
Appeal Decision

Site visit made on 14 November 2023

by R Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 February 2024

Appeal Ref: APP/Z1510/D/23/3316079

Bulford Mill, Bulford Mill Lane, Cressing, Essex CM77 8NS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal of planning permission.
 - The appeal is made by Mrs Nicole Elizabeth Smith against the decision of Braintree District Council.
 - The application Ref 22/03196/HH, dated 10 November 2022, was refused by notice dated 11 January 2023.
 - The development proposed is conversion of 1 x rear window to a double door and full height side windows together with steps to the rear.
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Decision

1. The appeal is dismissed.

Procedural and Preliminary Matters

2. The application was made on a dual form seeking both planning permission and listed building consent. Only an appeal form against the refusal of listed building consent has been submitted and in part c, gives the Householder application reference. Further, the decision notice for the refusal of listed building consent is not before me and the appellant's statement of case specifically refers to '*appealing against the decision to refuse planning permission*'. Accordingly, I am satisfied that this should be regarded as a s78 appeal, and I have determined the appeal on this basis.
3. As the proposal relates to a listed building, I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. Although a slightly different name has been entered on the appeal form, I am satisfied that the appellant has not changed and that the appeal can proceed.
5. On 19 December 2023, the Government published a revised National Planning Policy Framework (the Framework). I gave the parties an opportunity to comment on its significance for the appeal and have determined the appeal on this basis.
6. Paragraph 200 of the Framework requires applicants to describe the significance of any heritage assets, such as listed buildings, which may be affected by a scheme. It goes on to advise that this should be proportionate to the assets importance and sufficient to understand the potential impact of a scheme on its significance when assessed using appropriate expertise.

7. The Council's reason for refusal contends that such work has not been undertaken and the information before me is limited. However, I am satisfied that I have sufficient information on which to make a decision on the appeal, including from my own observations at the site visit.

Main Issue

8. The main issue is whether the proposal would preserve Bulford Mill, a Grade II listed building, and any features of special architectural or historic interest that it possesses.

Reasons

9. Bulford Mill (the Mill) occupies a prominent position on the northern side of Bulford Mill Lane. A four storey former water and steam mill originating from the 19 century it is in use as a residential dwelling. Constructed from red brick for three storeys, partly timber framed and with a weatherboarded fourth storey under a slate roof the Mill was a fulling mill from 1804 to 1813 and was then converted for processing corn, employing 16 men and boys using stones worked by both an overshot wheel and later, by an engine and turbine. The Mill produced flour until 1947.
10. The building contains a variety of fenestration, including sash windows, casements in the upper storeys and doorways, including at first floor level, some of which had been blocked up in matching brick. I observed that the affected elevation's first and second floor contained three similar sashes of equal proportions, with a segmental arch over the millrace. The fenestration in the top floor appears to differ from that given in the listing description and rainwater goods appear to have been removed from underneath the affected window¹. However no further details, including of any consent or permission for those works and development are before me.
11. The affected rear elevation contains a pleasing symmetry in its fenestration at first and second floor level that provides architectural interest and value. I also observed a number of historic cast iron anchor plates including 'S' shaped ties on all of the elevations, including below the existing windowsills on the rear elevation.
12. Internally the building retains a significant variety of stylistic and functional fixtures and fittings and surviving fabric evidence relating to its former operations. Relevant to this proposal, this includes substantial Oak windowsills. Overall, the building retains a strong traditional form and appearance and is a fine repository and expression of past building and working traditions and technologies demonstrating the skills of the craftsmen of the time. Consequently, the special interest of the listed building, insofar as it relates to the development before me, is primarily associated with its surviving historic fabric and architectural, aesthetic, and historic cultural value.
13. There is no evidence before me that indicates there was any access at this point to justify the proposal. Although the development has been designed to reflect an existing first floor door in the elevation facing the lane, that door appears to be a more modern alteration, infilling an opening that would have been historically used for hoisting materials into the Mill from the lane. That elevation also lacks the symmetry of fenestration evident on the rear elevation.

¹ Based on images attached to appellant's statement.

14. The combination of a full height patio door, with a more domestic rather than functional appearance, along with the necessary stepped access, would be visually inconsistent with the historic pattern and articulation of fenestration on the rear elevation. The formation of a larger opening in this part of the building would also necessitate the removal of external brickwork, internal removal of the windowsill and the rerouting of pipework. Although the plans before me are limited the development may also necessitate the removal of the external anchor plates below the existing window. The development would therefore result in the irrevocable alteration and loss of part of the building's historic fabric that contributes to its significance.
15. I acknowledge the proposal would not be entirely visible from the lane. Nonetheless, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building can be gained. The proposal would be visible and experienced from the rear and within the building's intimate garden setting next to the millrace.
16. A further domesticating element the development would harmfully disrupt the symmetry of fenestration on the rear elevation eroding the historic and architectural integrity of the listed building. That the front elevation, upper floors and roof of the building would not be affected does not sufficiently justify what would be a harmful alteration to the significance of the building.
17. There is a lack of detailed information before me regarding the steps and the proposed door, which in this case would not be appropriate to be left to a condition. Whilst this has somewhat limited my assessment it has not been determinative because the proposed intervention would be harmful to the building's special interest and its significance in principle.
18. In the terms of the Framework, I find the harm to the significance of the building to be less than substantial but nevertheless of considerable importance and weight. Under such circumstances, the Framework advises that the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
19. The proposal would be for preferred access to a private garden to improve current living arrangements for the appellant. However, these would be private benefits. There would be some small economic benefits accrued through the manufacturing and installation stage, but these would be small given the scale of the proposal. The continued viable use of the appeal property as a residential dwelling is not dependent on the development as the building has an ongoing residential use that, on the evidence before me, would not cease in its absence.
20. Drawing everything together the public benefits would not be sufficient to outweigh the considerable importance and weight that I must give to the less than substantial harm that would occur.
21. Given the above, the proposal would fail to preserve the special architectural and historic interest of the Grade II listed building. This would fail to satisfy the requirements of the Act, the Framework and conflict with Policies SP7 and LPP57 of the Braintree District Local Plan insofar as they require development of internal or external alterations to meet the tests in national policy and that all new development is of a high standard of architectural design. As a result, the proposal would not be in accordance with the development plan.

Conclusion

22. For the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR