

Appeal Decision

Site visit made on 30 September 2022

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 15 November 2022

Appeal Reference: APP/Z1510/W/22/3294502

Land at 'The Old Farmhouse', Petches Bridge, Finchingfield CM7 4QN

- 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 Mrs P Hunter against the decision of Braintree District Council.
 - The application (reference 21/02441/FUL, dated 2 August 2021) was refused by notice dated 11 November 2021.
 - The development proposed is described in the application form as the "change of use of existing domestic outbuilding to self-contained dwelling and associated development".
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue to be determined in this appeal is whether the site is a suitable location for a dwelling, with adequate accessibility to services, having regard to the previous use of the land. It is also necessary to consider whether the site could better be used for business, commercial or community uses, in the light of Development Plan Policies.

Reasons

3. The appeal site is located in a rural landscape that is dominated by agricultural land, with patches of woodland and a scatter of buildings. Petches Bridge is a lightly trafficked country lane that slopes down to the crossing of the River Pant and 'The Old Farmhouse' is one of a small cluster of buildings on the west side of the lane, to the south of the river crossing.
4. The house itself is an attractive historic building that is listed (Grade II) as a building of special architectural or historic interest, being identified as 'Petches Bridge Old Farmhouse'. It stands in extensive grounds. There is an attractive and carefully maintained private garden at the rear of the house with a large area of amenity land beyond, including a tennis court. This amenity land extends around a neighbouring property to another part of the road frontage where a gateway and drive provide an access to the rear part of the site, alongside a small orchard.

5. The land slopes down, away from the location of the tennis court, to a grove of mature trees and, beyond that, to neighbouring agricultural land. Within the trees, a large garage building has been constructed, with an associated turning and storage area that includes some large containers. The building is faced with timber cladding under a steeply pitched slate main roof that has a gable at one end and a hip at the other. A rear projection has a much shallower roof pitch but the building as a whole has the character of a traditional outbuilding although it is relatively new, apparently dating from 2005.
6. It is now proposed to convert the garage to create a new dwelling that would be "independent from the main dwellinghouse". The new dwelling would have most of its living accommodation on the ground floor, with a double bedroom in the "attic". The site of the new dwelling would have an independent access from the public highway.
7. The 'National Planning Policy Framework' emphasises the aim of promoting sustainable development and it acknowledges the importance of the natural and local environment, recognising the intrinsic character and beauty of the countryside, among other things. It also has the more general aim of "achieving well designed places" in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity.
8. These planning policies are also set out in the Development Plan. Policies CS5 and CS7 of Braintree Council's 'Core Strategy' (adopted in September 2011) are intended to protect the countryside, with particular reference to village envelopes and other settlement boundaries, aiming to direct new development to accessible locations. Similarly, Policies RLP2 and RLP3 in the 'Braintree District Local Plan Review' (dated July 2005) likewise aim to focus new housing within existing settlement boundaries. These are longstanding settlement policies that are reflected in newer policy documents.
9. Policy RLP 38 in the 'Braintree District Local Plan Review' deals with the conversion of rural buildings and it imposes an additional constraint on conversions to residential use. Conversion to a suitable employment or community use is to be preferred.
10. The appeal building is located in its own space, away from the house itself, in a secluded part of the grounds. It is screened by the fall of the land as well as by the mature trees on the site and by other vegetation. Its effect on the appearance of the surroundings is very minimal, therefore, and its conversion to form a dwelling would not have a significant visual impact immediately, although additional activity arising from an independent dwelling could generate greater change over time.
11. The existing cluster of houses at Petches Bridge is some distance from the village of Finchingfield and from other villages in this part of rural Essex and, undoubtedly, occupiers of the new dwelling would rely on the private car for many everyday activities. Even in the context of the rural environment (as distinct from an urban location), the scheme would be unsatisfactory in that it would lead to greater use of private vehicles, increasing carbon emissions for the long term, during the life of the building. Thus, the site cannot be considered to be sustainable in planning terms and the creation of a new

dwelling in this location would be clearly contrary to planning policies (including the Development Plan), in principle.

12. In support of the appeal, it is argued that the special needs of the family would justify the conversion, since the newly created dwelling could be used by a carer. The special circumstances of this case are important but it is plain that the converted outbuilding would become a separate dwelling in its own right and that its use in conjunction with 'The Old Farmhouse' could not be assured in the future. Indeed, no formal proposal to that effect has been put forward and the dwelling to be created would long outlast the special circumstances that have been identified. Hence, the scheme must be considered as the creation of a separate dwelling and must be considered on its own planning merits.
13. Of course, the fundamental objection to this conversion project, the failure to achieve a sustainable development, would also apply an alternative use of the building for employment or community purposes. The nature and relative inaccessibility of the site make it unrealistic for such uses. Policy RLP 38, referred to above, requires applicants to have made a reasonable effort to secure suitable employment or community re-use and I accept that the submissions that have been made are sufficient to demonstrate that such uses would not be reasonably viable.
14. Even so, the underlying objection to the conversion remains. The scheme would provide a useful new dwelling but it would be in a countryside location with poor access to public transport and other facilities. Notwithstanding the special circumstances that attend the proposal, I have concluded that the scheme before me would clearly conflict with both national and local planning policies (including the Development Plan) that are intended to promote sustainable development and that it ought not to be allowed. The proposal needs to be considered on its own merits and I am convinced that the objections to this scheme significantly and demonstrably outweigh its potential benefits, in spite of the reported shortfall in housing land supply in the District. Although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.

Roger C. Shrimplin

INSPECTOR