



Appeal Decision

Site visit made on 19 October 2023

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd November 2023

Appeal Ref: APP/Z1510/W/23/3320667

Coppins Farm Lower Green, Althamstone, Essex CO8 5HE

- 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 Ms Laura McGlashan against the decision of Braintree District Council.
 - The application Ref 22/01592/FUL dated 15 August 2022, was refused by notice dated 25 January 2023.
 - The development proposed is a temporary dwelling for up to two years.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. At the time of my site visit, the development was in place. The application form made clear that the scheme had been submitted retrospectively and I have dealt with the appeal on that basis.
3. The Council changed the description of development from that stated on the application form in the interests of clarity. I consider that the condensed description accurately describes the appeal scheme and accordingly I have adopted an amended description in the heading above.
4. Since the submission of the appeal the National Planning Policy Framework (2021) has been superseded by the National Planning Policy Framework (2023) (the Framework). However, in relation to this appeal the aims of both sets of policies are similar. No party would be prejudiced or caused any injustice by me proceeding with the appeal in light of this change in policy.

Main Issues

5. The main issues in this appeal are (i) whether the development would be in a location suitable for a temporary dwelling; and (ii) the effect of the proposed development on the nearby Grade I Listed Church.

Reasons

Location

6. The proposed development seeks permission for a temporary dwelling for up to 2 years associated with an established farm. The appeal site is located close to

- residential properties, however for the purposes of development plan policy, it is within the countryside.
7. Policy LPP 1 of the Braintree District Local Plan 2013 - 2033 (2022) (the Local Plan) states that development outside development boundaries will be confined to uses appropriate to the countryside.
 8. Policy LPP 38 of the Local Plan confirms that rural workers dwellings in the countryside will only be permitted when criteria outlined in the policy is satisfied, such as (a) a functional need for a full-time worker to live on the site, (b) that the need could not be fulfilled by an existing dwelling or (c) building to convert, (d) any dwelling would be well related to the existing buildings and (e) commensurate in size to the need.
 9. The last criterion in Policy LPP 28 (f) requires that the rural activity is established for 3 years and financially viable. Notwithstanding this the policy does allow deviation from this criterion on the basis that a temporary dwelling may be granted if there is clear evidence of a firm intention to develop the enterprise and that the proposed enterprise is planned on a sound financial basis.
 10. The Appellant has drawn my attention to the diversification of the farm for holiday lets and wedding venue. I understand the Appellants elderly father resides in the farmhouse and the Appellant seeks to be sited on the farm to allow the responsibility of running the farm to be transferred to them. Notwithstanding this the Appellant has not provided substantive evidence to demonstrate (a) that there is a functional need for a full-time worker to live on the site.
 11. The Appellant has provided information relating to properties currently for sale within the area. The information provided is limited, nevertheless due to the functional need not being demonstrated criterion (b) of Policy LPP 38 is not satisfied. Similarly, criterion (d) and (e) relate to the functional need which has not been demonstrated.
 12. During my site visit I observed buildings within the farm complex. I have not been provided with information to validate that (c) there is no building on the site, or in the vicinity which is capable of conversion to a dwelling.
 13. The farm is used as a wildlife habitat with horse grazing, for 3 holiday lets and a seasonal wedding venue, I have not been provided with evidence to confirm financial viability of the existing uses as required by criterion (f). Notwithstanding this, for a temporary dwelling firm evidence is required that the rural enterprise is planned on a financially sound basis and that there is a firm intention to develop the enterprise. Whilst I understand that the uses which operate at the site are not new enterprises, I have not been provided with substantive evidence to demonstrate adherence to criterion (f) or its deviation.
 14. Taking these matters together I am not persuaded that there is sufficient information to conclude that the location would be suitable for a temporary dwelling. The proposed development conflicts with Policy LPP 38 of the Local Plan and the Framework which seeks to ensure developments are located within areas which are suitable locations, which support the rural economy.

Listed Building

15. The appeal site is located near St. Barnabas Church which is a Grade I Listed Building. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) requires decision makers, when considering whether to grant planning permission, to have special regard to the desirability of preserving the listed building or its setting or any feature of special architectural or historic interest which it possesses.
16. Neither party have provided any substantive details relating to the significance of the listed building however during my site visit I noted that the modest church has a rural open setting and whilst screened to a degree by mature landscaping is a prominent feature in the area.
17. The development is located within a small field, relatively screened from neighbouring properties and public vantage points due to the topography and existing landscaping. Between the appeal site and the church is a substantial hedgerow and a narrow rural lane, views from the site to the church and vice versa are limited. The church can be viewed from Henny Back Lane, as demonstrated on the photographs provided by the Parish Council, nevertheless views towards the site and church from Henny Back Lane are restricted due to mature landscaping along the lane.
18. Whilst an unorthodox building in terms of design due to the substantial screening, the topography, the use of agricultural material and adjacent white properties which appear stark in contrast to the nearby church the temporary dwelling does not harm the setting of the listed building.
19. There is no conflict with Policy LPP 47 of the Local Plan which amongst other things seek to ensure developments respect local context and protect the historic environment.
20. There is no conflict with the Framework which seeks to ensure developments are of good design appropriate and sympathetic to their surroundings and that the historic environment is protected.

Conclusion

21. Whilst I have not found harm to the nearby Listed Building, this does not outweigh the failure to demonstrate need and financial viability for a temporary dwelling in this location. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR