



Appeal Decision

Site visit made on 9 March 2022

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 30th March 2022

Appeal Ref: APP/Z1510/W/21/3282173

Cherry Tree Barn, Hall Road, Borley CO10 7AE

- 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 M Bryant of Bryants Building Services Limited against the decision of Braintree District Council.
 - The application Ref 21/01428/FUL, dated 30 April 2021, was refused by notice dated 24 June 2021.
 - The development proposed is erection of 1 no. single-storey dwelling, ancillary cart-lodge utilising existing vehicular access and demolition of 3 no. existing barns.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I note the Section 2 - Publication Draft Local Plan June 2017. However, since there is no certainty that it will be adopted in its current form, I attribute the policies within little weight.

Main Issue

3. The main issue whether the proposed development would provide a suitable location for housing with regard to the character and appearance of the area.

Reasons

4. The site lies within the Stour Valley Project area, adjacent to the settlement of Borley. The area surrounding the site consists largely of detached dwellings with ample spacing within a countryside setting such that it has a pleasant, spacious rural character and appearance. The site consists of a number of agricultural buildings and lies adjacent to Cherry Tree Barn. Therefore, it is in keeping with the surrounding area and countryside setting.
5. The proposed dwelling would be sited at the end of the access from Hall Road that serves Cherry Tree Barn and would project beyond the rear building line of the existing structures on the site, extending the built development of Borley into the countryside. Moreover, the proposed private amenity space would extend a significant distance south of the surrounding buildings and would be likely to result in domestic paraphernalia that would harmfully urbanise the site. Therefore, while it would be single storey and would be viewed as part of the cluster of buildings on the site, the proposal would unacceptably diminish the rural appearance of the site and harmfully alter the landscape character of the area.

6. The proposal includes the demolition of Buildings 1 and 2 as annotated on the submitted drawings. Given their limited height and footprint, as well as their agricultural appearance, they are in keeping with the rural character and appearance of the area. While their removal would increase the spaciousness of the site, given their limited size, the demolition of these buildings would not override the harm to the character of the area that would result from the erection of the proposed dwelling.
7. The proposed fence and native hedging would partially screen the proposal in some long views as set out in the Landscape and Visual Impact Assessment, though the planting would be likely to take some time to establish. However, given the harm identified above, this has not altered my finding on this main issue.
8. The Council approved a prior approval application for the change of use of a building on the site, annotated as 'Building 3' on the application drawings, to a residential dwelling. From the evidence it appears likely that this scheme would be implemented should this appeal fail. As such, it forms a fall-back position. Given the significant harm to the rural character of the area that would result from the scheme, the proposal would be more harmful than the fall-back position which would be in-keeping with the agricultural feel of the area.
9. Consequently, the proposed development would not provide a suitable location for housing with regard to the character and appearance of the area. Therefore, it would conflict with Policies RLP2 and RLP80 of the Braintree District Local Plan Review, Adopted July 2005 (LPR) which together direct new development to within settlement boundaries and resist development that would not successfully integrate into the local landscape. The scheme would also conflict with Policies CS5, CS8 of the Core Strategy (Adopted September 2011) (CS) which seek development which protect and enhance the landscape character of the countryside among other things.

Other Matters

10. The demolition of Building 3 was secured through a condition attached to a previous planning permission which has been implemented. Therefore, while demolition of this building is also proposed as part of the scheme, since its removal has been secured, this matter has not altered my overall decision.
11. I acknowledge that the scale of the building has been reduced from a previous proposal. I also note local support for the proposal and that no objections were raised from the Council's Area of Outstanding Natural Beauty team and the Parish Council among others as well as that no comment was received by the Council's landscape team. However, these matters do not override the significant harm to the rural character and appearance identified above.

Planning Balance

12. Given its proximity, the site lies within the setting of Cherry Tree Barn, a Grade II listed building, the significance of which lies in the evidence of historic vernacular architecture. The proposal would not harm the significance of this heritage asset due to its height, form and materials. Buildings 1 and 2 are modest buildings with an agricultural appearance that are in keeping with the character of the area. As such, their removal would result in a neutral effect on the setting and significance

of the listed building. Therefore, given the significant harm identified above, this matter has not altered my overall decision.

13. The evidence indicates that the Council is able to demonstrate a five-year housing land supply and I acknowledge the Government's objective of significantly boosting housing supply.
14. The proposal would contribute a dwelling to the local housing supply. There would be temporary economic benefits during the construction phase, and I acknowledge that small and medium sized sites can contribute to meeting the housing requirement. However, given the scale of the development, these benefits would be limited.
15. Therefore, given the significant harm to the character and appearance of the area as well as the conflict with the development plan as a whole, even if the provisions of paragraph 11d) of the National Planning Policy Framework were engaged, the adverse effects of the proposal would significantly and demonstrably outweigh the benefits.

Conclusion

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

R Sabu

INSPECTOR