



Appeal Decision

Site visit made on 22 December 2021

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 December 2021

Appeal Ref: APP/H1515/W/21/3275384

Hall Farm, Hall Lane, Shenfield, Brentwood, Essex CM15 0SH

- 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 Mrs Lizanne Van Enckevort against the decision of Brentwood Borough Council.
 - The application Ref 21/00073/FUL, dated 18 January 2021, was refused by notice dated 22 April 2021.
 - The development proposed is demolition of existing stables building. Erection of single storey detached dwellinghouse with associated parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for 'demolition of existing stables building. Erection of single storey detached dwellinghouse with associated parking and landscaping' at Hall Farm, Hall Lane, Shenfield, Brentwood, Essex CM15 0SH in accordance with the terms of the application Ref 21/00073/FUL dated 18 January 2021 subject to the conditions in the attached schedule.

Procedural Matters

2. Although I note that it is expressed differently on the Council's decision notice, the appellant indicates that no agreement was given to revise the description of development from that entered on the planning application form. I have therefore used this original description in the banner heading and my formal decision above.

Main Issues

3. The appeal site is within the Green Belt. Accordingly, the main issues are:
 - i) whether or not the proposal would be inappropriate development in the Green Belt; and
 - ii) the effect of the proposal on the setting of Hall Farm, a Grade II listed building.

Reasons

4. Hall Farm (addressed as Bennett's Farmhouse in the listing entry) is a 17th century house, with later extensions and alterations. It is part of a small cluster of agricultural and other buildings, and sits close to Hall Lane on a fairly generous plot with a swimming pool enclosed partly by outbuildings to the rear and a hard-surfaced tennis court to one side. To the other side of the dwelling is an access from Hall Lane. The appeal site includes part of this access, an 'L-shaped' stable building which adjoins the outbuildings around the swimming

pool to the rear of Hall Farm, and a menage. The access also serves a tall barn to the rear of the appeal site referred to by the parties as Building or Barn 'A', and a modern storage building to the opposite side of the access referred to as Building or Barn 'B'. Separate accesses from Hall Lane serve other buildings within the cluster which include a bungalow and an assortment of agricultural buildings known as Palmers Farm.

5. The appeal proposes the demolition of the stable building on the site and the construction of a single-storey dwelling on part of the existing menage, broadly adjacent to the swimming pool and outbuildings to Hall Farm.

Whether Inappropriate Development

6. The National Planning Policy Framework (the Framework) explains that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of Green Belts are their openness and permanence. It identifies that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Saved Policies GB1 and GB2 of the Brentwood Replacement Local Plan 2005 (BRLP) predate and are not wholly consistent with the terminology used within the Framework. Nevertheless, they seek to ensure that development does not harm the openness or purposes of the Green Belt, and to generally restrict inappropriate development, and in these regards they conform broadly to the thrust of national Green Belt policy.
7. While the Framework outlines that the construction of new buildings should be regarded as inappropriate in the Green Belt, specified exceptions include limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development. The Council does not dispute that the proposal would involve redevelopment of previously developed land, and I see no reason to reach a different view. It is therefore necessary to consider any impact on the openness of the Green Belt.
8. Both main parties indicate that the proposed dwelling would have a volume of around 329m³. In its report on the application, the Council suggested that the existing stables have a volume of 309m³, but nevertheless went on to comment that there would be a reduction in volume, and I note that it has not challenged the appellant's assertion that the existing volume is actually around 352m³ as was stated in the original application supporting information. On this basis, there would be a reduction in volume of around 23m³. I also have no firm reason to discount the appellant's evidence indicating a reduction in building footprint of around 9sqm, and a large reduction in hardstanding on the site from around 1,229sqm to around 457sqm. With regard to these quantifiable measures, I find that there would be a small but nevertheless distinct reduction in the effect of development on the openness of the Green Belt.
9. I note that the existing stables sit broadly between Hall Farm and Building A, but the dwelling would be located on part of the menage, beyond the eastern extent of these buildings. The menage is surfaced and enclosed by timber fencing, and at the time of my visit included a few horse jumps. However, the low height and fairly lightweight appearance of these features limits their visual impact, and there remains a significant impression of openness on this part of the site. Despite its relatively modest scale, the greater height and solid bulk and mass of the dwelling would result in a significant reduction in this

openness. In addition, it would spread higher level built form further to the east than existing buildings that sit within the cluster around Hall Farm.

10. Be that as it may, the dwelling would be close to the adjacent outbuildings and swimming pool to Hall Farm, and it would not extend further to the east than the tennis court to the side of this neighbour which has a high enclosing fence, albeit of wire mesh. In my judgement, it would therefore still be appreciated as contained within the cluster of development here, tempering the impact of the spread of built form to the east on openness.
11. In addition, I saw at my visit that even in winter months, vegetation provides significant screening to public views of the site from the surrounding area, including from the right of way between Palmers Farm Cottage and Heards Farm to the east of the site. The appellant's Landscape and Visual Impact Assessment (LVIA) was undertaken in May, but based on my observations I consider the Zone of Visual Influence it identifies highlighting few opportunities for potential views of the development to be a reasonable assessment. Where the dwelling would be visible, this would often be at some distance, and I agree with the LVIA that it would be seen together with the other development in the cluster where many of the buildings are of greater height and scale, further limiting its visual impact on the openness of the Green Belt.
12. Moreover, there would be a significant increase in openness in the location of the existing stables. As these adjoin the outbuildings around the swimming pool to Hall Farm, their removal would also break up the large cumulative footprint and built volume on this part of the site. In doing so, I consider that the impression and visual impact of the overall bulk and mass of development on the site would be reduced, effecting some improvement to openness in addition to that arising from the reduction in the overall scale of built form.
13. Drawing matters together, I consider that the spread of built form to the east of nearby buildings would result in some harm to the openness of the Green Belt in spatial terms. However, this would be relatively slight given the relationship with the swimming pool and tennis court to Hall Farm which mean it would still be appreciated as part of the cluster of development, and the harm in visual terms would be negligible. Against this harm, the reduction in the volume and footprint of development and the extent of hardstanding would result in an improvement in the openness of the Green Belt in spatial terms. There would also be some further improvement to openness through splitting the overall footprint and mass of development. In my judgement, these benefits to openness in spatial and visual terms would offset the slight harm arising from the greater spread of built form to the east, and I find taking an overall view that the development would not materially affect the openness of the Green Belt.
14. For these reasons, I conclude that the proposal would not have a greater impact on the openness of the Green Belt than the existing development. It would therefore comprise an exception to inappropriate development in the Green Belt, and I find that the development would accord with the Framework, and with Saved Policies GB1 and GB2 of the BRLP.

Setting of the Listed Building

15. As Hall Farm is a Grade II listed building, I have had special regard to the desirability of preserving the building or its setting or any features of special

architectural or historic interest which it possesses as required by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Framework also requires an assessment of the impact of development on the significance of designated heritage assets which include listed buildings.

16. In this context, the glossary to the Framework outlines that significance concerns the value of a heritage asset because of its heritage interest, and that significance derives not only from an asset's physical presence, but also from its setting. It further defines setting as the surroundings in which an asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
17. The listed building is of distinctive appearance comprising a timber frame clad with plastered brick on the ground floor and weatherboard above, and a clay tile roof. In my view, its significance is informed by its architectural, aesthetic and historic interest as a building dating back several centuries with key features that survive despite later alterations. In addition, the appellant's Heritage Assessment includes historic maps showing Hall Farm as part of a group with buildings at Palmers Farm including a 'C-shaped' arrangement of structures around a courtyard to the side of the listed building. Its position as part of a historic farm complex within a surrounding agrarian landscape allows for an understanding of the building as a former farmhouse, and while not specifically referenced within the listing description, I consider that the building derives some further significance from these relationships and its setting.
18. However, from the submitted evidence, it is clear that the farmstead has undergone significant alterations over time. These include the demolition of a building that formerly sat close to the rear of Hall Farm and the addition of the swimming pool and adjacent outbuildings; and the addition of the stables and menage on the appeal site, and Building A beyond. Building B is also a modern replacement of a former larger Dutch barn, and boundary treatment along the access separates Hall Farm from the remaining courtyard formed by buildings at Palmers Farm. In my judgement, these have somewhat eroded the overall authenticity and integrity of the historic farmstead.
19. In addition, the appeal site (as well as Building A and the swimming pool and outbuildings to Hall Farm) appear from the historic mapping before me to occupy areas that were previously undeveloped sitting apart from the main courtyard and focus of farmstead buildings close to Hall Lane. The walls and vegetation that now enclose the garden and tennis court to Hall Farm and the outbuildings and wall enclosing the swimming pool also provide for both physical and visual separation between the listed building and the appeal site, and reduce intervisibility between them. Taking these factors into account, I consider that the contribution to the significance of the listed building made by the appeal site as part of its setting is relatively limited.
20. The proposal would relocate built form within the site, with a loss of openness in the position of the dwelling. However, I have found in relation to the Green Belt that this would be offset by improvements to openness elsewhere on the site. The dwelling would be of modest height and overall scale, and would occupy a menage which has no historic functional relationship with Hall Farm, and which it appears from the historic maps within the evidence before me is

on an area that was not part of the original main complex of farmstead buildings. Having regard also to its simple form and appearance, the dwelling would remain a clearly subordinate feature to the listed building, and would also be separated from it by existing boundary screening. For these reasons, I am satisfied that it would not compete with or detract from the eminence of the listed building, and given its relative position and height, it would not dominate the building or views of it. Taking a holistic view of the proposal, I am also satisfied that it would not unduly urbanise the site.

21. Inasmuch as the development would alter the layout and relationship of buildings within the cluster, I consider that there would be some impact on the setting of Hall Farm. However, it does not follow that an impact would necessarily cause harm. In this case, I agree with the appellant that the position of the dwelling relative to Buildings A and B (and, should planning permissions which the main parties indicate have been granted be implemented, any replacement dwellings) would continue a courtyard-style arrangement to the development to the north of Hall Farm. In this regard, the development would generally reflect a traditional farmstead layout, and I consider that it would be appreciated as a logical addition to the cluster. Given also the changes that have already occurred to the configuration of the farmstead and the presence of existing buildings to the north of Hall Farm, I do not therefore consider that the proposal would undermine the ability to understand or appreciate the listed building's historic role as a farmhouse within a wider farmstead or harmfully distort further the nucleus of forms. Consequently, I find that the significance that Hall Farm draws from its setting would not be harmed by the impact of development on the site.
22. I therefore conclude having had special regard to the desirability of preserving the setting of the listed building that the effect of the proposal on the setting and significance of Hall Farm as a listed building would be acceptable. Consequently, I find no conflict with the Framework, nor with Saved Policy C16 of the BRLP which provides that development in the vicinity of a listed building that would detract from its character or setting will not be permitted.

Conditions

23. I have considered suggested conditions against the tests at paragraph 56 of the Framework and made minor amendments where necessary for clarity, brevity or to ensure compliance with the relevant tests.
24. In addition to the standard time limit condition (1), I have imposed a condition specifying the approved plans (2) for the avoidance of doubt and in the interest of certainty. Conditions to secure details of materials (3), windows, doors, eaves, verges and cills (4) and a scheme of landscaping (5) are necessary in the interests of the character and appearance of the area and to safeguard the setting of the listed building. A condition to secure details of boundary treatment (6) is necessary in the interests of the living conditions of future and neighbouring occupiers. I have also imposed a condition which requires the demolition of the indicated buildings and removal from the site of materials arising (7) which is necessary to maintain the openness of the Green Belt.
25. The Council's Officer report comments that a condition requesting a Construction Management Statement would address the consultation response of the Environmental Health team, although this is not included in its list of suggested conditions. However, the modest scale of the development and

relationship with neighbouring buildings means that I consider that such a requirement would be excessive in this case and unnecessary given powers under other regulatory regimes including environmental health legislation.

Conclusion

26. For the reasons given above, I find that the proposal would accord with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be allowed.

J Bowyer

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Unless otherwise amended under the conditions below, the development hereby permitted shall be carried out in accordance with the following approved plans: 023-FP-001; 023-FP-002; 023-FP-003; 023-FP-004; 023-FP-005; 023-FP-006; 023-FP-007; 023-FP-008 and 023-FP-009.
- 3) No development above proposed ground level shall take place until details and samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and samples.
- 4) No development above proposed ground level shall be undertaken until additional drawings that show details of proposed new windows, doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5) No development above proposed ground level shall take place until a hard and soft landscaping scheme showing details of new trees, shrubs and hedges and a programme for their planting, and any existing trees/hedges to be retained and the measures to be taken for their protection, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall also include details of hard surfaces and any alterations to ground levels. The landscaping scheme shall be carried out as approved. Any newly planted tree, shrub or hedgerow, or any existing tree, shrub or hedgerow to be retained, that dies, or is uprooted, severely damaged or seriously diseased within five years of the completion of the development, shall be replaced within the next planting season with another of the same species and of a similar size.
- 6) No development above proposed ground level shall take place until details of the treatment of all boundaries including drawings of any gates, fences, walls or other means of enclosure have been submitted to and

approved in writing by the Local Planning Authority. The approved boundary treatments shall be completed prior to the first occupation of the development hereby permitted, and shall thereafter be permanently retained and maintained.

- 7) The development shall not be first occupied until all existing buildings/parts of buildings indicated on the approved plans and supporting information submitted with the application for demolition have been demolished and all materials arising have been permanently removed from the site.

End of Schedule