



Appeal Decision

Site visit made on 21 November 2022

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 December 2022

Appeal Ref: APP/Z1510/W/22/3300243

Shalford Hall Farm, The Street, Essex, Shalford, CM7 5HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Stevenson against the decision of Braintree District Council.
 - The application Ref 22/00730/DAC, dated 18 March 2022, sought approval of details pursuant to Condition No 3 of a planning permission Ref 21/03533/FUL, granted on 1 February 2022.
 - The development granted planning permission is described as: Erection of a single storey agricultural general purpose storage barn.
 - The application for approval of details was refused by notice dated 25 May 2022.
 - Condition No 3 states that: *Notwithstanding what is stated on the application form, no above ground development shall commence until a sample of the roofing material has been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details and permanently retained as such. All other external materials and finishes shall be as indicated on the approved plans and application form and permanently retained as such.*
 - The reason given for the condition is: *To ensure that the development does not prejudice the appearance of the locality.*
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal site is proximate to listed buildings, namely the Grade I Listed Parish Church of St Andrew (the Church) and the Grade II Listed Barn of Shalford Hall Farm (the Barn). Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special regard to be had to the desirability of preserving listed buildings, their settings, and any features of special architectural or historic interest that they possess. I have had regard to this statutory duty in my decision.
3. Since the submission of this appeal, the Council, in July 2022, adopted Section 2 of its Local Plan. Section 1 was previously adopted in February 2021. The main parties have had the opportunity to make observations as regards any relevance of Section 2's adoption to the outcome of this appeal.

Main Issue

4. The main issue in this appeal is: the effect of the proposed roofing material upon the character and appearance of the area, including having regard to the effect on the settings and thereby significance of relevant listed buildings.

Reasons

5. The site comprises a rectangular-shaped parcel of grassed land that is situated outside of any designated settlement boundary and thus in the countryside as defined in local planning policy terms. A public right of way (the footpath) runs along the site's north-eastern boundary whilst a line of established planting abuts its north-western side, beyond which the Barn is located close by. The footpath leads to the Church, which is situated a short distance to the north.
6. The Church is of mainly 14th-century origin according to its statutory list description¹. Its significance and special interest is drawn, in part, from its age, its traditional materials (including handmade red clay roof tiles), and its historic role and function as a visual and social landmark. Significance and special interest is further underpinned by the verdant spaciousness of the Church's rural surroundings. As clear visibility of the Church prevails from along the footpath, the appeal site comprises an influential part of its setting.
7. The Barn dates to the 18th-century. It is of timber-framed construction and roofed with red clay tiles and slate. The significance and special interest of the Barn is drawn, in-part, from its traditional materials, its historic agricultural origins and its relevance to the rural history of Shalford. The setting of the Barn incorporates nearby rural lands that include the appeal site.
8. A natural slate roofing material is depicted upon the plan² that was approved when planning permission for the appeal building was granted, whilst feather-edged weather boarding and low-level red brick would comprise its elevations. The appeal building would take on a traditional and agricultural appearance. Nevertheless, the disputed condition does not specify that the roofing material shall necessarily be natural slate. Indeed, the sample that has been submitted is a fibre cement faux slate product that has a textured outer surface. I was able to view and handle the submitted product upon my site inspection.
9. The Council's Historic Buildings Consultant has set out that the submitted sample is unacceptable and that a natural blue-grey slate is instead required within the immediate setting of important heritage assets. I concur with this judgement as, whilst I recognise that the submitted sample offers a close colour match with natural Spanish slate used nearby, it lacks the authenticity of natural slate and exhibits artificial characteristics when viewed at close quarters. I do not accept that an ageing or dulling of the roof material (including via the effects of natural moss/lichen or detritus) could be relied upon to provide adequate assurances that the roof material would blend acceptably with its setting over time.
10. I acknowledge that a variety of different roof materials exist in the locality, including examples of unsympathetic concrete tiling and corrugated sheeting. Nevertheless, the consented storage barn would occupy open land in immediate proximity to the footpath from where it would be clearly visible against a backdrop to include the Church. I note here that any new planting would take time to establish and could not realistically be relied upon to offer permanent or substantive screening. Thus, when compared to the situations of other buildings where modern and/or unsympathetic roof materials are in place, an increased level of sensitivity applies. Further, the cluster of buildings

¹ List Entry Number: 1147647

² Ref: JS-2023 001A

situated to the immediate west/northwest of the site is typified by traditional roofing materials of high quality and associated aesthetic appeal.

11. Instances of the proposed roofing material having been utilised in London locations have been referenced and/or illustrated in the appellant's statement. However, these are of little relevance to my considerations at this rural site.
12. For the above reasons, the proposed roofing material would cause harm to the character and appearance of the area and fail to preserve the settings and special interest of the relevant listed buildings, causing harm to their significance as designated heritage assets. In the terms of the National Planning Policy Framework (July 2021) (the Framework), I would qualify that the degree of harm to each designated heritage asset would be less than substantial.
13. Paragraph 202 of the Framework requires less than substantial harm to be outweighed by public benefits. It has been set out that natural slate would, when compared to the fibre cement product proposed, require additional structural elements and an increased roof pitch due to its additional weight. As a consequence, it has been suggested that increased road miles and carbon dioxide emissions would apply, and that the overall height of the storage barn would need to increase in order to maintain an agricultural function.
14. Any environmental benefits to be drawn from using a fibre cement product as an alternative to natural slate would be modest and attractive of limited weight, this is especially when considering the scale of development that is under consideration and the limited amount of roof material that would be required.
15. It has not been clearly demonstrated that the use of natural slate would necessitate a significant or noticeable change in the storage barn's overall height to potentially lead to the new building being less visually appealing. It is also relevant that natural slate and height dimensions are annotated upon the approved plan, which does not assist the appellant's case. In this context, I attach limited weight to any possible benefit to be drawn in a visual sense by virtue of the proposed roofing material not necessitating a potential rise in height of the storage barn to be constructed.
16. Thus, in the circumstances of this case, the public benefits to be drawn from the proposed roofing material would be modest and would not outweigh the identified harms. Indeed, even less than substantial harm to designated heritage assets (in each instance) carries considerable importance and weight.
17. The proposal fails to accord with the historic environment conservation and enhancement policies contained within the Framework and conflict arises with Policy SP7 of the Braintree District Local Plan 2013-2033 Section 1 (adopted February 2021) and Policy LPP57 of the Local Plan Section 2 (adopted July 2022) in so far as these policies set out that the immediate settings of heritage assets will be preserved and enhanced by appropriate control over the development, design and use of adjoining land.

Conclusion

18. For the above reasons, the appeal is dismissed. Condition 3 attached to planning permission Ref 21/03533/FUL is thus not discharged.

Andrew Smith

INSPECTOR