



Appeal Decision

Site visit made on 20 December 2021

by P. D. Biggers BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 December 2021.

Appeal Ref: APP/C1570/D/21/3281621

Grange Green, The Great Barn, Tilty CM6 2EQ.

- 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 Murphy against the decision of Uttlesford District Council.
 - The application Ref UTT/21/0822/HHF dated 10 March 2021, was refused by notice dated 15 July 2021.
 - The development is proposed cart lodge.
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Decision

1. The appeal is allowed and planning permission is granted for proposed cart lodge at Grange Green, The Great Barn, Tilty CM6 2EQ in accordance with the terms of the application, Ref UTT/21/0822/HHF dated 10 March 2021 and subject to the following conditions.
 - 1) The development hereby permitted shall be begun no later than the expiration of 3 years from the date of approval.
 - 2) The development hereby permitted shall be carried out in accordance with the submitted documents and the following approved plans: M/4748/21/PL01; M/4748/21/PL02;
 - 3) Prior to the commencement of construction above floor slab level, samples of proposed materials to be used in the construction of the structure and external surfaces of the development hereby permitted will be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development will be carried out in accordance with the approved samples.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the listed Great Barn, its setting and the surroundings of Tilty.

Reasons

3. The appeal site is a residential curtilage to one of the dwellings developed through the conversion of the seven bay grade II listed 17th century barn in Tilty. The Great Barn, which is the western dwelling within the listed building, sits on the southern boundary of the appeal site and the proposed cart lodge would sit at the northern end of the formal garden to the property although the appeal site itself extends northwards to incorporate a paddock area complete with stable block.
4. In terms of the proposed siting the building would be approximately 40 metres from the listed barn at the nearest point tucked in against the hedge on the

boundary with the lane and against the hedgerow dividing the formal garden from the paddock. A similar scale of building also described as a cart lodge in the appeal statement is located much closer to the listed barn at its western end and although part of this building may be contemporary with the barn it has been extended at its western end in recent years. This extended building respects the character and appearance of the listed barn and the proposed cart lodge, in its intended location and given the separation distance, would similarly have no significant impact.

5. Regarding the proposed scale, the cart lodge would be a four bay structure extending some 12 metres in width and 5.7 metre in depth. It would rise to a height of 4.3 metres at the ridge. In all respects it is very similar in scale and height to the existing cart lodge (as extended) referred to above. In the same way as that existing structure is clearly still subordinate to the Great Barn the same would be true of the proposed new cart lodge. It would not dominate the site and the Great Barn would remain clearly the pre-eminent building on the site. I note the Council proposed to the appellant that the scale should be reduced, for example by reducing the number of bays and that the appellant chose not to do so. Whilst self-evidently a smaller structure would reduce the overall impact, I am not persuaded that this is necessary for the reasons above.
6. In terms of design the proposal would be an oak-framed cart lodge, part clad in timber weatherboarding under a clay tile roof. In all respects, therefore, the materials would be consistent with both the structure and materials of the listed barn itself and the existing cart lodge to its west.
7. It has been put to me that the proposal would not protect the character and appearance of the historic setting and would result in a proliferation of modern structures. However, it is clear from the site visit that whereas the southern side of the listed barn has retained more of its historic setting and context, the same is not true of the north side where the character has already changed from what would have been an agricultural farmyard setting to a residential curtilage to both dwellings (Great Barn and Abbey Barn). Given that the design of the proposed cart lodge echoes an agricultural building and would replace the greenhouse and shed in the proposed location I am not persuaded by the argument that there would be a proliferation of modern buildings. It may be the intention to retain the greenhouse and shed but, if so, these could easily be more discretely located north of the hedge within the paddock area.
8. I conclude therefore that the construction and siting of the cart lodge would not harm the significance of the listed building or its setting and would not be contrary to the clear expectations of section 66 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* and to which the decision maker is required to have special regard. Moreover, it would also meet the requirements of paragraph 199 of the *National Planning Policy Framework* (The Framework) which anticipates great weight being given to a heritage asset's conservation (including its setting). For the reasons above in respect of the siting, scale and design of the building the proposals would not conflict with *Uttlesford Local Plan* (ULP) Policy ENV2, which requires development affecting a listed building (including its setting) to be in keeping with its scale, character and surroundings. I am satisfied that overall the changes would have a neutral effect on the character and appearance of the listed building and as such it would be at least preserved.
9. Similarly, in view of my conclusion that the proposal would not be inappropriate to the setting of the listed building, it would not conflict with the ULP at Policy GEN2 which requires development to be compatible with the scale, form, layout, appearance and materials of its surroundings.

Other Matters

10. It has been put to me that the proposed siting and scale of the cart lodge close to the road would have a detrimental impact on the rural nature of the site and would dominate the street scene although I note this was not directly part of the reason for refusal.
11. The lane into Tilty from the north is open on the west side but hedged on the east side with a mature native species hedge. The roof of the cart lodge would rise above this viewed from the road but would not appear dissimilar to a traditional agricultural building in the landscape. I am not therefore persuaded that the impact on the rural scene generally would be detrimental. Accordingly, that part of Policy S7 of the ULP that still remains consistent with the Framework, to protect or enhance the character of the countryside, would not be conflicted.

Conditions and Conclusion

12. The Council suggested only one condition in addition to the standard timing condition. I have considered this additional condition, requiring development to be carried out in accordance with the submitted plans, in the light of the advice in the Framework and *Planning Practice Guidance*. The condition is necessary in the interest of certainty.
13. However, in addition to the requirement for development to be in accordance with submitted plans, in view of the location of the development within the setting of the listed barn use of poor quality or otherwise inappropriate materials could result in an adverse impact on the listed building. It is therefore necessary and reasonable to attach a condition requiring the submission of materials samples to the Council. The appellant has indicated in his appeal statement that he would expect such a condition to be attached and therefore, although the council has not proposed it, such a condition would not come as a surprise to the appellant.
14. I have considered the matters before me and, for the reasons given above, I conclude that the appeal should be allowed and permission granted for the cart lodge subject to the conditions set out above.

P. D. Biggers

INSPECTOR