



Appeal Decision

Site visit made on 13 June 2022

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd August 2022

Appeal Ref: APP/A1530/W/21/3283922

Shelley Glebe Barn Grove Hill, Dedham, COLCHESTER, CO7 6DT

- 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 Dayle Leggett against the decision of Colchester Borough Council.
 - The application Ref 202883, dated 23 December 2020, was refused by notice dated 30 July 2021.
 - The development proposed is conversion and alteration of existing barn to form detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council issued its decision, it has adopted Section 2 of the Colchester Borough Local Plan 2017-2033 in July 2022. Therefore, the development plan for Colchester Borough now comprises the adopted Section 1 and Section 2 of the Colchester Borough Local Plan (LP).
3. It is incumbent upon me to base my decision upon the most up to date planning policy and this is what I have done. The policies in the LP supersede some of those referred to in the Council's delegated report. The parties have had an opportunity to address these changes in policy.

Main Issues

4. The appellant has submitted a duly executed unilateral undertaking in order to address the reasons for refusal relating to contributions towards community and sports/recreation projects which I have taken into account and I have contemplated this further later in my decision.
5. Therefore, the main issues are framed in the context of the remaining parts of the Council's reason for refusal:
 - whether the site represents an appropriate location for the proposed dwelling, having regard to access to services and facilities by a choice of modes of travel;
 - the effect of the proposed development on the character and appearance of the area, having particular regard to the location of the site within the Dedham Vale Area of Outstanding Natural Beauty; and

- the effect of the proposed development on the setting of Grade II Listed, Shelley Glebe Barn.

Reasons

Appropriate Location

6. Policy SG1 of the LP sets out the Council's approach for delivering housing, ensuring that developments are directed towards accessible locations and sets out how housing will be delivered with the majority of new development located in Colchester, with a smaller proportion within the villages. It also aims to ensure the character and vitality of villages is sustained and therefore it is a relevant consideration for both main issues.
7. Policy OV1 sets out how Development in Other Villages will be supported which represents appropriate infill development, development on previously developed sites and restorations or alterations to existing buildings.
8. These policies are intended to ensure the protection of the countryside and to ensure housing is located in areas which are accessible and sustainable. However, these policies do not prevent the development of land outside of settlement boundaries.
9. The village of Dedham benefits from a range of services, including a school, shop and 2 public houses. Despite these facilities I accept that occupiers of the proposed development would also have to travel onwards to the services and facilities within the nearby town of Colchester to access a wider range of shopping, healthcare, leisure and entertainment facilities. Paragraph 79 of the National Planning Policy Framework (the Framework) promotes sustainable development in rural areas, through locating housing where it will enhance or maintain the vitality of rural communities. It recognises that groups of smaller settlements may support services in a village nearby.
10. I have not been provided with any details of the availability of public transport and therefore I consider that the site is less than ideally located in terms of access to services, facilities and amenities and there is limited choice of travel by modes other than the private car. As such, I cannot conclude that the proposed dwelling would be located where it would enhance or maintain the vitality of rural communities as envisaged by paragraph 79 of the Framework and it would not be the sustainable development that it seeks to promote in rural areas. Consequently, there would be minor negative environmental and social effects arising from the location in terms of the use of natural resources and the accessibility of local services. This is an adverse matter to which I afford modest weight.
11. In conclusion, the appeal site is in an inappropriate location for housing having regard to access to services and facilities by a choice of modes of travel. The development would fail to comply with policies SP1, SP2, SG1, OV1 and OV2 of the LP which together seek to direct growth towards sustainable and accessible locations where the countryside would be protected.

Character and appearance

12. The appeal site is within the Dedham Vale Area of Outstanding Natural Beauty (AONB). Policy ENV4 states that development will only be permitted in the AONB where it makes a positive contribution to its natural beauty and special qualities. Development must not adversely affect the character, quality views into and out of the AONB and its distinctiveness.
13. The Framework places great weight on protecting and enhancing landscape beauty in AONB's which have the highest status of protection in relation to these issues. The building's rural character and appearance is such that it has assimilated into the wider landscape and is appropriate to its rural context. It is for these reasons that I consider that the appeal site contributes to the landscape character of the AONB.
14. The existing building has a simple, utilitarian and typical agricultural appearance, which is characteristic of its use and rural location. It is set back into the site and has an open frontage. The building is now in disrepair, having become redundant from its original use. The building has also partly collapsed at the time of my site visit and the submitted structural survey, which was undertaken 2 years ago, noted that significant enhancement would be required to upgrade the existing lean to areas to form a habitable dwelling.
15. The proposed design of the conversion utilises a palette of neutral colours in a contemporary design and the appellant has cited a number of examples of similarly designed dwellings in other locations across the country. I do not dispute that there will be other examples where contemporary architecture has worked successfully, however it does not automatically follow that it would be appropriate in these particular circumstances.
16. In this case the conversion of the building would require the introduction of windows and doors which inevitably leads to a domestication of the building. A number of existing openings within the building would be infilled as a result of the proposed conversion works and given the extent of collapse of the frontage of the building large sections would need to be rebuilt. This, in combination with the introduction of a balcony and large areas of full height glazing would fail to retain the simple utilitarian form of the building, would alter the character and appearance of the building and would mark a stark contrast from the existing simple and low key form of the building.
17. In addition, the proposed dwelling would lead to a more intensive use of the site. This would include an associated increase in domestic paraphernalia, with the effect of eroding the open and rural character of the immediate area. Therefore, from localised viewpoints the development would in fact be noticeable, and this urban form would fail to enhance or protect the existing landscape beauty of the AONB.
18. It has been put to me that the proposed conversion would lead to an enhancement of the buildings immediate setting and would result in an improvement to the overall visual appearance of the site. However, the introduction of a dwelling in this location would alter the character and appearance of this rural site, resulting in an urban form that would intrude into the countryside.

19. I appreciate that the conversion of the building to a residential use would result in the building's long term retention within the landscape. However, I am not persuaded that the existing building, which the appellant acknowledges offers little value to the landscape, is of such architectural merit to warrant its retention. Therefore, I have given this argument limited weight.
20. The introduction of development in this location, would fail to recognise the intrinsic rural character of the countryside. The development would conflict with policy ENV4 and DM15 of the LP which together seek to enhance the character of the site and not adversely affect the character, quality views into and out of the AONB and its distinctiveness and Paragraph 172 of the Framework.
21. The clear conflict with the development plan is not outweighed by the support offered for conversions of redundant buildings in Paragraph 80 of the Framework. This seeks to avoid the development of isolated homes in the countryside, unless the development would re-use redundant or disused buildings and enhance its immediate setting.
22. I therefore conclude that the proposed development would result in an adverse effect on the character and appearance of the area, having particular regard to the location of the site within the Dedham Vale Area of Outstanding Natural Beauty.

Setting of Listed Buildings

23. Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 ('the LBCA Act') requires special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses when dealing with planning applications.
24. The appeal site is within the setting of Shelly Glebe Barn, a Grade II listed barn, dating from the 1500s which has been converted to a dwelling. In my view, the significance of Shelley Glebe Barn is derived from its architectural quality and detailing which is typical of many traditional timber framed barns seen throughout Essex. The proposed dwelling would intrude into this setting by virtue of its overall scale and design, would be in stark contrast with and lead to a diversion of attention from Shelley Glebe Barn, harmful to its significance.
25. Paragraph 199 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Given that the proposal would be of a relatively small scale, I find the harm to the setting of the listed building to be less than substantial in this instance but nevertheless of considerable importance and weight.
26. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The site would give rise to some economic benefits during the construction phase and there would be modest social benefits arising from the contribution to the Council's housing supply, noting the Framework highlights the contribution small and medium sized sites can make to meeting the housing requirement in the area.

27. However, these modest benefits are not considered to outweigh the identified harm to which I must attach considerable importance and weight. It would not accord with the policies of the Framework which seek to conserve and enhance the historic environment.
28. The proposal would, therefore, fail to preserve or enhance the setting, and thereby the significance of, the designated heritage asset of the Grade II Listed Shelley Glebe Barn. It would not accord with the policies of the Framework which seek to conserve and enhance the historic environment. This would be contrary to Policy ENV1 of the LP which seeks to conserve and enhance Colchester's historic environment.

Other matters

European designated sites

29. The appeal site falls within a 'Zone of influence' for the European designated sites of the Essex Estuaries Special Area of Conservation, Blackwater Estuary SPA and Ramsar Site, Dengie SPA and Ramsar Site and the Colne Estuary SPA and Ramsar Site and the Stour and Orwell Estuaries SPA and Ramsar site (South Shore). Natural England has provided advice regarding the need to ensure that new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations.
30. As the competent decision making authority, if I had been minded to allow the appeal it would have been necessary for me to complete an Appropriate Assessment for this scheme. However, as I am dismissing the appeal for other reasons, I have not taken the matter further.

Unilateral Undertaking

31. The appellant has submitted a unilateral undertaking which includes a contribution towards improved community facilities within Dedham and the Council have confirmed that this would overcome their second reason for refusal. However, as I am dismissing the appeal for other reasons it is not necessary for me to consider whether the contribution is necessary to make the development acceptable in planning terms and is fairly and reasonably related to it in scale and kind or whether it would meet the tests for a planning obligation as set out in regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

Conclusion

32. The proposal would conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR