



Appeal Decision

Site visit made on 21 February 2023

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2023

Appeal Ref: APP/W1525/W/22/3300213

Hyde Hall Farm, Chatham Green, Chelmsford CM3 3LQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Strutt and Parker (Farms) Limited against the decision of Chelmsford City Council.
 - The application Ref: 22/00615/CUPAQ, dated 28 March 2022, was refused by notice dated 18 May 2022.
 - The development proposed is change of use (Class Q(a)) and necessary building operations (Class Q(b)) for conversion of an agricultural building to form three smaller dwellinghouses and two larger dwellinghouses.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the banner heading above, I have used the site address given on the application form. The Council's decision notice gives the site address as Barns Opposite Whitbreads Business Centre, Whitbreads Farm Lane, Little Waltham, Chelmsford, Essex. However, there is no ambiguity as to the geographical location of the site, based on the application drawings.
3. The application form did not include a proposed description of development, referring instead to an associated covering letter and plans. In the banner heading above, I have used the description stated in the covering letter dated 25 March 2022. This differs from the wording on the decision notice, but I am satisfied that it accurately describes the proposal.
4. In particular, the description given on the covering letter explicitly includes proposed building operations necessary to facilitate the proposed change of use. It is clear from the evidence that the proposed external alterations to the building formed part of the matters considered by the Council when determining the application, although they are not mentioned on the decision notice. I have likewise considered the appeal on that basis.

Main Issue

5. It is common ground that the proposal meets the requirements of paragraph Q.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), such that it would constitute

development permitted under Class Q, subject to the prior approval of certain matters.

6. For permitted development under Class Q, prior approval is required in respect of a number of matters, which include the design or external appearance of the building (GPDO paragraph Q.2 (1) (f)).
7. The main issue is the effect of the proposal on the design and external appearance of the building, with particular regard to the consequent effect on the setting of Liberty Hall, a nearby Grade II listed building.

Reasons

8. The appeal site contains a substantial and relatively modern agricultural building, of brick construction with corrugated fibre sheeting to the roof. It stands towards the rear of an existing farmyard, behind a range of metal-framed barns with curved roofs. These are largely outside the appeal site as defined on the drawings, although the evidence indicates that they would be removed, should prior approval be granted for the proposed conversion.
9. The site is located in a hamlet mainly comprising houses and farm buildings strung out along a narrow, rural lane. Former farm buildings opposite have been converted to commercial use. Alongside the appeal site is an open, grassed area, part of which was in use for car parking for the commercial units at the time of my site visit. The hamlet as a whole is surrounded by open fields in agricultural use, enclosed by hedgerows.
10. There are several nearby detached houses, loosely grouped around the existing and converted farm buildings. These include Liberty Hall, a Grade II listed building fronting the lane beyond the grassed area, with its rear garden adjoining the appeal site.
11. The significance of Liberty Hall, in so far as it relates to this appeal, derives from its great age, its architectural value, and the evidential value of its development over time, being a timber framed house of 15th Century origin. The property's entry on the statutory list identifies that it has been very much altered and there are several later outbuildings fronting the lane to the west. These somewhat enclose views of the house and, as a result, the listed building is seen mainly from close quarters, along a relatively short section of the lane near the appeal site.
12. The appeal site is separated from Liberty Hall and its garden by a planted and fenced boundary. This broadly corresponds with 19th and early 20th century boundaries illustrated in the Heritage Statement¹ and there is little clear evidence of any legal or functional connection with the appeal site. However, the evidence does indicate that Liberty Hall is among the oldest buildings in the hamlet and that it originally had more extensive lands to the west and south.
13. Annex 2 of the National Planning Policy Framework (the Framework) defines the setting of a heritage asset as including the way it is experienced, highlighting that its extent is not fixed and may change as the asset and its surroundings evolve. While the evidence does not identify any historic agricultural use of Liberty Hall, or any clear legal or functional connection with

¹ Architectural Management Architecture and Heritage Consultants Heritage Statement dates February 2022

the appeal site, based on its age and location it is clear that Liberty Hall would originally have stood in a more extensive rural context.

14. The approach towards Liberty Hall, past the appeal site, allows the listed building to be appreciated in a context of agricultural and former agricultural buildings. While these are later additions, they nevertheless continue to provide a rural context, in terms of their use, appearance and layout. The open, grassed area allows for a gradually evolving view of the listed building. Given the degree of enclosure associated with the outbuildings beyond the house, this is one of the few viewpoints in which the listed building can be appreciated.
15. For the above reasons, I find that the appeal site currently forms part of the setting of the listed building, by providing it with a continued rural context. It allows the significance of the heritage asset to be appreciated, notwithstanding the absence of a current legal or functional relationship between these adjacent sites.
16. The appeal building is a modern brick structure of utilitarian appearance. As such, its role in the setting of the listed building derives from its agricultural use and character rather than any inherent visual qualities. However, its simple, utilitarian appearance, without extensive glazing or other openings is an aspect of that agricultural character.
17. The proposal would introduce a significant number of new window and door openings, to facilitate the proposed residential use. While the simple rectangular door and window frames would reflect the utilitarian form of the building to some extent, the number of new openings would be extensive, particularly along the two longer elevations.
18. Although the long, north-east elevation is largely hidden behind the adjacent metal-framed barns, the application makes clear that these would be removed. Therefore, whereas at present only one end elevation is seen alongside the listed building, the converted building would be much more extensively visible. Given its scale and the lack of screening, the converted building would be a prominent feature in the approach towards Liberty Hall.
19. Whereas the appeal site currently provides a readily understood rural context for the listed building, the converted building would have a much more domestic character. The regular pattern of window and door openings, particularly on the long front and rear elevations, would reveal the building's subdivision and domestic use. Its appearance would be more akin to a terrace of houses than a single agricultural barn. Therefore, the altered appearance of the building would undermine its rural, agricultural character which would, in turn, undermine its contribution to the setting of the listed building.
20. The presence of a hedge separating Liberty Hall and the appeal site does not mitigate against the change in the appearance of elevations facing the lane, since these would not be screened from view. While the scale and proportions of the appeal building would not change, this does not mitigate harm arising from the external alterations. Removal of the metal framed barns would not enhance the setting of the listed building, since their demolition would further undermine the agricultural appearance of the site, as well as exposing a higher proportion of the appeal building to public view.

21. For the above reasons, I conclude that the effect of the proposal on the external appearance of the building would be harmful to the setting of Liberty Hall and consequently harmful to appreciation of its significance.
22. Whilst the proposal would only affect part of the setting of the listed building, that part comprises the principal viewpoint available from the public domain. The extent of the harm would be localised to a modest area close to the appeal building. The harm to the significance of the heritage asset would therefore be less than substantial. Nevertheless, I have attached considerable weight to the desirability of avoiding such harm.
23. Under such circumstances, paragraph 202 of the Framework advises that any harm should be weighed against the public benefits of the proposal. I have found that removal of the metal framed barns would not be a beneficial aspect of the proposal, for the reasons explained above. No other specific public benefits have been identified in the evidence before me.
24. I acknowledge that the underlying purpose of the permitted development rights granted under Class Q includes facilitating the supply of housing and that the proposal would result in the creation of five additional dwellings. However, there is no evidence before me which would indicate that the Council cannot demonstrate a deliverable five year housing land supply or is otherwise failing to meet its housing targets. Furthermore, the relatively modest scale of the proposal means that this public benefit is of inherently limited extent. As such, I have afforded the proposal's contribution to the supply of housing modest weight, which would not outweigh the harm to the setting of the listed building which carries considerable importance and weight.
25. Taking the above matters into consideration, and in the absence of any further substantiated public benefits, I conclude that the alterations to the design and external appearance of the building would fail to preserve the setting of the Grade II listed Liberty Hall. In this respect the proposal would conflict with relevant paragraphs of the Framework, which require that great weight should be given to the conservation of heritage assets, taking into account any public benefits of the proposal where relevant.

Other Matters

26. I have noted that a range of other issues were raised by interested parties, some of which fall within the scope of the relevant prior approval matters, although they were not raised in the Council's reasons for refusal. However, since I am dismissing the appeal for other reasons, it is not necessary for me to give these other matters further consideration as they do not lead me to a different overall conclusion.
27. The appeal site falls within a zone of influence where Natural England have identified that increased recreational pressure arising from residential development would have likely significant effects on Habitats Sites. Article 3(1) of the GPDO imposes a condition requiring that development which is likely to have a significant effect on a Habitats Site must not begin until the developer has received written notification of the approval of the local planning authority under Regulation 77 of the Conservation of Habitats and Species Regulations 2017. The evidence does not confirm whether such approval has been obtained, but since I am dismissing the appeal for other reasons there is no need for me to consider this matter further.

Conclusion

28. For the reasons given above, I conclude that the appeal should be dismissed.

Jane Smith

INSPECTOR