



Appeal Decision

Site visit made on 19 December 2023

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2024

Appeal Ref: APP/X1545/W/23/3319119

Granary approximately 10 metres East of Stock Hall, Hatfield Road, Ulting, Essex, CM9 6QD

- 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 John Barnes, Philip Martin & Lynda Claydon against the decision of Maldon District Council.
 - The application Ref FUL/MAL/22/00933, dated 17 August 2022, was refused by notice dated 6 January 2023.
 - The development proposed is Conversion of redundant grain store (Building B) to create 2 no. residential units.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the Council's decision, the National Planning Policy Framework (the Framework) was revised in December 2023. The content of the Framework has not been materially altered in respect of the main issues which I have considered. Therefore, it has not been necessary to seek further views of the main parties in this instance.

Main Issues

3. The main issues are:
 - whether the proposed development would provide a suitable location for housing, having regard to the spatial strategy; and
 - the effect of the proposed development on the character and appearance of the area, and on the setting of the Grade II listed buildings at Stock Hall Farm.

Reasons

Appropriate Location

4. The appeal site is located off Hatfield Road (B1019), which links the larger settlements of Hatfield Peverel and Heybridge. The site is outside of any defined settlement boundary. The Councils spatial strategy generally encourages development within existing settlement boundaries and that outside of these boundaries' development will be more strictly controlled.

5. Policy S8 of the Maldon District Approved Local Development Plan (LDP) reinforces the Council's development strategy. Although it does not expressly restrict developments outside settlement boundaries, it only permits them if they would not result in harm to the intrinsic character and beauty of the countryside and provided that they meet any one of a number of additional exceptions. One such exception is the re-use of redundant or disused buildings that would lead to an enhancement of its immediate setting.
6. The policy accords with the support offered within paragraph 84 of the Framework which permits the development of isolated dwellings, where they involve the re-use of redundant or disused buildings and enhance the immediate setting.
7. Therefore, the principle of converting the building to residential use finds support within policy S8 of the LDP, subject to further consideration on whether the proposal would result in an enhancement of its immediate setting. Therefore, I am satisfied that there would be no overarching conflict with the spatial policies of the LDP.

Character and appearance

8. The appeal site comprises a large agricultural building which forms part of a larger group of former agricultural buildings arranged in a square courtyard. Two of the buildings within the courtyard benefit from prior approval for conversion to residential use but all are currently redundant and disused.
9. The appeal site is adjacent to the separate Stock Hall Farm complex which include Stock Hall Farmhouse, a granary and associated agricultural buildings. The appeal site is screened from this group of buildings by landscaping, but glimpsed views are possible from the entrance to Stock Hall Farm and from the fields to the rear of the site.
10. The existing building has a simple, utilitarian and typical agricultural appearance, which is characteristic of its use and rural location. The building is now in disrepair, having become redundant from its original use.
11. The building is prominent in views from the access road and Hatfield Road, but it is assimilated into the rural landscape as a result of its former use and as such contributes positively to its immediate setting within the Stock Hall Farm complex and the wider agricultural landscape.
12. The conversion of the building would require the introduction of windows and doors and this would lead to a domestication of the building. Part of the building, the taller end element, which breaks up the overall massing of the building and provides an indication of its former use, would be removed. The existing profile sheeting on the roof and elevations would also be replaced, with black stained weatherboard and a metal rolled zinc roof, further altering the character of the building.
13. This, in combination with the introduction of the doors and the pattern of fenestration which appears to have been designed to meet the internal room layout rather than to retain the simple utilitarian form of the building, would alter the character and appearance of the building and would mark a stark contrast to its existing unassuming form.

14. The building also currently reads as a single structure and the proposals will strongly alter this interpretation of the building, with the front elevations being clearly defined as two separate dwellings. Collectively, these works would alter the character and appearance of the building and would fail to maintain its utilitarian appearance.
15. In addition, the conversion to two dwellings would lead to a more intensive use of the site. The area to the rear of the building would need to be subdivided to provide two separate private amenity spaces. This would have the effect of eroding the open and rural character of the immediate area.
16. Two of the other buildings on the site have permission to be converted to a residential use, and therefore I have taken into account that the overall character of the wider courtyard would change if these permissions were implemented. I have not been provided with any details of how building E will be converted, albeit this building is currently a lightweight structure of a smaller scale, in terms of height, than the appeal building and therefore its presence is less dominating within the context of the courtyard when viewed from the entrance to the site, as such any changes to the buildings external appearance will be less apparent.
17. The plans provided for Building C, illustrate how the building will retain its agricultural character with black corrugated cement roofing, which matches the existing roof and the openings on the front elevation are retained, including small panes of glass. The overall changes to the appearance of this building appear to be minimal.
18. Therefore, whilst I have given weight to the changes which could occur to the context of the wider site, I consider that the proposed alterations to the appeal building, as the most prominent building within the group, would be harmful to the setting of the courtyard and the changes would have a greater visual impact than those proposed to either Building E or Building C.
19. Policy D1 sets out the requirements for design quality and the built environment. In particular, the policy requires development to respect and enhance the character and local context and make a positive contribution in terms of architectural style; height, size, scale, form, massing and proportion; landscape setting and layout, orientation and density. Development should also contribute to and enhance the local distinctiveness.
20. Whilst the Framework encourages the re-use of redundant buildings, it requires development to result in an enhancement to the buildings immediate setting. It also highlights the need for development to be sympathetic to local character. Therefore, the Framework does not alter my findings on the main issue.

Listed Buildings

21. The adjacent Stock Hall Farm complex comprises 4 Grade II listed buildings, Stock Hall Farmhouse, Granary approximately 10 metres East of Stock Hall Farmhouse, Farm Outbuildings approximately 12 metres South West of Stock Hall Farmhouse and Farm Outbuildings approximately 15 metres South West of Stock Hall Farmhouse.

22. The farmhouse is the principal dwelling on the site and together with the group of other historic buildings on the site they form a cohesive group. In my view, their significance is derived from their architectural quality and through forming part of the group of historic buildings which make up the original farmstead.
23. Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 ('the LBCA Act') requires special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses when dealing with planning applications. Paragraph 205 of the Framework states that when considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the asset's conservation; the more important the asset, the greater the weight should be.
24. The glossary of the Framework gives a definition of the setting of a heritage asset as "the surroundings in which a heritage asset is experienced". It goes on to advise that the extent of this setting is not fixed and may change as the asset and its surroundings evolve.
25. The appeal site is separate from the Stock Hall Farm Complex, but it does share an association with the agricultural buildings on the appeal site due to the complementary uses and proximity. The site also retains its isolated group setting as a group served by a single access from Hatfield Road.
26. Therefore, I find the harm to the setting of the listed building from the loss of the former agricultural use which was closely associated with the historical association of the grouping, to be less than substantial in this instance but nevertheless of considerable importance and weight. This is also confirmed by the appellant's heritage statement which summarise that the proposed scheme is consider to cause a low degree of harm to the setting of the historic farmstead and farmhouse as it would erode some of its rural setting.
27. In accordance with paragraph 207 of the Framework, that harm, albeit limited, should be weighed against any public benefits of the proposal. The site would give rise to some economic benefits during the construction phase and I consider that there would be modest social benefits arising from the contribution to the Council's housing supply, noting the Framework highlights the contribution small and medium sized sites can make to meeting the housing requirement in the area.
28. I also note that the development would go towards meeting an identified need for 2 and 3 bedroom properties within Utling and Langford and this is a consideration which also attracts moderate weight. There are also benefits arising from the opportunity for biodiversity net gain from landscaping of the site.
29. I have taken into account the permitted residential use of the wider site which has been established through the prior approval granted for the conversion of Buildings C & E. The introduction of a residential use in the former agricultural farmstead has therefore been established and will inevitably create a change to the setting of the listed buildings and the wider setting. I have no reason to doubt the appellant's intention to implement these permissions as part of a comprehensive development of the site. These approvals do not give the same opportunities to deliver mitigation in terms of landscaping.

30. As such there is a degree of public benefit arising from the proposed development, securing extensive planting of trees, hedgerow and shrubs to soften the appearance of the site as a whole. These works would take place outside of the application site, but on land owned by the appellant.
31. However, these modest benefits are not considered to outweigh the identified harm to which I must attach considerable importance and weight. The proposal would, therefore, fail to preserve or enhance the setting, and thereby the significance of, the designated heritage asset. It would not accord with the policies of the Framework which seek to conserve and enhance the historic environment.
32. In conclusion, the effect of the proposed development on the character and appearance of the area, and on the setting of the Grade II listed buildings at Stock Hall Farm would be contrary to policies S8, D1 and H4 of the LDP. These policies seek to ensure that proposals do not result in harm to the intrinsic character and beauty of the countryside and requires development to respect and enhance character and local context and make a positive contribution in terms of architectural style, whilst seeking to respect and enhance the character and local context of the historic environment.

Other Matters

33. It would appear that the appeal site falls within a 'Zone of influence' for the European designated site, Blackwater Estuary SPA and Ramsar Site as defined in the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy. Natural England has provided revised advice regarding the need to ensure that new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations.
34. As the competent decision making authority, if I had been minded to allow the appeal it would have been necessary for me to complete an Appropriate Assessment for this scheme. However, as I am dismissing the appeal for other reasons, I have not taken the matter further.

Conclusion

35. The development would give rise to some economic benefits during the construction phase and provide limited support to local services. There would be modest social benefits arising from the contribution to the Council's housing supply, noting the Framework highlights the contribution small and medium sized sites can make to meeting the housing requirement in the area.
36. Nevertheless, there would be unacceptable harm to the local environment in respect of character and appearance, impact on the setting of the listed Stock Hall Farm complex. In addition the development does not result in an enhancement to the buildings immediate setting. Therefore, the identified adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

37. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. For the reasons given above, I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR