



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/22/3311887

Land adjacent to Oak Road, Woodertons Farm, Oak Road, Little Maplestead

- 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 22/02090/FUL, dated 5 August 2022, was refused by notice dated 21 November 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.

Main Issues

3. The main issue is 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.

Reasons

4. The site forms part of a field located within a rural area on the fringes of the settlement of Little Maplestead. Nearby are a group of buildings including Hurrells Farmhouse and the nearer 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.
5. An existing gate provides access to the appeal site from a road which in different sections is named as Oak Road and Gestingthorpe Road. On the boundary of the site with this road there is a hedgerow together with some trees within the roadside verge.
6. 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

¹ Appeal Reference APP/Z1510/W/22/3311886

timber framed and this traditional timber construction is an important facet of its significance.

7. 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.
8. Red House is another Grade II listed building situated to the north of the field within which the appeal site is located. It is a traditionally designed house constructed of red coloured brick with red roof tiles. The property incorporates sash and bow windows, chimneys at both ends and distinctive brick detailing. These traditional design features contribute positively to the significance of the listed building. Trees, hedgerows and grass fields provide a quite verdant setting to the building and this provides a pleasant setting within which the building is experienced.
9. The amendments made to the proposed building's external materials, which would now include slate tiles to the roof and feather edged boarding in black to the elevations, were a beneficial change. They would provide a more traditional building with a less utilitarian appearance. Despite this and, 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.
10. Although it would be set back from it, the proposed building would be positioned quite closely beside the adjacent road with the 25m long elevation running alongside it. Next to the appeal site the roadside hedge is not very high and the trees in the roadside verge on this side are quite modest features. The existing landscaping would not screen the proposed building's scale very effectively. I note the intention to allow the hedge to grow and the plans propose additional planting. However, limited detail of these landscaping proposals has been submitted, new planting would be likely to take a considerable time to mature and, therefore, it has not been shown to me that an effective landscaped screen would be provided.
11. Given the proposed building's size and orientation in particular, in views from the adjacent road, it would form a prominent building at the site which would detract from the generally open character of this part of the countryside.
12. Whilst the cart lodge building would be between the appeal site and the listed Bramble Barn, the proposed building would still be closely positioned to both Bramble Barn and the next door Hurrells Farmhouse. From the adjacent road it would be seen in conjunction with these 2 listed buildings and with Red House. By reason of its size, orientation and position the proposed building would be an imposing presence within the surrounds to the listed buildings. It would harmfully intrude upon the relationship that Bramble Barn and Hurrells

Farmhouse have with the open countryside and detract from the verdant setting within which Red House is appreciated.

13. There are other agricultural buildings in the area, including those 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.
14. 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, Hurrells Farmhouse and Red House. 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 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.
15. 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.
16. 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.
17. 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.
18. 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.

19. 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.
20. 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 3 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.

Other Matters

21. The only reason the proposed development would not constitute permitted development may be due to its proximity to the adjacent road and, if it were farther away it may be permitted development. However, the development is proposed in the location shown on the plans not another location near to it. Regardless, the permitted development provisions afforded by Part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015, are 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.
22. As matters of character and appearance and heritage 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.
23. 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 and to the settings of listed buildings.
24. The proposed development may not harm the living conditions of neighbouring occupiers, 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.

25. 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.
26. 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.
27. 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

28. 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 and that it would fail to preserve the settings of the listed buildings. I have identified conflict with development plan policies as a result of these effects.
29. 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