GPDO sets out the development permitted as extending to any land within its curtilage. It defines² curtilage as the lesser of either the land immediately beside or around the agricultural building, closely associated with and serving the purposes of it, or an area of land immediately beside or around the building no larger than the land area occupied by the building.
6. Conditions to which this permitted development right is subject are set out at Paragraph Q.2 of the GPDO and include that the procedures for applications for prior approval follow Paragraph W. Paragraph W (3) of the GPDO provides that a local planning authority may refuse an application where in their opinion the proposed development either does not comply with, or that a developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions applicable to the development.
7. These provisions mean that development is not permitted if the building was not solely used for an agricultural use as part of an established agricultural unit on the specified dates or that prior approval be refused if insufficient information has been provided to establish this.
8. This remains a matter of dispute between the main parties. I have considered the matter on the basis of the evidence before me but ultimately it is not a matter for me in determining this appeal under section 78 of the Town and Country Planning Act 1990 (TCPA) to make a determinative finding as to the lawful use of the structures and site. It remains open to the appellant to make an application under section 191 or 192 of the TCPA for a certificate of lawful use or development in respect of the stable and its surroundings and my findings in this regard below would not prejudice the outcome of any such application.
9. Since making their decisions, and in light of the appellant's submissions, the Council's position has changed, and they do not consider that the structures are within the curtilage of a listed building. Consequently, they no longer wish

¹ Paragraph: 105, Reference ID: 13-105-20180615.

² GPDO, Schedule 2, Part 3, Paragraph X.

to defend their third reason for refusal in respect of Appeal A. I have therefore not considered this particular issue any further in reaching my decision.

Appeals B and C

10. Refusal reason 2 in Appeal B and reason 3 in Appeal C also refer to curtilage listing, and similarly I have not considered that particular issue any further in reaching my decisions. However, I note that the Council's other heritage objections remain which I have dealt with below.
11. The Council have also conceded that they consider the development would have an acceptable impact in terms of highway safety and on neighbours' living conditions, and no longer wish to defend their refusal reasons 2 and 4 in Appeal C. This is in light of a previous appeal decision³ in respect of a similar development to that considered at Appeal C and I have no reason to disagree with the previous Inspector's findings in those respects. I have therefore not considered these aspects any further in my reasoning.
12. For the reasons set out in the Other Matters section below, it is not necessary to deal with the Council's objections, set out in reason 4 in Appeal B and reason 6 in Appeal C, in respect of effects on Habitats Sites as a main issue.
13. Since the applications were made, and the Council took their decisions, the Chelmsford Local Plan⁴ (Local Plan) has been adopted, replacing policies in the previous Core Strategy documents cited in the Council's decision notices. I have determined the appeals accordingly, taking into account this part of the development plan.

All appeals

14. Springfield Hall Barns comprises the remains of a large building which the Council refer to as having been a model farm type complex and a smaller and somewhat less derelict former stable which projects from one corner. For the purposes of my decision, I refer to the former as the model farm and the latter as the stable. Appeals A and B relate to just the stable and its surroundings; the drawings relating to Appeal C include both the model farm and stable, as well as the more extensive field in which they are situated.
15. The addresses in the heading above are taken from the application forms. Although that given for Appeal b differs slightly from the others it is clear from the submissions that all three appeals relate to the same location.
16. The National Planning Policy Framework (the Framework) has been revised since the Council's decisions were made. The main parties have had an opportunity to comment on this and no parties' interests will have been prejudiced by my taking the revised Framework into account in reaching my decisions.
17. I have dealt with each appeal on its own individual merits. However, the evidence provided in support of Appeal A has also been put forward to support the other appeals. Therefore, my findings in respect of some aspects of Appeal A have informed those of the other appeals and, where appropriate, to avoid duplication I have dealt with some aspects together in my reasoning.

³ APP/W1525/W/20/3249135.

⁴ Chelmsford Local Plan, *Our Planning Strategy 2013-2036*, 2020.

Main Issues

18. Consequently, the main issue in Appeal A is whether or not the development would be permitted development with particular regard to:
- i. the extent of works likely to be necessary to create the dwelling;
 - ii. the use of the site and building; and,
 - iii. the extent of curtilage proposed.
19. The main issues in Appeals B and C are the effect the developments would have on:
- i. the character and appearance of the area, with particular regard to the Chelmer North Green Wedge;
 - ii. the special interest of the adjoining grade II listed Springfield Hall; and,
 - iii. any protected species on the site.

Reasons

20. The site lies at the end of a long lane, adjacent to Springfield Hall. At the time of my visit the structures were surrounded by temporary fencing and set within a sizeable, overgrown field. This is situated between the A1016 Chelmer Valley Road and a housing estate but the site has the characteristics and appearance of open countryside which surrounds the site, with the exception of the built up area to the south east.
21. The model farm building is in a largely ruinous state and comprises a roughly square enclosure of external, and some internal, walls of varying height and completeness with very modest areas of dilapidated roof. The main parties advise that this was largely destroyed in a fire in 1999. Attached to this the much smaller, elongated stable retains more of its roof covering but also has a derelict appearance.

Appeal A – extent of works

22. Although it has walls and roof, the stable does not have the appearance of a building that is already suitable for conversion to residential use and could readily be converted to a dwelling. The existing drawings do not show the current extent of the building in terms of the extent of missing or dilapidated masonry, roof and structure. The proposed drawings do not detail which part of the exterior of the building would be retained and repaired and which would need to be reconstructed new build.
23. From my observations, although the roof was intact along part of the building, tiles were missing on that part adjacent to the model farm where the ridge was noticeably sagging with rafters missing at that point, and the eaves sagging beyond. Rafters appeared to be set directly into the wall with some areas of masonry beneath being in poor repair. Although internal walls may help provide support to the roof it is unclear how many of these would be retained in the works. Areas of masonry to front and rear were damaged with some localised areas missing.
24. This is reflected to some extent in the appellant's 2017 structural engineers' report which notes that a section of roof has failed and has had a knock-on impact on a section of wall, recommending both to be rebuilt. It anticipates that the remainder of the roof can be retained with repairs where tiles are lost

and timbers damaged by water, and that some masonry would require under building. Photographs show that the roof has deteriorated to a degree between when they were taken and my site inspection.

25. The report makes an assumption that foundations exist but there is no reference to any investigation to confirm this. Given the age and likely original use of the building this might not necessarily be assumed. It also advises that the north elevation was difficult to inspect and could only anticipate works for visible areas.
26. A subsequent 2020 Construction Method Statement largely relates to the feasibility of inserting a basement under the model farm part. It provides a more cursory review of the stable which it advises is structurally complete except for a couple of minor areas where some roof repairs are needed. Like that previous report, it acknowledges that the north elevation was inaccessible, and therefore would not have been assessed in any detail. The existing elevations accompanying the report do not show areas of missing roof and differ from the application drawings in terms of size and distribution of openings. As a result, they do not have the appearance of a detailed survey of that part of the complex.
27. Neither report advises that substantial rebuilding would be necessary. Nevertheless, there are caveats about areas not surveyed, differences in survey drawings and limits to understanding of the structure including foundations. Importantly, there is no clear method statement or similar detailing the approach to repairs and their extent prepared in conjunction with the proposed scheme, nor clearly illustrating that more extensive rebuilding than that envisaged could be avoided.
28. Furthermore, the proposed drawing shows wider windows replacing existing door openings, deeper windows and an area of extensive glazing to one elevation. In the absence of any details to the contrary, the creation of such larger openings would be likely to require further removal of fabric in parts of the walls whose condition is poor, have knock on effects on rafters set into brickwork above and could necessitate further reconstruction to accommodate them.
29. Given the condition of the building there would appear to be a real risk that were building works commenced based on this information, or more detailed investigations carried out, that more extensive works may be necessary to the walls and roof. This could lead to even the most experienced or skilled building contractor finding that when on site they would have to dismantle and rebuild more extensive parts of the building than the plans and reports anticipate. The information available does not amount to a convincing demonstration that the operations would be limited to a conversion.
30. Bearing in mind the condition of the building and degree of dilapidation, and in the absence of more a precise assessment the extent of works necessary, there is a considerable risk that the operations would extend beyond those reasonably necessary to convert the building and effectively amount to rebuilding rather than a conversion. In these circumstances, and bearing in mind the guidance in the PPG, it cannot be concluded that the proposal would be permitted development.

Appeal A – agricultural use

31. Given the history of the site and condition of the building and its surroundings, it is not necessarily straightforward or obvious that the site was used, or last used, solely for an agricultural use as part of an established agricultural unit on the relevant date. In terms of what comprises the 'site' for the purposes of GPDO paragraph Q.1(a), this is defined⁵ as the building and any land within its curtilage. Notwithstanding my consideration of the issue of curtilage below, this would be a very modest area of land immediately beside or around the building no larger than the land area occupied by it.
32. The appellant advises that the building was in use in 2013 for agricultural purposes but does not go into any detail. In support of the appellant's case a letter from a farmer confirms that the site has always been in agricultural use albeit that the buildings were also used for a clothing business. It advises that some of the buildings were used for the storage of hay but that was before buildings became unusable due to the fire, which was prior to 2013. Unfortunately, this does not detail which buildings were used for storage and whether or not this included the stable, nor whether concurrent with the clothing business.
33. Furthermore, a letter from the appellant's agent refers to unsuccessful applications for certificates of lawfulness in respect of the clothing business which contend that the agricultural use had ceased by the time of the fire. This runs contrary to the appellant's current position and that of the farmer. There is also the question as to what effect an intervening unlawful use may have on the resumption of a past lawful one.
34. Although not apparent from my visit, the farmer advises that the site has been, and still is, used for grass for their agricultural use. However, it is uncertain whether the use of the 'field' for grass encompassed that more limited and more enclosed area to the front or rear of the stable. Given the boundary of the field at that location and configuration of the remains of the buildings, it is not certain or obvious that these immediate surroundings have been cultivated or grazed. In pre-application advice, the Council suggested that the land was last in use for agriculture, but again this would appear to relate to the whole field rather than the more limited 'site' in the GPDO's terms.
35. Notwithstanding that it is known as the stable, the Council's objection in terms of the keeping of horses for recreational purposes in the building would appear to be based more on speculation, whereas the appellant advises that the building has never been used for keeping recreational horses.
36. On the basis of the evidence before me it would appear likely that parts of the wider field would have been in agricultural use. Nevertheless, it is inconclusive whether the stable building and its more limited 'site' were in fact in, or last used for, agricultural use in the period set out within the GPDO.
37. This apparently contradictory evidence and level of doubt means that I cannot be certain that the development would satisfy the use and timescale requirements of the GPDO. The proposal would consequently not be Permitted Development.

⁵ GPDO, Schedule 2, Part 3, Paragraph X.

Appeal A - curtilage

38. The appellant's location plan shows an area of what would appear to be an access along with an area in front of and behind the stable building.
39. In light of the GPDO definition of curtilage (paragraph 5 above), the area shown on the plan would be considerably larger than the land area occupied by the building. Even if I were to consider only the smaller part of this area denoted as 'amenity' on the plan, this would remain around twice the area of the footprint of the building. Although the appellant refers to a plan which he advises complies with the requirements of the GPDO, I have made my decision on the basis of the evidence before me where the location plan does not show such a curtilage.
40. The curtilage proposed would be too large and consequently the proposal would not accord with the permitted development right.

Appeal B - character and appearance; stable

41. For the reasons set out above it cannot be concluded that the stable block would effectively be converted. Rather, it would essentially amount to a new building. Notwithstanding its condition, the building has the character and appearance of a traditional rural building with simple brick and tile construction. However, the proposed alterations would introduce considerably more glazing, change the shape and proportions of existing openings and introduce a deep fascia at eaves level which would extend around the gables where none currently exists.
42. The result would be a building that retains little of the detail and subtleties of a traditional farm building but one that would have the appearance of a largely modern structure. The extensive garden proposed would introduce a domesticated character within the countryside by way of its use, likely management and the inevitable domestic paraphernalia that would accrue in such a location. Together these factors would result in the development harmfully intruding into the rural character of the area.

Appeal C - character and appearance; model farm

43. The model farm is in a considerably more dilapidated state than the stable. It is largely without roofs and those very limited areas still with covering are in very poor condition. External walls are in places missing and those which are upstanding show varying signs of damage and deterioration.
44. The proposed extensive large windows and patio doors would be in many cases inserted into existing solid masonry where it remains. At the same time this would reduce the amount of remaining construction and make their insertion into such limited remaining masonry all the more challenging if indeed that could be practically done. In the absence of a more convincing method statement and schedule of works prepared in light of the proposed scheme, it would be likely that much of that fabric which does exist would have to be rebuilt. Therefore, even if those elements currently upstanding could technically remain in situ when the extensive basement were created, this would not alter the situation of the development being more akin to a new build above ground as well.

45. Other than the somewhat conjectural CGI images there is little information or evidence about the original configuration of the building other than what can be gleaned from the remains on site. Nevertheless, the Council consider that the building has some merit and aspects of its original character are evident from the remains including its tall but single storey arrangement, elevations made up of inset brickwork panels between substantial piers and remaining and blocked openings with shallow arches. Little of the building's detailing appears on the surveys or drawings.
46. Whilst the proposal attempts to retain and replicate the distinctive contrasting brick banding, the solid panels would become glazed openings and other openings would be set well below the brick arches. New windows at first floor would break the eaves in many places and a new central roof section would have fibreglass covering and extensive rectangular glazed elements along both sides which would be apparent from front and rear. Where former openings have been blocked, these do not appear to either directly correspond to proposed openings nor reflect the size and configuration of those on the existing building.
47. The evidence does not show that the proposed design has been informed in any more than a superficial way by the original or historic character and features of the building. Much of what original character remains would be eroded and that which it formerly had would not be regained, recapturing little of the detail and architectural interest of the model farm building. This would result in a development that would take on the appearance of a new building.
48. As with the stable proposal, the gardens and communal space would introduce a harmful domestication within the rural area albeit far more extensive in respect of the Appeal C proposal. As well as the extensive hard paved apron around the buildings, it would appear unlikely that the management or cultivation of such areas would retain a natural or agrarian appearance even if largely lain to lawn.
49. The use of 'grasscrete' or similar, whilst having the potential to make parking and servicing areas less harsh, would not overcome the adverse effects of these domestic incursions into the countryside. Even if the underground parking were feasible, despite no means of access being shown on drawings or apparently allowed for in the structural approach, similarly this would not alter the effect of the large gardens. These factors would combine to have an adverse effect on the rural character and appearance of the area.

Appeals B and C - Green Wedge

50. The site lies with an area identified in the Local Plan as a Green Wedge which has been recognised for its intrinsic character and beauty whose extent, location and configuration prevents urban sprawl and settlement coalescence. The harmful effects of both schemes outlined above would erode this intrinsic character and beauty in contrast to the predominantly rural, countryside character of much of the Green Wedge. By effectively being new buildings with extensive gardens they would result in the sprawl of the urban area and create a bite out of the gap which currently exists between the nearby housing estate and development on the other side of the River Chelmer.

51. Neither the stable nor the larger model farm could be considered as buildings of permanent and substantial construction given their present condition in light of my findings above. The works necessary to convert them would be likely to result in substantial reconstruction. The detailed proposals for both schemes would result in developments that would not be in keeping with their surroundings, and proposed alterations to both would harm the buildings' original character. The extensive gardens proposed would conflict with the purposes of the Green Wedge designation. Consequently, neither development would accord with Local Plan Policies DM10 and S11 insofar as they relate to the Green Wedge.

Appeals B and C - listed building

52. Springwell Hall is a grade II listed building. It has a symmetrical light coloured brick façade which the listing description suggests fronts a C16 timber framed building. Its significance as a nationally important designated heritage asset includes its age, architecture, materials, situation and history. It also derives some significance from its essentially rural setting. Although this has been impinged on somewhat by the housing estate opposite, it nevertheless retains the character of a substantial rural dwelling set in countryside. Part of this setting includes the appeal buildings and the field in which they are situated.
53. I note that the previous appeal decision refers to a heritage statement, however there is no such document before me. Nevertheless, the Council's officer reports provide some details about the buildings and I note that the previous Inspector recorded that the heritage assessment concluded that the building was a non-designated heritage asset making a positive contribution to the setting of Springfield Hall. Bearing in mind that I have no information to the contrary before me, I have also considered the buildings as a non-designated heritage asset.
54. As a model farm it will have had significance in terms of its architecture and history including showing the development of the more consolidated and mechanised approach to agriculture in the C19. There is also some interest in the interplay between the more rustic vernacular stable building and the considerably larger and more formal model farm building. However, a considerable amount of this significance as a non-designated heritage asset has been affected by the substantial loss of the roof, masonry, joinery and other features.
55. Although it is not clear what the historic relationship was between Springfield Hall and the farm buildings was, their presence adds to the historic and social interest of the Hall as part of a group. Whilst some of that significance has been lost through the fire and dilapidation, historic interest remains and even in their current state they make a small but positive contribution to the significance that Springfield Hall derives from its setting.
56. The proposed scheme for the model farm only takes the broadest cues from its previous or historic form and, as I have found above, neither development would result in a building that would have a sensitive or informed appearance in relation to those aspects of their original form from which they will have obtained some significance. The model farm treatment would pose a jarring juxtaposition with the Hall. This appearance with poorly detailed treatment, which in some aspects ignores the historic configuration of elevations, would

harm the significance of the buildings themselves as a non-designated heritage asset, would fail to preserve the setting of Springwell Hall and harm the significance that the listed building derives from that setting.

57. The presence of a boundary wall, trees and shrubs between the listed building and the appeal site would do little to reduce this harm as its significance is not only reliant on the visual relationship between the two but on the wider environment in which the Hall is experienced.
58. As required by the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA) I have had special regard to the desirability of preserving the setting of the listed building. The Framework requires that great weight is given to designated heritage assets' conservation. In finding harm, this is something to which I have given considerable importance and weight to. However, this harm is less than substantial in the Framework's terms, as it relates to part of its setting and would not physically alter the listed building itself.
59. In these circumstances the Framework states that such harm should be weighed against the public benefits of the proposals. The stable development would have the benefit of creating one new home and reverse the dilapidated condition of that building but these public benefits would be very limited. The harm that would be caused to the significance of the listed building would be greater and would outweigh those very limited public benefits.
60. The model farm scheme would create two new homes and the principle of reversing the dilapidated condition of the larger complex could be a benefit, but in this case one considerably limited by the harmful effects of the detailed proposals for reconstruction. The appellant also refers to the creation or improvement of a footpath link between houses and playing fields, although no mechanism to securing this has been put forward and can consequently carry very little weight. Overall, the public benefits would be limited, and these would not outweigh the harm to the significance of the listed building.
61. The developments would fail to accord with Local Plan Policy DM13 which, amongst other criteria, seeks to ensure that development within the setting of a listed building would not adversely affect that building's significance. Neither scheme would justify the loss of harm to the significance of the non-designated heritage asset and conflict with Local Plan Policy DM14 as a result. The development would be contrary to the PLBCAA and to the Framework's historic environment protection policies.

Appeals B and C - protected species

62. The appellant has put forward a preliminary Ecological Appraisal from May 2018 and a subsequent Extended Phase 1 Survey carried out in July 2019. The former identified a pond that may support breeding Great Crested Newts, low level potential for bat roosts (in the stable) and that much of the site supported habitat suitable for use by reptiles. The more recent report finds that the pond was 'permanently' dry and unsuitable for supporting amphibians, that there was a negligible potential for bat roosts in the stable and that the site was unsuitable for sustaining reptiles.
63. The main change in just over a year would appear to be to the condition of the pond. However, the 2019 survey does not elaborate on their conclusion that

the pond's dry condition was a permanent situation compared to its water filled state the year before, and it is unclear whether its condition has remained since the later survey.

64. There may have been a degree of deterioration in the stable between the two dates however it is unclear why the two reports make different findings on bats. They were both conducted considering similar assessment methodologies. The stable building would appear to possess features associated with both the negligible potential concluded in the 2109 survey (single skin, no roof insulation) and the low potential concluded in the 2018 appraisal (crevices, open locations which may be subject to large temperature fluctuations and constrained bat access points). The implications of these classifications differ as even with 'low potential' there may still be a reasonable likelihood of bats being present.
65. In terms of reptiles, the 2018 appraisal found the site to have areas of rough, tall and tussocky vegetation suitable for cover and rubble piles for over-wintering. The 2019 survey found the site dominated by improved grassland lacking the variety of sward heights and bare ground to be suitable for reptile habitat. At the time of my visit rubble piles were still evident.
66. There is no reference in the 2019 survey to its predecessor or commentary about the very different findings. Given the stark differences and contradictions in findings and, bearing in mind the importance of protecting and enhancing biodiversity, as well as the time elapsed since the 2019 appraisal, it would be prudent to take a precautionary approach. The evidence does not convincingly conclude that protected species are absent nor that if they are present that they would not be adversely affected by either development.
67. The appellant considers that the matter could be resolved by way of a planning condition to require a further survey. However, it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission might be granted, as set out in Circular 06/2005⁶. Consequently, it would not be appropriate to rely on a planning condition to establish the position.
68. Therefore, the proposals do not demonstrate that negative impacts on biodiversity would be avoided, that any unavoidable impacts could be mitigated nor that any net gain in biodiversity would result. As such the developments would be contrary to Local Plan Policy DM16. For the same reasons they would not accord with the Framework's habitats and biodiversity policies.

Other Matters

Special Protection Area

69. The site would appear to lie within the zone of influence of the Blackwater Estuary Special Protection Area and Ramsar site. The appellant has provided draft, but incomplete, unilateral undertakings in an attempt to mitigate any adverse effects. However, bearing in mind my findings on the main issues above, there is no prospect that planning permission would be granted for either development. Consequently, it is not necessary for me to consider

⁶ ODPM Circular 06/2005 & Defra Circular 01/2005, Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their Impact Within the Planning System, Office of the Deputy Prime Minister, 2005.

further the potential impact of the developments on the Habitats Site under the Habitats Regulations⁷.

Self-build

70. Both schemes are proposed to be self-build, and this is a type of housing encouraged by the Government, and supported by the Framework and PPG, albeit no mechanism has been advanced to secure such an approach. However, no evidence has been put forward to suggest that these proposals should be considered any differently in light of the duties to have regard to the Council's self- and custom- build register. In the absence of any evidence of the demand and supply of development permissions for people wishing to commission or build their own homes, and consequently the effect the appeal developments would have on addressing any need, this aspect does not carry any weight in support of the proposals.

Other permission

71. The appellant has drawn my attention to a decision by the Council where a replacement new dwelling was given permission. However, not only was this decision about ten years ago and made before the Framework was introduced and the current Local Plan adopted, but there is also no reference to the Green Wedge in the Officer Report and that development appeared to relate to a former dwelling. These circumstances are materially different to those in the appeals before me, which in any event I have determined on their own merits, and this does not lead me to different conclusions.

Fallback

72. Although the appellant refers to an ability to rebuild the structures as they were historically there is no information to support this assertion and as such I cannot afford such a notional fallback alternative any weight. As the clothing business would appear to have been unauthorised, any suggested improvement on the effect of parking associated with that use compared with the proposal, again cannot be given any weight.

Conclusions

73. The proposal subject to Appeal A would be not be permitted development for the reasons set out above, and consequently Appeal A is dismissed.
74. The developments subject to appeals B and C would harm the character and appearance of the area, harm the significance and thus special interest of the grade II listed Springfield Hall, and it has not been demonstrated that protected species would not be harmed. The developments would conflict with the PLBCAA and the development plan taken as a whole, and there are no material considerations that indicate the decisions should be made other than in accordance with the development plan. Therefore, Appeals B and C are also dismissed.

Geoff Underwood

INSPECTOR

⁷ The Conservation of Habitats and Species Regulations 2017 (as amended).