



Appeal Decision

Site visit made on 8 November 2023

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 December 2023

Appeal Ref: APP/Z1510/W/22/3311886

Land adjacent to Bramble Barn, Oak Road, Little Maplestead CO9 2SJ

- 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 Mr Simon Fordham against the decision of Braintree District Council.
 - The application Ref 22/00900/FUL, dated 5 April 2022, was refused by notice dated 26 May 2022.
 - The development proposed is erection of a new agricultural store.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On neighbouring land an appeal which also relates to the erection of an agricultural store¹ is the subject of a separate decision.
3. Since the Council made its decision, the Braintree District Local Plan Review and the Braintree District Local Development Framework Core Strategy have been replaced (the former development plan documents). The replacement Braintree District Local Plan 2013-2033 (the LP) was adopted in 2 stages. Section 1 was adopted in February 2021 and Section 2 in July 2022.
4. The main parties have provided comments on the implications of the adoption of the LP which I have had regard to. The Council's reasons for refusal reference policies within the former development plan documents and within an emerging version of Section 2 of the replacement local plan. I have determined the appeal in regard to the LP as is now adopted and give no weight to the policies within the former development plan documents nor the earlier, emerging version of Section 2 of the replacement local plan.

Main Issues

5. The main issues are:
 - The effect of the proposed development upon the character and appearance of the area and whether it would preserve the settings of listed buildings near the site; and
 - The effect of the proposed development upon the living conditions of neighbouring occupiers with particular regard to outlook.

¹ Appeal Reference APP/Z1510/W/22/3311887

Reasons

Character and appearance and the listed buildings

6. The site forms part of a field located within a rural area on the fringes of the settlement of Little Maplestead. The site contains a timber building but otherwise is undeveloped and largely grass covered. Nearby are a group of buildings including Hurrells Farmhouse and Bramble Barn. Other groups of buildings and farmsteads are spread across the area separated by fields. Little Maplestead itself has a quite dispersed built form. The local area is therefore partly characterised by groups of buildings separated by undeveloped fields.
7. An existing gate provides access to the appeal site from a road which in different sections is named as Oak Road and Gestingthorpe Road. A little to the south of the site there is also Cock Road. During my visit it was noticeable when travelling along these roads that the tree and hedgerow distribution is quite varied. In areas these roads are lined by trees and hedgerows. Elsewhere this is not so much the case which allows for more open views across fields.
8. Hurrells Farmhouse is Grade II listed. It is a traditionally designed farmhouse with some distinctive design features including a catslide dormer, sliding sash windows and quite ornate surrounds to the entrance door. I find that this traditional design contributes positively to the significance of the listed building. Bramble Barn is also Grade II listed and is a converted traditional barn. It is timber framed and this traditional timber construction is an important facet of its significance.
9. Furthermore, these 2 listed buildings also form a pair of traditional farmstead buildings with functional links to the surrounding fields. As such, the buildings provide evidence of the history of agricultural activity in the area. The conversion of Bramble Barn, the formation of its domestic plot and the provision of a cart lodge building next to it, has resulted in some erosion in the relationship between the buildings and these fields. Even so, the agricultural heritage of the 2 buildings can still be appreciated whilst they clearly remain set amidst the surrounding agricultural land. Given this, their visual settings also contribute to their significance and the relationship that the surrounding countryside has with the 2 listed buildings provides an important part of their settings.
10. Even if for functional reasons the building is required to be of the dimensions proposed, given that it would be 25m x 10m and over 6m tall it would be of considerable size and mass. Owing to the sheet cladding proposed and the large roller shutter door, it would also be of quite utilitarian appearance.
11. The views towards the building across the grassland and quite low hedgerow from Cock Road would be quite open. It would not, therefore, be well screened from here and given its size and design the proposed building would form a prominent feature at the site which would detract from the generally open character of this part of the countryside.
12. In these same views, the proposed building would be seen with the listed buildings in the backdrop which are only partly screened by the trees and hedgerows to their plot boundaries. The proposed building would be taller than much of the hedgerow at the back of Bramble Barn's rear garden. The building would be only partly screened by this hedge and by the trees that intersperse it

- and, it would be visible from this property. In views from Oak Road, next to the Bramble Barn access, the upper sections of the proposed building would also be partly seen with the listed barn building in the foreground.
13. Therefore, there would be several vantage points where the proposed building would be seen in conjunction with the listed buildings. By reason of its size, design and position the proposed building would be an imposing presence within the surrounds to the listed buildings. It would intrude upon the relationship that the listed buildings have with the open countryside whilst also harmfully contrasting with their traditional appearance and construction. There is already a building on the appeal site but it is far smaller than that which is proposed. Therefore, its effects upon the character and appearance of the area and, upon the settings of the listed buildings, are not very comparable to that which would be wrought by the proposed development.
 14. There are other agricultural buildings in the area. This includes those which are constructed with sheet cladding such as that at the Reedons site and that farther to the west. However, the Reedons building is located on the opposite side of Oak Road to both the appeal site and the listed buildings. It is set back from the road behind trees which provides for a quite effective screen. The building farther to the west is a considerable distance from the appeal site. The proposal would result in specific effects that would differ from those wrought by the existing buildings. Consequently, the presence of these existing buildings does not weigh in favour of the appeal proposal to any meaningful extent.
 15. Therefore, the proposed development would have a harmful effect upon the character and appearance of the area. It would also fail to preserve the settings of the listed Bramble Barn and Hurrells Farmhouse. In coming to this view, I accept that, as an agricultural building, the proposal would be reflective of the function of the Hurrells farmstead. Even so, I nevertheless find that the harm that would be caused by the proposed building's imposing presence and unsympathetic design would outweigh any merit derived by the functional connection with the land. I also acknowledge that the site is not located within a designated landscape or a conservation area but, for reasons I have given, I nevertheless find that the proposal would be harmful.
 16. The harm to the designated heritage assets would be less than substantial. Even so, such harm is a matter of considerable importance and weight in my determination. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon me to pay special regard to the desirability of preserving the listed buildings or their settings or any features of special architectural or historic interest which they possess.
 17. The National Planning Policy Framework (the Framework) sets out at paragraph 200 that any harm to a designated heritage asset requires clear and convincing justification. I accept that the size and form of agricultural buildings must relate to their function whilst, in principle, they are a form of development to be expected in a countryside location. The appellant has submitted reasons for the site selection. Factors such as siting the proposed building in a viable location close to where the crop haylage would come from, close to a road with an existing access and with a shorter route to the proposed building are all logical.
 18. However, whilst land might be farmed at both Nether Hall Farm and Woodertons Farm I have limited detail before me on the location of all of the

land cited as being farmed, its buildings or content. Given this, the submissions made that alternative locations for the proposed building that would be accessible and, suitably close to where the crop haylage would come cannot be found, are not very compelling. Consequently, overall, though there may be a requirement for a new building, the evidence that there is the requirement for this building in this particular location within the setting of listed buildings is also not compelling. In turn, the harm that would be caused to the heritage assets by reason of the siting, size and design of the building proposed has not been clearly and convincingly justified.

19. The Framework further sets out at paragraph 202 that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
20. The proposal would support the rural economy and employment. It would also enable the expansion of an agricultural business and may also assist that business diversifying. However, the evidence before me on the specific contribution that the proposed development would make to the existing farming enterprise is quite limited. Some economic benefits as a result of job creation would arise from both the construction and operational phases of the development, albeit, again, I have little information in this regard. Given all that is before me, I find that the public benefits that would be derived from the development would be insufficient to outweigh the less than substantial harm to the heritage assets.
21. For the above reasons, the proposed development would unacceptably harm the character and appearance of the area and would fail to preserve the settings of 2 listed buildings near the site. As a result, the proposed development would conflict with Policies SP7, LPP47, LPP52 and LPP57 of the LP. Amongst other matters, these policies require the layout, design and scale of proposed development to be of a high standard that would be in harmony with the character and appearance of the surrounding area and, that would protect and enhance the historic environment including the immediate settings of heritage assets.

Living conditions

22. Given the quite dispersed built form that Little Maplestead has and that elsewhere in the vicinity of the site buildings and farmsteads are generally spread out, it is part of the character of the area that properties are well spaced apart and often set within spacious plots. The outlook from many residential properties in the area will therefore be pleasant and quite open in character. Reflective of this, a large garden is to the rear of Bramble Barn which is partly enclosed by hedgerow interspersed with trees. Much of this garden abuts fields including the field which contains the appeal site.
23. Although it is positioned near to one of Bramble Barn's garden boundary hedgerows, the existing building on the appeal site is far smaller than that which is proposed. Therefore, the existing building is very well screened by the hedge. The much larger proposed building would run closely alongside this boundary hedge and for a substantial proportion of its length. Though this hedgerow interspersed with trees would provide for some screening, the proposed building would be taller than the hedge itself and its upper sections

would be visible from the garden at the back of Bramble Barn. This would be particularly the case at those times of the year when the trees would be less in leaf. Owing to its sheet cladding that would form the elevation flanking the Bramble Barn plot, the building's somewhat utilitarian appearance would also be apparent.

24. The scale, appearance and proximity of the proposed building would form a dominant structure at the rear of Bramble Barn particularly from those parts of the garden closest to it. The more open and pleasant outlook that presently exists at the rear of Bramble Barn would be harmfully eroded and result in a level of outlook divergent from that which prevails in the area. By reason of these effects upon outlook, unacceptable harm would be caused to the living conditions of the occupiers of Bramble Barn. Although an agricultural building such as that proposed would be reflective of the function of the Hurrells farmstead, this particular proposal would result in the harm I have identified and this would not be outweighed by any merit derived by the functional connection with the land.
25. The proposed building would be sited farther away from the Hurrells Farmhouse plot than Bramble Barn. More stretches of hedgerow are also located between the Hurrells Farmhouse plot and the proposed siting of the building. Therefore, from within the bounds of the Hurrells Farmhouse plot, I find that the proposed building would be a less prominent feature and would not result in any unacceptable effects upon the outlook of the occupiers of that property.
26. The proposed development may not unacceptably reduce light, cause significant overshadowing or infringe upon the privacy of neighbouring occupiers. However, the absence of harm in relation to these matters would not outweigh the harm I have identified would be caused to the outlook of the occupiers of Bramble Barn. The Council raise some other matters relating to the living conditions of neighbouring occupiers which relate to the activities associated with the building, points which the appellant has responded to. However, the Council's reasons for refusal do not reference these matters. I have already identified that unacceptable effects upon the outlook of the occupiers of Bramble Barn would occur and, therefore, it is not necessary for me to address these other living condition matters in this main issue.
27. Therefore, the proposed development would be contrary to Policy LPP52 of the LP. This policy sets out that development should seek a high standard of layout and design which would result in no unacceptable impacts on the living conditions of nearby occupiers. The proposed development would also conflict with advice within the Framework including that at paragraph 130 which states that development should function well and provide a high standard of amenity for existing land users.

Other Matters

28. The proposed development may benefit from the permitted development provisions afforded by Part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015, however, this is subject to limitations and conditions. This includes that the development is subject to the prior approval procedure which requires that an application be made to the Council for a determination as to whether the prior approval of the authority is required in relation to the siting, design and external appearance of the

development. This is an essential component embedded in the permitted development right.

29. As matters of character and appearance, heritage and living conditions are relevant to these prior approval matters, I have no substantive evidence which indicates to me that prior approval would be given by the Council. In these particular circumstances, the benefit afforded by the Part 6 permitted development provisions is of limited weight in my determination and insufficient to outweigh the harm I have identified in the main issues.
30. I accept that in principle terms, the development of an agricultural building in the countryside is appropriate and that the proposed development may be regarded as being quite typical within a rural location. However, for the reasons I have set out, this particular proposal would cause unacceptable harm to the character and appearance of the area, to the settings of listed buildings and to the living conditions of neighbouring occupiers.
31. The proposed development may not be situated within a location likely to flood or result in any adverse highway effects. However, these matters are neutral factors in my determination and do not outweigh the harm I have identified. Even if the proposed building would provide adequate ventilation, again, this would be a neutral factor.
32. Objection to the proposed development as a result of the Council's consultation exercises may have been limited but this does not in itself render the scheme appropriate nor overcome my concerns. As Section 2 of the LP has now been adopted, the weight that the Council attributed to it in its emerging form has no bearing upon my decision.
33. The appellant has provided decision notices in relation to 3 other developments granted planning permission by Braintree District Council. However, their particular relevance to the appeal proposals has not been made clear to me. In any case, I have determined the appeal on its own merits. Accordingly, these other developments are of very limited weight in my decision.
34. Policy LPP7 of the LP relates to rural enterprise but specifically refers to the conversion and re-use of existing buildings. As such, its content is largely irrelevant to the new build proposed in the appeal case and the specific harm I have identified. Therefore, I find no conflict with this particular policy.

Conclusion

35. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In the main issues, I have identified that the proposed development would result in a harmful effect upon the character and appearance of the area, that it would fail to preserve the settings of the listed buildings and would result in unacceptable harm to the living conditions of the occupiers of Bramble Barn. I have identified conflict with development plan policies as a result of these effects.
36. The appellant has drawn to my attention a number of other development plan policies. Whilst I accept that the proposed development would not conflict with all development plan policies relevant to it, I have nevertheless identified harm, that some policy conflict would arise and, overall, I conclude that the proposed development would conflict with the development plan as a whole. I

have had regard to other considerations material to the appeal including the Framework and there is advice therein with which the proposal would also conflict. There are no considerations of sufficient weight to indicate a decision other than one in accordance with the development plan. The appeal is therefore dismissed.

H Jones

INSPECTOR