



Appeal Decision

Site visit made on 6 February 2024

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 27 February 2024

Appeal Ref: APP/Z1510/W/23/3323494

Claypit Hall Farm, Mill Road, Great Bardfield, Essex CM7 4QG

- 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 Turner against the decision of Braintree District Council.
 - The application Ref 22/01821/FUL, dated 30 June 2022, was refused by notice dated 5 December 2022.
 - The development proposed is the erection of single dwelling with associated landscaping work, access and operational development, including removal of a modern poultry house and agricultural store.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (NPPF) has been updated twice since the Council made its decision. The latest version is dated 19 December 2023. The appellant and the Council have been given the opportunity to comment on this version and I have taken their responses into account.
3. The original planning application was submitted before 19 December 2023 and so the Council is still required by the NPPF to demonstrate a 5-year supply of housing for decisions on such applications. At the time of determination in December 2022, the Council could only demonstrate a 4.86-year supply of housing. However, on 1 February 2024, the Council advised that it could now demonstrate a 5.8-year supply of deliverable housing sites. The appellant has been afforded the opportunity to comment on this additional evidence and I have taken all representations on this evidence into account.
4. It is necessary to have regard to housing supply matters when dealing with proposals for new dwellings. Decisions, including those made at appeal, should be based on the most up to date and publicly available information on housing supply. The Council's latest housing supply figure of 5.8 years, regardless of how it has been achieved, has not been challenged. Thus, I have proceeded on the basis that the Council can now demonstrate a 5-year housing land supply.

Main Issues

5. The main issues are:
 - (a) whether the proposed development location would provide acceptable access to services and facilities; and
 - (b) the effect of the proposed development on the rural economy.

Reasons

Accessibility

6. The appeal site is located to the west of Claypit Hall Farm on the north side of Mill Road. It contains an agricultural barn previously used for keeping poultry and pigs but currently vacant. Between the barn and the road is an area of grass, while on the opposite side is a pond and muck heap. The site is surrounded by fields and open countryside, with the settlement edge of Great Bardfield situated to the west.
7. In planning policy terms, the site is in the countryside beyond any development boundary. Policy LPP1 of the Braintree District Local Plan 2013-2033 (LP) states that development outside development boundaries will be confined to uses appropriate to the countryside whilst also protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils to protect the intrinsic character and beauty of the countryside.
8. LP Policy SP3 looks to focus development within or adjoining settlements. Beyond the main settlements, the policy supports the diversification of the rural economy and the conservation and enhancement of the natural environment. Amongst other things, LP Policies SP7 and LPP42 require well-connected places and sustainable transport that prioritise pedestrians, cyclists and public transport services above use of the private car. While LP Policy LPP1 does not define what is meant by appropriate uses in the countryside, given the emphasis of other policies such as those mentioned above, it is evident that market housing would not normally be regarded as appropriate.
9. Great Bardfield is designated as a Second Tier Village in the LP spatial strategy. LP paragraph 3.6 states that such villages provide the ability to meet some day to day needs but lack the range of a Key Service Village, while development of a small scale may be considered sustainable within the village. There is a reasonable range of services and facilities in Great Bardfield including a primary school, a small convenience store (the Co-op), a butchers, pub/cafes, and hairdressers. There are also bus services to Braintree.
10. The site is only a few hundred metres or a 5-minute walk from the village high street via Mill Road. However, the road is a narrow single track without pavements or street lighting for most of the way into the village. Bends restrict forward visibility in places and the national speed limit applies past the site. Although the road appears to be lightly trafficked, it is nevertheless on a through route to Waltham Cross and beyond. Therefore, while people walk or cycle along the road for leisure purposes and/or to access the village, it is not particularly attractive to do so from a safety perspective especially at night.
11. A farm track along the western side of the site links to a public right of way that loops around to the north side of the village. However, this is a longer route to walk than the road and would not be attractive after dark or during poor weather conditions. Even in dry, daylight conditions, the route is narrow and uneven in places and not suitable for those with pushchairs or mobility issues. The same limitations apply to the public footpath behind Mill Close, which also requires some walking on Mill Road to get to and from the site.
12. Consequently, future occupiers of the proposed development would likely prioritise the private car to access services and facilities. This would have

negative environmental and social effects in terms of the use of natural resources and accessible services as sought by NPPF paragraph 8 when achieving sustainable development.

13. An electric vehicle charging point would reduce reliance on fossil fuels, but this would not overcome the poor accessibility of services and facilities from the site by a range of transport modes. The site is nearer to the village centre than housing on the southern side of Great Bardfield, but these houses are served by pavements and more street lighting with 30mph speed limits that make the routes to services and facilities more attractive to walk or cycle.
14. New housing has been created at School Farm and Hill Farm further east into the countryside. However, these involved conversions of existing agricultural buildings rather than new build and different policy considerations may have been applied. While some conversions have apparently ended up as larger buildings in the countryside in due course, each case needs to be assessed on its own merits.
15. Concluding on this main issue, the proposed development location would not provide acceptable access to services and facilities. Therefore, it would not accord with LP Policies SP3, SP7, LPP1 or LPP42, or NPPF paragraph 8 as set out above.

Rural economy

16. It is apparent that an agricultural use would be, in principle, an appropriate use in the countryside having regard to LP Policy LPP1. LP Policy LPP7 considers that outside development boundaries, proposals for small-scale commercial development, which involve the conversion and re-use of existing buildings that are of permanent and substantial construction and capable of conversion without complete re-building, are acceptable subject to meeting criteria relating to traffic impact, amenity and landscape character. This indicates that small-scale commercial development is also, in principle, an appropriate use in the countryside.
17. LP Policy LPP40 permits the residential conversion of buildings in the countryside where they are of permanent and substantial construction and capable of conversion without complete re-building, provided they meet various criteria. This includes (a) that the site is no longer suitable and has been marketed for commercial use. The supporting text in paragraph 4.126 states that the site must have been marketed for commercial uses for at least a year and the proposal must be accompanied by a marketing appraisal which may be independently verified at the expense of the applicant.
18. Although the existing building is vacant, its last known use was agricultural. It is of basic design and in need of some refurbishment, but I have little evidence to show that it is structurally unsound or incapable of conversion without complete re-build. There is no apparent reason why a conversion could not meet the criteria in LP Policies LPP7 or LPP40.
19. In terms of whether the site is no longer suitable for agricultural use, the appellant produced no marketing information at the application stage. At the appeal stage, letters from two estate agents have been provided. One letter indicates that significant investment would be needed to bring the building up

to a rentable standard but makes no comment on its potential re-use for agricultural purposes which limits the usefulness of the advice.

20. The other letter advises against marketing the building for agricultural purposes due to its condition and location as well as safety considerations. However, these arguments could apply to any disused agricultural building in the countryside, which would undermine the objectives of the LP. While the building may not have been used for 20 years or more, without the evidence of any marketing campaign or appraisal, it is not possible to know whether the site is no longer suitable for agricultural use.
21. The conversion to small-scale commercial use could generate more traffic movements than a dwelling, but these movements could be like an agricultural use if the building was refurbished. There is a risk of theft and crime associated with the existing building, but it would depend on its condition and any security arrangements common to any agricultural structure. The site would be subdivided from the rest of the farm if purchased by a new business, but this would also occur with a new dwelling which could be sold to entirely unrelated owners in the future.
22. The appellant has been unable to progress a residential conversion of the existing building under permitted development rights,¹ apparently due to the existence of the listed building at Claypit Hall Farmhouse. However, I have assessed this proposal on its own merits based on the evidence and policies before me.
23. The replacement of the existing building with a new dwelling would result in the loss of a structure that could still be used for agricultural or small-scale commercial purposes. The justification for its loss is inadequate due to the absence of sufficient marketing as required by LP Policy LPP40. Consequently, the proposed development would have a negative effect on the rural economy contrary to LP Policies LPP1, LPP7 and LPP40. It would also not support a prosperous rural economy as advocated by the NPPF in Section 6 and paragraph 88.

Planning balance

24. The proposed development would help to boost local housing stock and provide a home for a local family even though the Council can now demonstrate a 5-year housing land supply. It would also provide benefits through the construction process and support for local services and facilities. However, given that the development only involves the creation of a single dwelling, these social and economic benefits carry limited weight.
25. The existing building is unkempt and the muck heap to the rear is unsightly. However, in the absence of evidence to the contrary, the building is capable of refurbishment and the muck heap could be removed at any time. Additional planting could help to enhance biodiversity on site although any gains are likely to be limited given the size of the site. Therefore, I give little weight these matters as environmental improvements.
26. The design of the dwelling would be sympathetic to the local area and the setting of the above listed building, but the same could apply if the existing building was refurbished. I have little information to compare the cost and

¹ Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 3, Class Q

resource implications of refurbishment/conversion versus new build to find that the proposed development would be more sustainable. NPPF paragraph 157 encourages the re-use of existing resources including the conversion of existing buildings.

27. The proposed development in terms of its location would not provide acceptable access to services and facilities and would also have a negative effect on the rural economy. There would also be conflict with several LP policies in an up-to-date plan where the Council can demonstrate a 5-year housing land supply. While the development only involves a single property, I nevertheless given significant weight to the negative effects and policy conflict. Conversely, the benefits of the proposed development would be limited and insufficient to outweigh the adverse effects. Therefore, this indicates that planning permission should be refused.

Other Matters

28. The appellant contends that there was a lack of engagement from the Council following the refusal of planning permission in December 2022. However, this does not affect my consideration of this appeal and is a separate matter for the parties to discuss if necessary.
29. While ecology matters were not part of the reasons for refusal, it was necessary to request a copy of the appellant's ecological surveys as appeals should be submitted with all documents provided at the application stage. The Council identified that the proposal would affect the setting of the listed building, so it was necessary to ensure that the correct notification processes had been carried out, even at the appeal stage.

Conclusion

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

Tom Gilbert-Wooldridge

INSPECTOR