



Appeal Decision

Site visit made on 8 November 2022

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2022

Appeal Ref: APP/C1570/W/21/3285250

Cowlands Farm, Collops Road, Stebbing CM6 3SZ

- 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 Miss Alice Hawkes against the decision of Uttlesford District Council.
 - The application Ref UTT/20/2727/FUL, dated 20 October 2020, was refused by notice dated 26 May 2021.
 - The development proposed is for a new agricultural grain storage barn.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The National Planning Policy Framework was revised on 20 July 2021 (the Framework). I have had regard to its content in my decision and I am satisfied that this has not prejudiced any party, particularly as the revisions do not alter the policies upon which this appeal turns.

Main Issue

3. The Council has chosen to rely on its Officer Report for the appeal and this outlines the Council's concerns include effects to the setting of Cowlands Farm and Canonfylde. The former is not a listed building, so I have taken this to mean the farmhouse and barn and outbuilding close by, as identified elsewhere in the OR. The main parties both refer to the listed buildings in their evidence so would not be inconvenienced by this approach.
4. In light of the above, the main issue is the effect of the proposed development on the character and appearance of the site and its surroundings, including the setting of the Grade II listed buildings known as 'Canonfylde', 'Cowlands Farmhouse', 'Cowlands Farm Barn 40m North West of House', and 'Cowlands Farm Outbuilding 40m North of House in front of Barn'.

Reasons

Significance, Settings and Site and Surroundings

5. The appeal site concerns an existing farmyard situated within a cluster of dwellings arranged predominantly to the northern side of Collops Road and Porters Hall Road, southeast of the village of Stebbing. There are several listed buildings located to either side of the site and the proposal would be situated behind three existing agricultural buildings.

6. Canonfylde is immediately east of the area of the yard earmarked for the proposed building. It was previously listed as Canfield Farmhouse and is a house of mid-16th Century, or possibly earlier origins, but with later additions and alterations. The principal range is broken by cross wings to either end, with projecting gables, the east of which is jettied at first floor. Three tall chimney stacks are positioned on the outer roof slope of each cross wing and centrally. In so far as it is relevant to the appeal, the significance of the listed building lies in its architectural and historic interest, as a 16th Century house, with later alterations and modifications.
7. Cowlands Farmhouse is to the southwest of the site and faces the triangular junction of the aforementioned roads. It is a two-storey house of three bays arranged on a square floor plan, which likely originates from the 18th or 19th Century. The front of the house is ordered symmetrically, with a central door marked by pilasters, capital, frieze, and a flat canopy above. To either side are vertically proportioned sash windows, which are taller at ground floor. The front is constructed of gault brick and the flank walls in red. The roof is clad in grey slate and features tall chimney stacks to its left and right. As far as it is relevant to the appeal, the significance of this listed building is to be found in its architectural and historic interest, as a fine example of an 18th or 19th Century farmhouse, particularly in the architectural detailing of its front façade.
8. The Barn is a timber-framed building eight bays in length. Its façades are clad in weatherboarding, with some brick, beneath a half-hipped gambrel roof covered in plain red tiles. There are also two half-hipped midstreys to the south roof slope. It likely originates from the mid-18th Century and is now in residential use. The Outbuilding also probably dates from the 18th Century and it too is timber-framed and weatherboarded. It joins onto the southeast corner of the Barn and faces into its yard. While it was formerly stabling and a pigsty, it now appears to be in residential use. Both buildings are situated behind the Farmhouse and, despite their conversion to residential use, as far as it is relevant to the appeal scheme, their significance lies in their survival as good examples of 18th Century agricultural buildings.
9. The listed buildings also draw significance from their settings. Due to the close proximity of the Farmhouse, Barn, and Outbuilding, their settings overlap and the setting of Canonfylde extends towards them. Given their origins, the listed buildings have a close affinity with the agricultural landscape. The undeveloped qualities of the land surrounding them and established planting of boundaries therefore provides a transition to the agricultural fields beyond and contribute considerably to the settings of the buildings and the overall character and appearance of the site and its surroundings.

Effect of the Proposed Development

10. The proposed building would be set away from the boundary of Canonfylde and trees within its garden would partially soften views towards it, but the existing buildings in the site are already prominent features within Canonfylde's setting, as shown by the photograph reproduced in the appellant's Statement of Case. The proposal would therefore be likely to appear as a very prominent addition to the rear of the house that would exacerbate the effect of built form enclosing views from it and its garden to its open and undeveloped backdrop to the west and northwest. This would be harmful to the setting of the listed building.

11. The appeal site is an existing working farmyard within a rural farming landscape and the proposal would be of a similar scale to and grouped closely with existing agricultural buildings immediately south of it. Its appearance would also be comparable to those buildings and others that are commonplace within the Essex countryside, including the type and colour of materials to be used in its construction. Nevertheless, it is the scale and proximity of the proposal with the existing buildings that would result in it being such a prominent and, therefore, harmful addition to the setting of Canonfylde.
12. The physical presence of the proposal would therefore significantly and permanently erode the openness of an important part of the site. The appellant has committed to adding more planting to the site, but this would be unlikely to mature for some time and, in any event, should not be relied upon to hide development from view that would otherwise be harmful, particularly in a sensitive heritage context such as the site. I am also mindful that vegetation is subject to seasonal change and is, in any event, ephemeral.
13. The garden of the Barn extends northwest beyond the closest agricultural building in the site. The proposal could therefore be experienced from within this garden, but only in acute views northeast, beyond the adjacent building. The harm associated with the presence of the proposal in these views to the countryside beyond, and any changes to activities within the site, would therefore be negligible. Accordingly, the Barn's setting would be preserved.
14. Due to the presence of the Barn, Outbuilding and existing buildings within the site between the proposal and the Farmhouse, it would be unlikely to be directly visible from the Farmhouse. As the majority of the Outbuilding is separated from the existing agricultural buildings in the appeal site by a modern outbuilding, the proposal would also be unlikely to be prominent from the Outbuilding. The extent of buildings and operations within the site would change, but this would also not be noticeably different in the context of these listed buildings, so their settings would be preserved.
15. Given its characteristics and the proposed relationship with the existing buildings in the site, the effect of the new building within the surrounding landscape would only be experienced within the immediate context of the site and nearby buildings, so it is unlikely it would be prominent within or have a harmful effect on the wider openness of the countryside and, thereby, the character and appearance of the site or its surroundings.

Public Benefits

16. The statutory duty in Section 66(1) of the Planning (Listed Building and Conservation Areas) (England) Act 1990 (the Act) is a matter of considerable importance and weight and paragraphs 197, 199 and 200 of the Framework are also of paramount importance.
17. The proposal would be harmful to the setting of the Grade II listed building, known as Canonfylde. This would have a harmful effect on its significance as a designated heritage asset, which would equate to less than substantial harm to its significance. Paragraph 202 of the Framework identifies that harm should be weighed against the public benefits of proposals.
18. The appellant accepts that the proposal could not be constructed at the site under the Town and Country Planning Act (General Permitted Development)

(England) Order 2015, as its height exceeds the threshold within 13km of an aerodrome. There may be land, however, within the appellant's ownership capable of meeting these requirements.

19. There would potentially be a reduction in vehicle movements between the appeal site and an alternative location to dry and then store grain, which would provide an efficiency saving for the appellant. The associated reduction in traffic would amount to social benefits to other road users and environmental benefits through lower consumption of fuel and emissions generated.
20. The consolidation of development at the site would potentially reduce the effect of built forms at two separate locations within the countryside. In particular, the construction of access, hardstanding, and infrastructure, and associated loss of farming land, would not occur to the same extent with the appeal. These would therefore also amount to environmental benefits, including the consumption of natural resources.
21. Notwithstanding the above, there are no details before of any alternative sites, including their proximity with the site and their relationship with the rural landscape. Comparison with the appeal proposal is therefore not possible, particularly in respect of their visual implications. Accordingly, as no other land is included within the appeal site, I am mindful of the possibility that the proposal and any alternative scheme could both be carried out.
22. Furthermore, a letter supporting the appeal suggests that the construction of a new store elsewhere would likely be prohibitively expensive, which would be a matter for the appellant. The grain that would be stored in the proposed building is already stored in rented space elsewhere, the location of which is not before me. Nevertheless, the effects associated with a new store situated elsewhere on the appellant's land would be likely to be comparable with the existing arrangements. With this in mind, I am only able to afford very limited weight to the benefits associated with the fall-back scheme. Conversely, despite the lack of information regarding the offsite grain storage, the impact on the environment, particularly from vehicle movements, would likely be greater than if grain were stored at the site. In light of this, I am able to afford the benefits considerable weight.
23. The reduction in annual spend on offsite grain storage would be a private benefit to the appellant. However, this may have wider social and economic implications if the appellant's business were at risk due to the loss of EU subsidies and uncertainty regarding replacement UK subsidies. Having regard to this uncertainty and the support offered by the Framework for businesses needing to adapt, I afford these benefits significant weight.
24. The appellant is also to be commended for work relating to the maintenance of her land with nature in mind, but these actions are largely unrelated to the proposal, so they neither weigh in favour nor against the appeal scheme.
25. I am mindful that the Framework states that planning decisions should enable the sustainable growth and expansion of business in rural areas but, for the reasons identified above, this would not be achieved by a well-designed new building. The proposal would also not promote an effective use of land that would safeguard and improve the environment. Furthermore, the site of the proposed building is currently laid to grass and associated with existing

agricultural buildings, so could not fall within the definition of previously developed land contained within Annex 2 of the Framework.

26. Taking the above together, while collectively there would be considerable public benefits associated with the proposed development, the harm that would be caused by allowing it, to the setting of Canonfylde, would be of greater significance. Moreover, in accordance with Framework paragraphs 199 and 202, considered together, I conclude that the public benefits do not outweigh the great weight to be given to the less than substantial harm I have identified.

Conclusions on the Main Issue

27. In light of the above, I conclude that the proposed development would not have a harmful effect on the character and appearance of the site and its surroundings or the setting of the listed Farmhouse, Barn, or Outbuildings, all of which are Grade II listed buildings. The proposal would therefore satisfy the requirements of the Act, paragraphs 197 and 199 of the Framework and would not conflict with the design and heritage aims of Policies S7, GEN2 and ENV2 of the Uttlesford Local Plan¹ (ULP), in respect of these aspects of the main issue.
28. The proposal would have a harmful effect on the setting of Canonfylde, which is a Grade II listed building. Hence, in respect of this building, the proposal would fail to satisfy the requirements of the Act, Framework paragraphs 197 and 199 and conflicts with the design and heritage aims of ULP Policies GEN2 and ENV2.

Other Matters

29. The appeal property is near to Porters Hall and Green Farmhouse, which are respectively designated as Grade II* and Grade II listed buildings. I have therefore had regard to the statutory duty referred to in the Act. However, given the proximity and physical relationship of the proposal with these designated assets, including the presence of intervening buildings, their settings will be preserved and the proposal would not detract from them.

Planning Balance

30. The development plan for the area includes the ULP. While this predates the current Framework, it is clear that existing policies should not be considered out-of-date simply because they were adopted or made prior to its publication. Due weight should be given to policies according to their consistency with the Framework.
31. Policy GEN2 of the ULP is generally consistent with the Framework in terms of its aims to achieve well-designed places, so I afford considerable weight to the conflict of the proposal with this policy. Similarly, despite the absence of a balancing exercise in relation to heritage harms in Policy ENV2, this policy is generally consistent with the heritage aims of the Framework, particularly the statutory duties of the Act reflected within it. Nevertheless, I only afford moderate weight to the conflict of the proposal with this policy given that it does not include any such balancing exercise.
32. I have already identified the benefits of the appeal scheme as part of the assessment of public benefits in undertaking the necessary balancing exercise in relation to the heritage assets. The proposed development would accord with

¹ Adopted January 2005.

development plan policies in respect of the effect on the character of the site and its surroundings, including the setting of the Grade II listed Farmhouse, Barn, and Outbuilding. In terms of harm, the proposal would not comply with the development plan in respect of the harm to the setting of the Grade II listed building, known as Canonfylde.

33. This leads me to an overall conclusion that the appeal scheme would not accord with the development plan, when considered as a whole, and I find that the adverse impacts of the proposal are matters of significant weight against the grant of planning permission that outweigh the stated benefits.

Conclusion

34. The proposed development would be contrary to the development plan and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Accordingly, for the reasons given, I conclude that the appeal should be dismissed.

Paul Thompson

INSPECTOR