



Appeal Decision

Site visit made on 24 January 2022

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th February 2022

Appeal Ref: APP/Z1510/W/21/3280787

Hopkiln House, Mumfords Hill, Wethersfield CM7 4AW

- 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 T Smith against the decision of Braintree District Council.
 - The application Ref 21/01406/FUL, dated 28 April 2021, was refused by notice dated 13 July 2021.
 - The development proposed is extensions to existing barn and conversion to a single dwellinghouse.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. It is apparent from the evidence before me that a Section 2 Local Plan (the S2LP) is emerging and has reached examination stage. However, on the basis that it has yet to be found sound, the S2LP is currently at a stage that attracts limited weight. I have seen nothing to clearly indicate otherwise and shall determine the appeal on this basis.

Main Issues

3. The main issues are:
 - The effect upon the rural economy;
 - The effect upon the character and appearance of the existing barn and its surroundings; and
 - Whether or not the site represents an appropriate location for housing, having particular regard to access to facilities and services.

Reasons

Rural economy

4. Saved Policy RLP38 of the Braintree District Local Plan Review (July 2005) (the Local Plan) promotes the conversion of rural buildings for business re-use subject to the satisfaction of various criteria. It also sets out that conversions to residential use will only be acceptable in certain circumstances, including where every reasonable effort to secure a suitable employment or community re-use has been made.

5. As is apparent from Policy RLP38's supporting text, the policy is primarily geared towards supporting farm diversification. Notwithstanding its likely origins related to the growing and drying of hops, the existing barn (the barn), which is of modest proportions, currently provides an ancillary domestic function and is contained within an established residential curtilage. In this sense, the barn does not comprise a part of (or offer a direct contribution to) the rural economy. As the barn is not in agricultural or commercial use, the requirement to make every reasonable effort to secure a suitable employment or community re-use (as stipulated by saved Policy RLP38) is not directly applicable. For similar reasons, recent appeal decisions¹ in the same District that respectively relate to redundant stables and an existing hay and machinery barn are of limited relevance.
6. For the above reasons, on the basis that it would not prejudice the development or diversification of agricultural or land-based rural businesses, the proposal would not cause harm to the rural economy. The scheme satisfactorily accords with the National Planning Policy Framework (July 2021) (the Framework) in so far as it seeks to support a prosperous rural economy.

Character and appearance

7. The site is located within the countryside as defined in local planning policy terms, and its immediate surroundings tend to be inherently green and rural in their makeup. The barn, which has been surveyed as being generally structurally sound, is of uncomplicated design with elevations that contain limited openings. Its main part covers a rectangular footprint and is covered by a roof of simple dual-pitched composition. It has an unobtrusive presence appropriate to its rural location and appears and functions as an ancillary outbuilding.
8. The proposal incorporates a range of intended extensions and alterations to the barn. Living space is proposed to be incorporated at first floor level, necessitating a rise in ridge height, whilst a built footprint of markedly increased size would result. Furthermore, a somewhat convoluted roofscape is proposed that would incorporate varying ridge heights and a range of gable ends and dormer features. When also factoring in the array of glazed openings to be installed, no longer would a building of simplistic/utilitarian appearance be in existence. The newly created dwelling would instead compete with Hopkilm House for visual prominence and represent a harmful domesticating addition to this rural site.
9. Notwithstanding changing ground levels, the proposal would be appreciable (at least in part) from a range of publicly accessible vantage points that include the site's Mumfords Hill frontage and nearby public footpath locations. Furthermore, existing/new planting could not be relied upon to provide solid or impenetrable buffers to views. This is because planting is ever evolving and reliant upon continual maintenance to retain a consistent form.
10. A 2017 permission² to refurbish/extend the barn to provide annexe accommodation has been brought to my attention. Nevertheless, even should the 2017 permission represent a realistic and fully implementable fallback position for the appellants, it incorporates extensions and alterations that

¹ APP/Z1510/W/20/3264547 & APP/Z1510/W/17/3181562

² 17/01228/FUL

would appear more sensitive to the barn's existing form when compared to the proposal subject to this appeal. Indeed, despite a sizeable footprint increase, a conversion in conjunction with an uncomplicated low-level roofscape was consented. Moreover, the approved annexe, if ultimately built out, would appear as genuinely subservient to Hopkilm House. Due to these differences, the 2017 permission is of limited relevance to my considerations.

11. For the above reasons, the proposal would cause harm to the character and appearance of the existing barn and its surroundings. The scheme conflicts with saved Policies RLP38 and RLP90 of the Local Plan, Policies CS5 and CS8 of the Braintree District Core Strategy (September 2011) (the Core Strategy), Policy SP7 of the Braintree District Local Plan 2012-2033 Section 1 (the S1LP) and emerging Policies LPP42 and LPP55 of the S2LP in so far as these policies set out that countryside development will be strictly controlled and that the layout, height, mass and overall elevational design of buildings and developments shall be in harmony with the character and appearance of the surrounding area.

Facilities and services

12. The appeal site is positioned alongside Hopkilm House but in a location devoid of other residential development. The site is situated remote from any settlement and can accurately be described as isolated under the terms of the Framework. Indeed, settlements containing a range of facilities and services capable of serving the full day-to-day needs of future occupiers are situated far away. Furthermore, as was apparent upon inspection, the closest highway routes to the site are not served by footpaths, tend to be of narrow width, and are not lit. Whilst it has been set out that a school bus service serves the location, there are no formalised bus stops offering access to general services within convenient walking distance from the site.
13. The Framework states that sustainable transport solutions will vary between urban and rural areas, and that this should be taken into account in decision-making. Nevertheless, given the specific site circumstances to hand, the proposal, which involves the introduction of an additional unit of residential accommodation, would inevitably increase travel by private modes of transportation. This sits uncomfortably alongside the Government's objectives of delivering sustainable development in a planned and coordinated manner.
14. In terms of the Framework's approach to the development of isolated homes in the countryside, the proposal would not meet any of the exceptions that are set out. Whilst the undertaking prior to conversion of a scheme of historic building recording would appear commensurate with the barn's level of historic interest as a non-designated asset, this does not demonstrate that the proposal would represent the optimal use of a heritage asset. Moreover, the scheme is not sensitive to the barn's current form and appearance and would not enhance its immediate setting.
15. For the above reasons, the proposal would cause harm by virtue of the site not representing an appropriate location for housing having particular regard to access to surrounding facilities and services. The scheme conflicts with Policy CS7 of the Core Strategy and Policy SP7 of the S1LP in so far as these policies set out that future development will be provided in accessible locations to reduce the need to travel.

Planning Balance

16. The Council has asserted that it is able to demonstrate a five-year supply of deliverable housing sites and the appellant has not sought to suggest otherwise. The following observations are made in this context.
17. Policy CS5 is a restrictive policy that sets out strict controls with respect to development proposed outside of settlement limits predicated upon historic levels of housing need. It is inconsistent with the Framework, which does not imply that protection from development be given to the countryside in its totality. Indeed, the conflict that I have identified with Policy CS5 attracts limited weight and the site's location outside of any defined settlement limit is not determinative to the outcome of this appeal.
18. However, I have also identified conflict with several other development plan policies. Saved Policies RLP38 and RLP90 of the Local Plan, Policies CS7 and CS8 of the Core Strategy and Policy SP7 of S1LP are broadly consistent with the Framework in so far as it sets out that planning decisions should recognise the intrinsic character and beauty of the countryside, that developments should be sympathetic to local character, and that movements by means other than via private car should be encouraged. I attribute considerable weight to these identified policy conflicts and, for the avoidance of doubt, find that the basket of most important policies for determining this appeal is not out-of-date.
19. In terms of the scheme's benefits, one additional housing unit to be served by an air-source heat pump would be provided and the Framework reaffirms the Government's objectives of significantly boosting the supply of homes. Nevertheless, one additional unit would make a small contribution and attracts limited weight as a scheme benefit. The development would also create jobs during the construction phase and would, most particularly once occupied, provide future support to the local economy and local community facilities. Nevertheless, these benefits attract limited weight due to the extent of development under consideration. Any biodiversity enhancements ultimately achievable would realistically be limited and attract commensurate weight in the planning balance.
20. The proposal's benefits, considered cumulatively, would be modest and would not outweigh the considerable harms (to the character and appearance of the barn and its surroundings, and by virtue of the site not representing an appropriate location for housing having particular regard to the accessibility of facilities and services) and associated policy conflicts that I have identified. The scheme conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

21. For the reasons given above, the appeal is dismissed.

Andrew Smith

INSPECTOR