



Appeal Decision

Site visit made on 8 March 2022

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th MARCH 2022

Appeal Ref: APP/W1525/W/21/3276891

Wakerings Farm, Leighs Road, Great Leighs, Chelmsford CM3 3NH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required 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 appeal is made by Mr Warren Brodie (Wakerings Farm Ltd) against the decision of Chelmsford City Council.
 - The application Ref 21/00569/CUPAQ, dated 15 March 2021, was refused by notice dated 12 May 2021.
 - The development proposed is a prior notification for the conversion of a barn and any land within its curtilage to five small dwelling houses (Class C3) and associated building operations.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). In particular, it is necessary to consider the following criteria of Class Q:
 - whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use as a dwelling.

Reasons

3. The GPDO states that, under permitted development rights, it is possible to change the use of an agricultural building to a residential dwelling, including any building operations that are reasonably necessary to facilitate the change. However, before works commencing, it is necessary to seek a determination as to whether prior approval is required. This is limited to selected criteria.
4. The appeal site contains a building of a more modern construction, with elevations constructed from breeze blocks and cladding. The appeal site's surroundings contain a traditionally designed farmhouse, which is a Grade II Listed Building. Adjacent to the farmhouse are several, smaller farm buildings also constructed to a traditional design. These form an ancillary relationship with the farmhouse and are therefore curtilage listed. Beyond these buildings is open countryside.

5. Therefore, for the purposes of this appeal, the significance of the listed farmhouse and the curtilage listed farm buildings is, in part, derived, from the age of the buildings, their style of architecture and their rural, less developed, surroundings.
6. The proposed dwellings would result in the insertion of a significant number of glazed sections and doors into the elevations of the appeal site. In consequence, the proposed development would result in the creation of a building that would have a more domestic appearance.
7. This would conflict with the predominantly rural and functional style of architecture that is a feature of the surrounding buildings. Whilst the surrounding buildings have a consent for being used as domestic dwellings, the evidence before me indicates that these will retain their original style of architecture and appearance.
8. Owing to the appeal site having a larger massing and form than the surrounding, older, farm buildings, these insertions would be clearly viewable alongside the traditional form of architecture. These insertions would be visible from the farmyard area, in addition to the site's entrance. In result, the more domestic style of architecture would result in the erosion of the more rural surrounding of these buildings.
9. Furthermore, the proposed development would also conflict with the character of the Listed Building. This is because it would result in a building that would have a substantially different style of architecture. This would mean that the vicinity of the Listed Building would result in a more urbanised form. Therefore, the design of the building would have an adverse effect upon the setting of the Listed Building. In result, the previously approved dwellings would have a differing effect upon the Listed Building. This means that the contrasting design approach taken in respect of the current appeal proposal would render the scheme undesirable.
10. This is particularly concerning given that some views from the Listed Building to the proposed development would be possible from the rear elevation dormer window that is a feature of the Listed Building.
11. I note that the proposed development features an internal courtyard area that might be used for recreation. Whilst this limits the items of domestic paraphernalia that might be present outside of the confines of the appeal site, it does not overcome the adverse effects arising from the presence of the additional fenestration.
12. The appeal proposal seeks to convert an existing building. Whilst the proposed development would not make the building larger, the changes necessary to facilitate the conversion of the building to residential accommodation would serve to increase the prominence of the building. This would give rise to the previous described adverse effects.
13. In reaching this view, I have had regard to the National Planning Policy Framework (the Framework). Amongst other matters, this states that great weight should be given to the conservation of historic assets. As I have found that the setting of the Listed Building and the curtilage listed farm buildings would be eroded, the development would harm these heritage assets.

14. My attention has been drawn to a previous appeal decision. I do not have the full information regarding the planning circumstances of these, which lessens the weight that I can attribute to them. Nonetheless, I note that this decision pertains to a different geographical location to the scheme before me. In result, the layout of the development and other buildings, character of the surroundings and effects of the new development are likely to be different. Therefore, the findings of this appeal decision are not directly applicable to the proposal currently under consideration.
15. I therefore conclude that the proposed development would have an adverse effect upon the setting of the nearby Listed Building and curtilage listed farm buildings. In consequence, the siting of the building makes it undesirable for the use to change to a dwelling. The development, in this regard, would conflict with the requirements of the Framework.

Planning Balance

16. The harm that would occur to the setting of the Listed Building and the curtilage listed farm buildings would not be severe and therefore it would be 'less than substantial' within the meaning of the Framework. Paragraph 202 of the Framework requires such harm to be weighed against the public benefits of the proposal.
17. The proposed development would result in an increase in the local housing supply. However, the proposal would not be of a large scale. Therefore, I have given the benefits arising to the local housing supply a limited amount of weight.
18. The development would generate some economic benefits arising from the construction works being undertaken. However, these benefits would be limited due to the scale of the development and also be of a time-limited duration. Therefore, I can only attribute the public benefits a limited amount of weight. Owing to the scale of the development and the nature of the surrounding land uses, any support of local facilities would be relatively small and therefore can be given a limited amount of weight.
19. Therefore, when giving significant importance and weight to the special attention I must pay to the desirability of preserving or enhancing the setting of the Listed Building, I find that the harm that would arise from the proposal would not be outweighed by its limited public benefits. Accordingly, there would be a conflict with Paragraph 200 of the Framework as harm to designated heritage assets would not have clear and convincing justification.

Conclusion

20. For the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR