



Appeal Decision

Site Visit made on 23 November 2021

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th December 2021

Appeal Ref: APP/Z1510/W/21/3274907

Weybridge Bungalow, Stambourne Road, Great Yeldham, Essex CO9 4RB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr and Mrs Chinery against Braintree District Council.
 - The application Ref 20/01976/FUL, is dated 8 January 2021.
 - The development proposed is described as 'demolition of existing outbuildings and erection of single storey detached outbuilding'.
-

Decision

1. The appeal is dismissed, and planning permission refused.

Preliminary Matters, Background and Main Issues

2. I have taken the site address and description of development from the appeal form as this appears to be more accurate than the application form details.
3. The Council failed to determine the planning application within the prescribed period and therefore the appellants submitted this appeal. The Council has confirmed that, had it been in a position to do so, it would have refused the proposal due to concerns over the impact on the character and appearance of the area and perceived discrepancies with the site location plan.
4. Accordingly, the main issues in this appeal are: 1) The effect of the proposed development on the character and appearance of the area; and 2) Whether it is necessary to include the adjoining farmyard within the red line site area.

Reasons

Character and appearance

5. The appeal site encompasses a bungalow orientated parallel with the road. It is surrounded on three sides by gently undulating open countryside comprised of fields and paddocks interspersed with hedges. This affords the area a pleasant rural character. The low profile of the bungalow, the general openness of its garden and the hedged boundary respond to this character. To the immediate east of the appeal site is a large sprawling complex which appears to include agricultural uses as well as areas and buildings used to store buses. The bungalow is set slightly apart from this grouping due to the distance and intervening landscaping and therefore the bungalow and its garden is not viewed as part of the farm complex.
6. The proposal would result in a new mixed-use structure being constructed at the site. It would appear similar in size to the existing bungalow due to its

width, depth and height. It would also be orientated to run parallel with the road and would be set only slightly back from the front elevation of the bungalow. It would therefore have a competing relationship with the bungalow and a lack of subservience. In this respect the proposed building, due to its size and siting, would appear relatively bulky and thus overly prominent and jarring. The proposed building's position reasonably close to the bungalow would also result in the appearance of a continuous run of built form that would harm the rural character of the area. The discordant and harmful impact would be visible from the road and would be highly prominent from the slightly elevated public right of way to the north east.

7. The building would have a simple rectangular form, albeit with a wide span to the gable ends. This approach when combined with the use of black boarding would respond to the rural aesthetic and provide a recessive quality. This would especially be the case if combined with additional planting along the appeal site frontage. Such an approach is typical when constructing rural buildings as demonstrated by photographs supplied by the appellants of other rural structures in the wider locality. The small windows in the road facing elevation would also ensure the building was not viewed as a separate dwelling. In isolation the appearance of the building would adequately respond to the rural context. However, the positive aspects of the design would not outweigh the core limitation that the structure would be awkwardly sited and orientated due to its scale, size and overly assertive presence. Therefore, the form and materials proposed would not overcome the harm that would otherwise occur.
8. The appellants wish to have the building close to the bungalow because it would function as a domestic outbuilding (housing a utility room) as well as a staff room and office related to the adjoining complex. However, this functional desire does not overcome the harm I have identified.
9. Similarly, the removal of the existing structures to the side of the bungalow would not justify the harm. This is because the existing structures are smaller, lower and have a rudimentary construction that affords them a simple recessive appearance. They are the type of structures that are commonplace in domestic curtilages and consequently their demolition would not be a notable benefit and would not justify replacement by a much larger building. The appeal site is previously developed land because it is residential garden land outside a built-up area. However, that does not justify the construction of a building that would injure the character and appearance of the area.
10. In conclusion, the proposal would harm the character and appearance of the area. It would therefore be at odds with Policies RLP2 and RLP90 of the Braintree District Local Plan Review 2005 and Policies CS5 and CS8 of the Braintree District Council Core Strategy 2011, which together require a high standard of design that reflects local distinctiveness and is in harmony with the character and appearance of the area.

The red line site plan

11. The site location plan clearly identifies the land necessary to undertake the development in red, including access from the highway. It also identifies in blue all other adjacent land owned by the appellants, including the large complex of buildings to the east. It would therefore seem that the appellants have fulfilled

the relevant procedural requirements¹. It is unnecessary for the red line to go around the adjoining agricultural business complex because that land is not necessary to carry out the proposed development.

12. The appellants have explained that the proposed building would be a mixed-use structure that is used partly as an adjunct of their home and partly as a staff room in conjunction with the adjoining agricultural business which they own. There is no need for the red line to be put around the adjoining agricultural business land to understand this. The Council have not suggested that excluding the business complex from the red line would have any implications regarding the imposition of planning conditions and the submissions were sufficient for it to conclude that the proposal was acceptable in principle. In conclusion, from the information before me I share the appellants view that the red line site plan as submitted was correct.

Other Matters

13. Despite the presence of several large structures within the adjoining complex, the appellants have suggested that there is no room to accommodate a staff room and office. The Council has not disputed this and have confirmed that in their view the principle of development is acceptable. As such, the proposal would support a rural agricultural business, and this should be considered a benefit as the rural economy would be modestly boosted. However, it would not outweigh the harm that would occur, especially as substantive evidence has not been submitted to demonstrate the agricultural business, or staff welfare, has suffered because of not having the proposed facilities.
14. The appellants suggest that if the appeal is unsuccessful, they will erect a utility room under permitted development rights and seek to erect an office and staff room on a 'green field' site at the adjoining complex. There is nothing before me to suggest the utility room would be of the same size as the proposed building. As such, this 'fall back' position is unlikely to have the same impacts. Moreover, it may be that two smaller buildings sensitively sited and designed would be more appropriate in this instance.
15. It would have been helpful to understand how workers would access the staff room and where they would park their vehicles. This is because it would be advantageous in the interests of highway safety to ensure they do not walk in, or park along, the road. I would have sought this clarification had the scheme been otherwise acceptable. There have been no objections to the proposal from consultees or interested parties, but I have come to my own views for the reasons given.

Conclusion

16. The proposal would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal has not succeeded.

Graham Chamberlain
INSPECTOR

¹ The Town and Country Planning (Development Manager Procedure) (England) Order 2015 and Planning Practice Guidance Paragraph: 24 Reference ID 14-024-20140306