



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 A Ref: APP/Z1510/W/22/3293596

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 failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Gareth Tungatt against Braintree District Council.
 - The application Ref 20/01776/FUL, is dated 26 October 2020.
 - The development is the conversion and restoration of barn to southwest of farmhouse to ancillary domestic use.
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Appeal B Ref: APP/Z1510/Y/22/3293604

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

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Mr Gareth Tungatt against Braintree District Council.
 - The application Ref 20/01777/LBC is dated 26 October 2020.
 - The works are the conversion and restoration of agricultural barn to southwest of farmhouse to ancillary domestic use.
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Decision

1. Appeal A is dismissed and planning permission is refused.
2. Appeal B is dismissed and listed building consent is refused.

Preliminary Matters

3. 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.
4. The development and works have been carried out on site. Although the appeals are against the failure of the Council to determine the applications within the prescribed period, it set out in its statement of case its reason for refusal had it been in a position to determine the applications. This relates to the effect of the works on the significance of heritage assets. At the Hearing the Council confirmed that its concerns related to the appeal building itself and the effect on the setting of Stanton's Farmhouse only.

5. As the development and works relate to a listed building I have had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

6. The main issue is the effect of the development and works on the special architectural and historic interest of the curtilage listed building and the setting of Stanton's Farmhouse a grade I listed building.

Reasons

Significance

7. The barn/cartlodge the subject of this appeal is part of the farmstead associated with Stanton's Farmhouse, a grade I listed building. As such it is treated as being curtilage listed. It first appears, as part of the farmstead on the 1837 tithe map. Prior to the alterations being carried out it was a timber framed building with a brick plinth and black weatherboard cladding. It had a central midstrey on its southern elevation with flanking lean-to extensions. Double doors in the midstrey provided access to the building, with a further door on the eastern side elevation and to the left-hand side of the midstrey. A three-bay gabled and open cartlodge adjoined the building's eastern side. The roof was clad with asbestos in the main section of the barn, with the lean-to extensions in slate and clay respectively. It featured a sand and straw floor, with sections of uPVC guttering.
8. A structural survey conducted by the Morton Partnership in 2018 concludes that the majority of the structure remained in reasonable condition with a timber frame having suffered only minor areas of decay which related to water ingress. The plinth is described as being sound in places, with areas requiring repointing and replacement bricks. The cart shed element of the building was described as in adequate condition and newer in construction than the main barn. From the photographs submitted with the appeals, although the building obviously was in need of repair, nevertheless it was in sufficient condition to clearly identify the building as agricultural in nature and its consequent contribution to the farmstead as a whole.
9. The significance of the building for the purposes of these appeals therefore was derived from its archaeological and architectural interest as a surviving example of an agricultural building likely dating from the late eighteenth or early nineteenth century, albeit with repairs and alterations, being part of the farmstead's expansion and history. It also provides evidence of past carpentry and construction techniques and use of vernacular materials. It permits an understanding of the function and use of the farmstead, as well as the adaptation of, and growth of, the farmstead over time in response to changes in agricultural practices.
10. 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 these appeals is

derived from its architectural and historic interest as an early example of a dwelling demonstrating evolving construction techniques.

11. Its immediate setting is the buildings within the wider farmstead which contribute to the understanding of the group of agricultural buildings. The agricultural nature of the barn/cartlodge 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.

Effect on significance

12. There is no dispute between the parties that the property was in need of repair, or that the use of the property for ancillary residential use is acceptable. The concern from the Council is regarding the way the alterations have taken place and the consequent impact on the significance of the heritage assets. Both parties agree that there would be less than substantial harm to the appeal building.
13. The way the alterations have been undertaken mean that while the footprint of the barn and the cartlodge remain the same, the openings of the cartlodge, have been lost. They have been filled in and replaced with two sets of doors which bear little resemblance to either the location or design of the original openings. Furthermore, although much of the original timber frame has been retained, I saw little evidence internally of the previous subdivisions. Therefore, the legibility of the cart shed and the dominance of those features within the building has been lost.
14. While internally there are limited subdivisions, retaining the large open character of a barn, externally the provision of a significant number of windows and areas of glazing has changed the simple utilitarian farmstead structure into an overtly domestic character at odds with the previous solid robust appearance causing considerable harm.
15. The building is located close to the listed farmhouse and the rear elevation encloses part of its private garden space. The introduction of a large number of window openings, into what was previously a blank elevation, materially erodes the previous historic separation of the domestic farmhouse from the functional agricultural buildings largely to the south of the farmstead. The appellant suggested during the Hearing that during the renovation of the building evidence of openings in this elevation were found, however, there is no substantive evidence before me to confirm this. I acknowledge that other buildings within the courtyard to the south have become residential in nature. However, these have a different relationship to the farmhouse, and there is no issue here with regard to the use of the property. It is the loss of the agricultural character of the building that is at issue.
16. The opening on the midstretey has been retained. However, the replacement of the two side extensions to it by larger structures, means that it has lost much of its previous prominence on the building, being amalgamated into the larger structure.
17. The appellant has provided a plan showing the extent of the replaced timber studs and beams, and I saw at my site visit that much of the original timber has been retained. However, there is no evidence to show the justification for

replacing the timber structures, whether any repair could have been carried out to the beams, how the new structures have been inserted, how the timber was sourced, whether it was the same species, and with a moisture content to match that being repaired/replaced. Furthermore, there is no information regarding the insulation that has been installed and whether it has been carried out in a manner appropriate for the historic building. No further information was forthcoming at the Hearing.

18. Even if the timber replacement and insulation has been carried out in an exemplary manner, the external alterations have rendered the building as domestic in appearance, significantly altering its previous simple agrarian character. The alterations have therefore undermined the historic and architectural significance of the listed building and caused harm to its identified significance. Although the building retains the same physical relationship to the farmhouse, it harms its significance due to the unacceptable loss of the historic agricultural character and layout of the cart shed.
19. I have had sight of a Pre-application response letter from the Council dated 16 March 2018 regarding the conversion of the barn into guest accommodation. This suggests such development would be acceptable subject to being able to appreciate the extent of the internal space in the building and the ability to avoid subdividing the building. I appreciate that this has largely been achieved in the alterations that have been carried out. However, the Council also requested that more detailed plans including elevational and floor plans and specific details in relation to windows, doors, glazing units, internal finishes, hard landscaping, timber frame surveys and structural reports should be submitted to support any application. To my mind therefore the Council did not have sufficient detail on these latter aspects to give any meaningful comments at that time. Irrespective, it is clearly stated in the correspondence, that the advice is not binding on the Local Planning Authority. In any event, it falls to me to assess the merits of the development and works.
20. For the reasons above I conclude that the development and works cause harm to the special architectural and historic interest of the curtilage listed building and the setting of Stanton's Farmhouse a grade I listed building. They are therefore contrary to Policies LPP47, LPP52 and LPP57 of the Local Plan and the National Planning Policy Framework. These require that development and works to designated heritage assets meet the tests set out in national policy as well as being 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.

Other Matters

21. The appellant outlined considerable frustrations with the way that the applications and matters have been dealt with by the Council. I also note that no objections have been received to the proposal from interested parties. However, my remit is to consider the planning issues and I have found harm based on the evidence before me, the discussions at the Hearing and my observations on site.

Planning Balance and Conclusion

22. 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. Paragraph 200 goes on to advise that any harm to, or loss of, significance of a designated heritage asset (from its alteration or destruction, or from development in its setting) should require clear and convincing justification. I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.

23. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use of listed buildings. There is no doubt that the building required repair in order to ensure its continued existence and contribution to the historic farmstead. Furthermore, the replacement of the asbestos roof with a more sympathetic material is a benefit. However, there is no meaningful evidence before me to demonstrate that the extent of the alterations that have been carried out were necessary to achieve the future use of the building and that a less harmful scheme could not have achieved the same aims. Therefore, overall, I give these benefits limited weight and they would not be sufficient to outweigh the harm I have found to the heritage assets whether balanced on an individual basis or cumulatively.
24. Overall, I have identified that there would be conflict with the development plan as a whole, as there would be less than substantial harm to the significance of heritage assets which is not outweighed by public benefits. Considered in total, the material considerations referred to above do not outweigh the conflict with the development plan and therefore the appeals are dismissed.

Zoe Raygen

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY

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Officer, Braintree District
Council

Laura Johnson

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FOR THE APPELLANT

Anne Williams of Counsel

Charmaine Hawkins

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Mr Tungatt

Appellant