



Appeal Decisions

Hearing held on 9 August 2022

Site visit made on 10 August 2022

by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd September 2022

Appeal Ref: APP/Z1510/W/21/3277847

Stanton's Farm, Witham Road, Black Notley CM77 8NH

- 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 Gareth Tungatt against the decision of Braintree District Council.
 - The application Ref 20/01560/FUL, dated 21 September 2020, was refused by notice dated 3 February 2021.
 - The development is a single storey agricultural barn.
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Decision

1. The appeal is allowed, and planning permission is granted for a single storey agricultural building at Stanton's Farm, Witham Road, Black Notley CM77 8NH in accordance with the terms of the application, Ref 20/01560/FUL, dated 21 September 2020.

Preliminary Matters

2. The Braintree District Local Plan 2013-2033 was adopted by the Council on 25 July 2022 (the Local Plan). This replaces the Braintree District Local Plan Review 2005, the Braintree District Core Strategy 2011 and the Braintree District Publication Draft Local Plan 2017 (the draft Local Plan) as referenced in the Council's decision notice. The relevant policies within the Local Plan are similar to those in the draft Local Plan but have been renumbered. Parties were therefore fully aware of the relevant policies for the appeal.
3. The agricultural barn has been constructed on site and according to the Council, and not disputed by the appellant, measures 14.6m wide and 28.7m long, with a height to the ridge of 5.3m. It is of portal frame construction with metal cladding to the exterior which has a dark colour finish. To the north-eastern elevation is roller shutter access door with a concrete hard surface area to the frontage. Around the building is a 1.78m high black metal fence enclosure.
4. The submitted plans show the building as being clad in timber with a dark grey slate roof with red clay ridge tiles. Furthermore, they show the roller shutter door to the north-western elevation. The position of the openings makes little difference to the consideration of the disputed issues. The Council suggest a condition to deal with the matter of the construction materials. At the Hearing the discussion focused on the building as constructed. Under Article 7(1)(c) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, no plans are necessary to determine appeals made

retrospectively. In that context, I have disregarded the submitted plans and considered the building as constructed on site for the purposes of this appeal.

5. I have used the description of the development as given on the appellant's appeal form and the Council's decision notice as this more succinctly and accurately describes the development.
6. As the development relates to a listed building, I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

7. The main issue is the effect of the development on the setting of the Grade I listed Stanton's Farmhouse and Grade II listed Barn to east of Stanton's Farmhouse.

Reasons

Significance

8. Stanton's Farmhouse is a fine Grade I listed building dating from the fourteenth century. It is timber framed with notable later legible phases of development and is reputed to be the second oldest continually occupied dwelling in Essex, giving it regional importance. It gives important evidence of the construction techniques of fourteenth century houses, together with details of later additions and adaptations as building methods evolved and changed over time. The significance of Stanton's Farmhouse in so far as it relates to this appeal is derived from its architectural and historic interest as an early example of a dwelling demonstrating evolving construction techniques.
9. The Grade II listed Barn to the east of Stanton's Farmhouse has thirteenth century origins, but most of the remaining fabric is from sixteenth or seventeenth century. It is timber framed with two gable midstreys. Although now in separate ownership it was once part of the Stanton's Farmhouse farmstead.
10. Therefore, the significance of the listed barn in so far as it relates to this appeal is derived from its architectural and historic interest connected to its role and association within the historic farm complex to which its location, form and historic fabric all contribute.
11. The agricultural nature of the barn signifies the former presence of a working farm and confirms the history of the related main dwelling. Therefore, the outbuilding has significance in its own right but also contributes positively to the special interest of Stanton's Farm.
12. Both buildings have an immediate setting of the buildings within the wider farmstead which contributes to the understanding of the group of agricultural buildings. The historic maps supplied by both parties show the evolution of the farmstead, mostly to the south of the farmhouse surrounded by, presumably, farmland with the emergence of the Sanatorium to the north. While this may suggest that the land would be relatively open, in fact the land to the north is very strongly delineated by dense mature trees, together with trees dotted within the grounds and around the pond, giving a sense of seclusion to the farmstead from this direction, meaning that there are no far reaching views of

it, including from the public footpath to the north along the edge of the adjacent housing estate, or the main road.

13. The land to the west is cropped and that to the north used for pasture. The Council considers that there is no evidence to suggest that land to the north was historically farmed in association with Stanton's Farmhouse. Be that as it may, the land is likely to have been farmed in some way and views are available of the farmhouse from the open areas within the area bounded by trees giving it a visual dominance. Furthermore, the land is currently in the same ownership as the farmhouse, giving a very real link. The wider setting therefore contributes in a modest way to the significance of both listed buildings by allowing an appreciation of the agricultural history of the farmstead and its relationship to surrounding land.

Effect on significance

14. The agricultural building as erected sits to the northwest of Stanton's Farmhouse. With the exception of a small building close to the Grade II listed barn shown on the 1777 Chapman and Andre map of Essex, the farmstead buildings have been sited to the south of the farmhouse. However, the northern elevation of the farmhouse has a door and number of windows with little garden delineation, suggesting that it did have some relationship with land to the north, albeit that the primary one was probably to the south given the layout of the complex.
15. Although having a large footprint, the new building has a modest height and a shallow pitch roof. As a result, while the siting could allow it to visually compete with the farmhouse, its form, together with location on low lying land with tree screening means that the farmhouse still has visual dominance over the land to the north in many viewpoints. The materials used in the construction are modern and at odds with the traditional materials used elsewhere on the farmstead. However, such uses need to evolve, the modern building is functional and has been designed such that the farm building is little noticeable within the wider setting of the listed buildings particularly given its dark materials as constructed, which blend it with the foliage, and I do not find it to be visually prominent. So even though it is in a position where historically there have been no buildings it would not be obtrusive and would allow the continued evolution of the farmstead. I appreciate that the presence of trees within the area is not always guaranteed, however, there is no meaningful evidence before me to suggest that any would be removed.
16. The Council suggest that the building leads to a partial truncation of the link the listed buildings have with the agrarian landscape they were constructed to functionally serve. However, to my mind the building reinforces the agricultural use of the land to the north allowing the continuation of the agrarian use, thereby safeguarding the historic relationship between the farmstead and its surroundings. I am also mindful, that not only is there no room to the south of the farmstead, in the appellant's ownership for such a building, but other locations to the north, west and east would have the potential to cause harm, being much less secluded and mostly at a higher level than the current position.
17. I acknowledge that some of the planting is recent, but not all. The siting of the building has taken advantage of the existing and recent planting meaning that it has a relatively secluded location within the appeal site. I also appreciate

that English Heritage guidance suggests that *As screening can only mitigate negative impacts, rather than removing impacts or providing enhancement, it ought never to be regarded as a substitute for well-designed developments within the setting of heritage assets. Screening may have as intrusive an effect on the setting as the development it seeks to mitigate, so where it is necessary, it too merits careful design.* However, planting here is not alien in the landscape, which is far from being a vast, wide open countryside. Furthermore, the land on which the building has been constructed was previously in use as a tennis court. I appreciate that this would have allowed open views across it, contrary to the current development. However, this would have been in the context of the existing planting, and it also means that there has been no physical loss of agrarian setting.

18. The building does introduce activity and noise into an area that previously would have been relatively tranquil, albeit in leisure use. This is exacerbated by the introduction of a tarmac track from the existing farmstead access to service the barn. However, that track is narrow and little noticeable in the landscape. While it is likely that farm vehicles will use the track, given the use of the building for their storage, this would not be unusual on agrarian land, whether or not it was farmed in association with Stanton's Farmhouse.
19. Glimpses of the building from the farmhouse are minimal, and in any case given my findings above not sufficient to cause material harm to significance. The presence of the building, although modern, would reinforce the relationship to the agrarian landscape. I also saw no visual link between the agricultural building and the listed barn. While this does not necessarily mean that there is no harm, given my findings above, I am satisfied that the agricultural building does not cause harm to the significance of either of the heritage assets.
20. For the reasons above, I conclude that the agricultural barn is not harmful to the setting and significance of setting of the Grade I listed Stanton's Farmhouse and Grade II listed Barn to the east of Stanton's Farmhouse. There would therefore be no conflict with Policies LPP47, LPP52 and LPP 57 of the Local Plan and the National Planning Policy Framework. These require that development is of a high standard of design which protects and enhances the historic environment and immediate settings of heritage assets together with the use of appropriate material and finishes.

Conditions

21. The Council suggested one condition requiring that the roof and cladding materials to be as annotated on the submitted plans. The appellant outlined at the Hearing that to implement these materials would cost in the region of £67,000. However, as I have found no harm on the basis of the building as constructed then the condition is not necessary. Therefore, I have imposed no conditions.

Conclusion

22. For the reasons above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Zoe Raygen

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY

Lisa Page

Development Management
Officer, Braintree District
Council

Laura Johnson

Built Heritage Consultant, Place
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FOR THE APPELLANT

Anne Williams of Counsel

Charmaine Hawkins

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Mr Tungatt

Appellant