



Appeal Decision

Site visit made on 30 January 2023

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2023

Appeal Ref: APP/C1570/W/22/3303451

Barn Adjacent to Chalks Farm, High Easter Road, Leading Roding, CM6 1QQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr G Smith against the decision of Uttlesford District Council.
 - The application Ref UTT/22/0056/PAQ3, dated 7 January 2022, was refused by notice dated 7 March 2022.
 - The development proposed is described as “conversion of the existing building”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Town and Country Planning (General Permitted Development) (England) Order 2015 (the Order) permits development involving the change of an agricultural building and any land within its curtilage to a dwellinghouse. This is subject to the criteria set out in Schedule 2, Part 3, Class Q of the Order. Paragraph W of Part 3 sets out the prior approval procedure, and states that an application may be refused where the proposed development does not comply with conditions, limitations or restrictions that are applicable to it.
3. I have taken the site address from the appeal form as it is the most precise address for the barn.

Main Issues

4. The main issue in this case is whether the proposal would be permitted development in accordance with Schedule 2, Part 3, Class Q of the Order, considering:
 - The effect on biodiversity,
 - The effect on the significance of the Grade II listed Chalks Farmhouse; and,
 - Whether the development would consist of building operations beyond the extent reasonably necessary for the building to function as a dwellinghouse.

Reasons

Biodiversity

5. The Order requires that regard must be had to the National Planning Policy Framework (the Framework) so far as relevant to the subject matter of the prior approval, as if the application were a planning application. The Framework

states that planning decisions should minimise impacts on biodiversity, and that planning permission should be refused if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for. Circular 06/2005 Biodiversity and geological conservation states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted.

6. The Council's ecological consultee has identified the appeal site and wider field as having potential as habitats to support reptiles. The appellants have indicated that the grass in the field is mown regularly and have referred to a reptile survey, but only a Great Crested Newt (GCN) survey has been provided. This does not provide certainty with regards to the presence of reptiles that may be present at the site.
7. The appellants have suggested that a district level licence requiring mitigation could be secured through an appropriately worded condition. However, as no information has been provided in relation to the presence of reptiles at the site, I cannot be sure that any mitigation would be necessary, relevant to the proposed development, enforceable, precise or reasonable.
8. The GCN survey was carried out and found no trace of their presence within the 2 ponds of the 4 on the site that contained water at the time of the survey. Each of the ponds identified in the survey contained water at the time of my visit, but I have no reason to doubt that the survey was accurate at the time it was carried out in June 2022.
9. The Chalks Green Local Wildlife Site is immediately adjacent to the wider site owned by the appellant, of which the appeal site forms part. Access to the appeal site is via an existing gate, with a new track partly laid across the field at the time of my visit. From the evidence before me the verges beside the gate fall outside the appellant's ownership, so any maintenance of the hedgerows to secure visibility splays would not be within their control.
10. However, in the absence of information relating to reptiles, it is not possible to say for certain that the development would not cause significant harm to biodiversity. The appeal proposal would therefore fail to accord with the requirements of Part 3, Class Q of the Order.

Listed building

11. The barn is in a field adjacent to the farmstead. I saw on my site visit that there is some intervisibility between the barn and Grade II listed Chalks Farmhouse. The farmhouse dates from the seventeenth century, with extensions in the nineteenth and twentieth century. Its significance derives principally from its age, character and its association with the surrounding farmland and countryside.
12. Given the visual relationship between the buildings and the functional relationship between the field and farmstead, the barn lies within the setting of the listed building. As a modern barn, its contribution to the significance of the listed building derives predominantly from its agricultural use in association with it, and contribution to the agricultural character of the surrounding land.
13. The Council acknowledge that the proposed appearance of the converted barn would not be harmful to the significance of the listed building. However, it

contends that the creation of a new dwelling would not follow the established pattern of development in the area, would constitute piecemeal incremental development on agricultural land, and that it would not relate well to the buildings on the historic farm complex.

14. The barn sits outside the farmstead and is separated from the listed building with other buildings within the farmstead and established planting situated between them. This diminishes the visibility of the barn in the wider area. The conversion would create a new residential curtilage on agricultural land, and this would not follow the pattern of development in the wider area where houses principally face directly onto the road. There would therefore be harm to the significance of the listed building from the uncharacteristic siting of the proposed dwelling on agricultural land within its setting.
15. The harm arising would be limited given the proposed character of the converted barn, and restricted visibility of it in the wider area. The appellant notes that other buildings within the farmstead have previously been converted for residential use. While I do not have the details of these conversions before me, there would be less than substantial harm to the significance of the listed building from the conversion given the separation distance, intervening buildings, and the proposed appearance of the barn.
16. The Framework requires that any harm to the significance of a listed building be afforded great weight and weighed against the public benefits of the proposal. In this instance the public benefit would arise from the creation of 1 new dwelling. While the benefits of a single dwelling are limited, it would support the Government's objective of significantly boosting the supply of homes. Given the Council's acknowledged shortfall in its supply of housing land at 4.89 years, this benefit attracts additional weight. In this instance the harm would be so slight that it would be outweighed by the public benefit arising from the conversion.
17. The appeal proposal would therefore be acceptable with regard to the effect on the significance of the Grade II listed Chalks Farmhouse.

Extent of building works

18. The structural appraisal supplied by the appellants advises that the frame of the building is in structurally sound condition and suitable for conversion. During my visit I saw nothing to make me doubt this conclusion. The appraisal does identify a requirement to install a raft concrete floor slab as part of the proposed conversion works.
19. Class Q allows for installation or replacement of windows, doors, roofs, or exterior walls or water, drainage, electricity, gas or other services. National planning practice guidance further advises that internal works are not generally development, and that for the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor.
20. Having regard to that guidance, and as the works involved would be internal, I am satisfied that the creation of a new floor as part of the conversion would not therefore involve building operations beyond the extent reasonably necessary for the building to function as a dwellinghouse.

Conclusion

21. The information provided with the appeal does not provide sufficient information to show that the proposed development would not cause significant harm to biodiversity. Accordingly, the appeal is dismissed.

M Chalk

INSPECTOR