
Appeal Decisions

Site visit made on 12 December 2023

by O S Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd July 2024

Appeal A - Ref: APP/C1570/Y/23/3320865

Garrolds Farm, Woodgates End, Broxted, Essex, CM6 2BN

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Messrs Knowles, Smith and Hardy against the decision of Uttlesford District Council.
 - The application Ref UTT/22/3055/LB, dated 9 November 2022, was refused by notice dated 28 February 2023.
 - The works proposed are the demolition of redundant agricultural buildings and the conversion and adoption of a redundant traditional barn into a residential dwelling.
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Appeal B - Ref: APP/C1570/W/23/3320868

Garrolds Farm, Woodgates End, Broxted, Essex, CM6 2BN

- 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 Messrs Knowles, Smith and Hardy against the decision of Uttlesford District Council.
 - The application Ref UTT/22/3054/FUL, dated 9 November 2022, was refused by notice dated 28 February 2023.
 - The development proposed is the demolition of redundant agricultural buildings and conversion and adoption of a redundant traditional barn into a residential dwelling.
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Appeal C - Ref: APP/C1570/W/23/3319489

Garrolds Farm, Woodgates End, Broxted, Essex, CM6 2BN

- 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 Messrs Knowles, Smith and Hardy against the decision of Uttlesford District Council.
 - The application Ref UTT/22/2613/FUL, dated 21 September 2022, was refused by notice dated 28 February 2023.
 - The development proposed is the demolition of redundant agricultural buildings and erection of three dwellings and associated works.
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DECISIONS

1. All three appeals are dismissed.

PRELIMINARY MATTERS

Proposed Works and Development

2. I have amended the descriptions of development from those on the application forms for all three appeals to include reference to the proposed demolition of buildings, to better reflect the proposed development. These amendments reflect, in principle, the descriptions of development used on the decision notices.

Listed building

3. The appeals relate to Garrolds Farmhouse, a Grade II listed building¹, and to works in its setting. I have therefore had special regard to S16(2) and S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as appropriate.

Fallback

4. The Council did not provide a decision on the prior approval application Ref UTT/21/2941/PAQ3 within the statutory timescale. However, it has since issued a certificate of lawfulness Ref UTT/23/0620/CLP, which confirms that it would be lawful to change the use of part of the agricultural buildings to three dwellings. This is further to Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO 2015). This provides permitted development rights for the change of use of a building and land from agricultural use to a Class C3 dwelling.
5. No further details are included within the certificate. However, the prior approval application included drawings that confirm the likely proposal would be for the change of use of part of Building 1 and all of Building 2 from agricultural barns into three dwellings, two within Building 1 and one within Building 2. Associated areas of private amenity space on open land nearby to the buildings would also be created. If this were to come forward then, despite the certificate of lawfulness, the prior approval process as set out in the GPDO 2015 would need to be undertaken. It is not clear at this stage that it would be granted. For example, the changes to the external appearance of the buildings necessary for the conversion to functional residential homes might not be acceptable, as per Condition Q.2(f) of the GPDO 2015.
6. It is also not clear what the likelihood would be that such a prior approval, if granted, would be implemented. The dwellings would likely need to have relatively limited fenestration in order to be acceptable as per Condition Q.2(f). The likely location of the private amenity spaces would not always be directly adjacent to the proposed dwellings. They would be located nearby to, and in the case of Building 1, directly adjacent to retained large agricultural barns, creating an awkward relationship between the two uses.
7. I do not, therefore, view the potential prior approval as having a realistic prospect of being implemented. It is not, therefore, a fallback position to which I attach weight.

¹ List entry number 1322563

MAIN ISSUES

8. The main issues are the:

- effect of the proposed development on the special interest and significance of the Grade II listed building, named 'Garrols Farmhouse' (Appeal A, B and C); and,
- principle of development (Appeal C).

REASONS

Listed building

Significance

9. Garrols Farmhouse dates from the 15th or 16th centuries. It is an attractive building and its significance partly derives from its intrinsic architectural and historic quality. However, its setting in a wider farmstead is also an important contributor to the significance of the building. In this regard, there are a number of barns and outbuildings to the rear of the farmhouse. They are all part of the same farmstead and are visually, historically and functionally linked to the farmhouse and to the wider farm. The historic barns and outbuildings are curtilage listed.
10. Building 1 has an element that is partly brick, with a half-hipped roof. It is that element which is most architecturally pleasing. The timber framing that is exposed internally is largely relatively modern although likely with some historic elements, such as some of the arch braces. There is a relatively modern lean-to to the north west corner which is of limited architectural or historic interest. Internally, some of the historic walls to the part-brick element of the building have been removed to create one large internal space. The historic side wall of the barn, including lots of historic fabric, remains and is important in retaining legibility of the historic planform of the building. The building is currently largely vacant.
11. There are substantial, modern extensions to the more historic parts of the building, running south and east. They are clearly of a different scale, material, and overall feel, for example with concrete walls. These detract from the significance of Building 1 because they overwhelm the original structure and have created a much larger internal space that has changed the character of the building. The extensions also detract from the setting of the Farmhouse, particularly where they extend into the courtyard area to the rear of the house.
12. Building 2 is a fairly large rectangular outbuilding with an internal metal frame. It is in a poor state of repair. Building 3 is open to three sides, with a metal frame and corrugated iron to the roofs. It is not in use. Both buildings are of limited architectural value. However, they are of agricultural character and appearance and are set away from the farmhouse but not so far away as to have lost the inter-relationship with the house. They assimilate into their rural surroundings because of their unassuming nature and agricultural character and appearance, despite their size. Therefore, despite their poor state of repair, they do not detract from the significance of the Farmhouse.
13. Overall, the three buildings considered together have a degree of historic value due to their association with the farmhouse. The buildings and the land between form a common and complementary association with the farmhouse and the agricultural land beyond, creating a working farmstead. Overall, the

three buildings, the land between and the layout contribute positively to the significance of the listed building, albeit not to a significant degree. This is with the exception of the element of Building 1 that is located within the courtyard area behind the farmhouse, because it is too large and too close to the farmhouse, overwhelming it.

Appeals A and B

Proposed

14. It is proposed to demolish the modern additions to Building 1 and the lean-to to the north west corner. It is then proposed to convert the remaining part of Building 1 to a home. The existing side wall of the barn to the south elevation would be retained, albeit with the introduction of fairly extensive fenestration. The works would also involve removing some of the more modern existing fabric, particularly to the north elevation, and replacing with a new elevation with significant amounts of glazing. A metal roof would replace the existing asbestos roofing. Internally, partition walls would be provided to create bedroom and other living spaces. The external facing materials would remain unchanged in that they would be a mixture of brick, weatherboard and lime render.
15. A new car port is proposed, to the east of the retained parts of Building 1. It would be constructed with clay tiles and weatherboard cladding above a brick plinth. A domestic garden area would be created around the retained elements of the building, including tree planting and grassed areas.

Assessment

16. The most important elements of the building would be retained, including the historic fabric to the walls of the original part of the building and much of the internal structure. The removal of the substantial modern additions would improve the setting of the farmhouse and the building itself, by creating a more traditional open courtyard area behind the farmhouse. There would be no harm from the demolition of the lean-to and some benefits by revealing more historic structure behind. The proposed internal sub-division of the barn would cause some harm. However, appreciation of the vertical scale of the building would be retained because only one storey of development is proposed, with no second storey or mezzanine levels. The structure would remain exposed, and this could be controlled by condition.
17. The proposed external materiality would be acceptable, largely reflecting the existing materials, and with a metal roof to replace a relatively modern asbestos roof. This is with the exception of the proposed significant fenestration to the two main side elevations. This would change the character of the building from agricultural to residential. The fenestration would fundamentally alter the character and appearance of the building. Lightspill could only be reduced to a certain degree by condition. The proposed garden area and car port, which in effect would be a garage, would add to this by domesticating land in proximity to the farmhouse. This would be inevitable and could not be conditioned. The two elevations are long and clearly visible from the farmhouse, and the south elevation facing into the currently agricultural courtyard area.

18. The proposal would also result in a separate ownership, or at least separate ongoing use, of the building from the farmhouse and the retained agricultural Buildings 2 and 3 to the east. This would further sever the historic, agricultural relationship between the farmhouse and the building.

Conclusion

19. The combined harm that the works would cause would clearly outweigh any benefits that would be gained from removing the modern extensions to the barn. Overall, they would harm the special interest and significance of the Grade II listed building, named 'Garrols Farmhouse', both directly because the affected building is curtilage listed, and also with regard to its setting in relation to the proposed garden and car port works. The proposals therefore fail to comply with the provisions of Policy ENV2 of the Uttlesford Local Plan 2005 (the LP), which requires proposals not to impair the special characteristics of a listed building and its setting.

Appeal C

Proposed

20. It is proposed to demolish the modern extensions to Building 1, and to then repair and re-insert the external walls as required. It is also proposed to demolish all of Buildings 2 and 3. It is then proposed to erect three detached homes, each relatively large, with associated private gardens, and a driveway and turning area to the front, including areas for car parking. A landscaped buffer, including tree planting, is proposed between the three homes and the remaining parts of Building 1, the farmhouse and the rest of the farm complex. A fence and entrance gates are also proposed.

Assessment

21. The demolition of the modern additions to Building 1 would be beneficial to the setting of the farmhouse, as set out above. Although Buildings 2 and 3 contribute positively to the significance of the farmhouse and to the overall farmstead setting, their demolition would only cause slight harm, due to the poor quality of the existing buildings, their poor state of repair, and the lack of any meaningful historic fabric.
22. However, the proposed dwellings and associated gardens and other domesticating influences such as the driveway would change the character and appearance of the curtilage area of the listed building away from agricultural to residential. The U-shape of the layout of the dwellings would not meaningfully replicate a traditional farmyard layout because of the nature of the buildings, and because they would be separated from the farmhouse by a significant landscaped barrier and entrance gates and fencing.

Conclusion

23. For the reasons set out above, the proposal would harm the special interest and heritage significance of the Grade II listed building, named 'Garrols Farmhouse', both directly because the affected buildings are curtilage listed, and also with regard to its setting in relation to the proposed houses and associated gardens. The proposal therefore fails to comply with the provisions of Policy ENV2 of the LP.

Principle

Appeal C

Assessment

24. The appeal site is part of a farm located in the middle of agricultural land, to the north east of Stansted Airport. It is relatively close to the small settlement of Molehill Green and the slightly larger Broxted. It lies within the Countryside Protection Zone (CPZ) as designated in the LP. Policy S8 of the LP states that in the CPZ, planning permission will only be granted for development that is required to be there or is appropriate to a rural area. The policy also states that development will not be permitted if it would promote coalescence between the airport and existing development in the countryside or if it would adversely affect the open characteristics of the zone.
25. The proposal would create three, substantial new dwellings on currently open land. The proposal involves the demolition of a substantial part of a large barn and two further large barns. The barns, in combination, have a larger footprint and volume, at 728 sq m and 3,213 cubic metres, than the proposed three dwellings, at 454 sq m and 2,093 cubic metres. The tallest building on the site currently measures 8.5 metres in height, whereas the tallest building proposed will be 7.4 metres in height.
26. However, the dwellings are not required to be in the CPZ. Despite being smaller than the existing barns, they would still be relatively large and would not be of appropriate character and appearance for a rural area. This is in direct contrast to the existing barns to be demolished. Although substantial in size, the barns are of agricultural character and appearance and do not erode the countryside setting around the airport. Therefore, despite the volume, height and footprint being materially less and the associated lack of overall harm to openness, the proposal would harm the overall objectives of Policy S8 of the LP, and the specific wording as it relates to development appropriate to a rural area.
27. The appeal site lies between the airport boundary and Brick End. It would, therefore, lead to coalescence between the airport and the southern part of the hamlet. Although it would be small in scale and the coalescence would be limited, the policy does not state that limited loss of coalescence is acceptable.
28. Several examples have been provided of dwellings being approved in the CPZ, including at School Lane, Cricketfield Lane and Croft End. I am not aware of the specifics of each of these permissions. In any event, I must assess the appeal proposal on its own merits and for the reasons set out above, I have concluded that the proposal would fail to comply with the provisions of Policy S8 with regard to the location of residential development in the CPZ.

Conclusion

29. For the reasons set out above, the proposal would be unacceptable in principle due to it failing to comply with Policy S8 of the LP.

PLANNING BALANCE

Appeals A and B

30. The proposal would result in less than substantial harm to the heritage asset, upon which I place great weight in accordance with Paragraph 205 of the National Planning Policy Framework (the Framework). Any harm to a designated heritage asset requires clear and convincing justification, as set out at Paragraph 206 of the Framework. In addition, and as set out at Paragraph 208 of the Framework, where there is less than substantial harm to a heritage asset, this should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
31. The proposed home would be a public benefit. The evidence before me is that the Council cannot demonstrate a five year supply of housing, it being at 4.89 years. This adds to the weight to be attached to the proposed home, but only one home is proposed, so overall I place moderate positive weight on this public benefit. There would also be public benefits to the economy in the short term from construction and in the long term from expenditure on local goods and services from the future occupants of the home. I place moderate positive weight on these benefits because of the relatively small scale of the proposals.
32. Building 1 is largely vacant. However, it is partially used as storage. It is a barn located on a working farm. There is no particular reason to believe that it could not retain its current use and that this would not be viable in the longer term. I have been provided with no substantiated evidence to demonstrate otherwise. There is also no evidence before me that the farmhouse itself is dependent upon full and productive use of Building 1 in order for it, or the wider farmstead, to remain viable. Nor is there any good reason to think that it would be required. It has not, therefore, been demonstrated that a residential use is the optimum viable use of the building or the farmhouse.
33. Therefore, the public benefits of the proposal including securing the optimum viable use of Building 1 would not outweigh the less than substantial harm to the heritage asset that I have identified.
34. Although the Council cannot demonstrate a five year supply of housing land, I have found that the proposal would harm the significance of the heritage asset and therefore this provides a clear reason for refusing the developments. Therefore, in accordance with Paragraph 11(d)i and Footnote 7 of the Framework, I do not apply the 'tilted balance'. Overall, the proposal would fail to comply with the Development Plan, when considered as a whole, and there are no material considerations that indicate I should make a decision otherwise.

Appeal C

35. The proposed development would result in less than substantial harm to the heritage asset, upon which I place great weight in accordance with Paragraph 205 of the Framework. The proposal would also be unacceptable in principle because of its location in the CPZ, which weighs heavily against it.
36. There would be public benefits to the economy in the short term from construction and in the long term from expenditure on local goods and services from the future occupants of the homes. I place moderate positive weight on these benefits because of the relatively small scale of the proposal. The

benefits of the proposed homes by contributing to the land supply of the area are lessened because they are in an unacceptable location in principle. I therefore only place limited positive weight on this factor.

37. As set out above, there is no substantiated evidence before me that the works are required to ensure the ongoing viable use of the farmhouse or wider farmstead.
38. Therefore, the public benefit of the proposal including securing the optimum viable use of the farmhouse would not outweigh the less than substantial harm to the heritage asset that I have identified.
39. Although the Council cannot demonstrate a five year supply of housing land, I have found that the proposal would harm the significance of the heritage asset and therefore this provides a clear reason for refusing the development. Therefore, in accordance with Paragraph 11(d)i and Footnote 7 of the Framework, I do not apply the 'tilted balance'. Overall, the proposal would fail to comply with the Development Plan, when considered as a whole, and there are no material considerations that indicate I should make a decision otherwise.

CONCLUSIONS

40. For the reasons above, all three appeals are dismissed.

O S Woodward
INSPECTOR