



Appeal Decisions

Site visit made on 10 July 2024

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 07 August 2024

Appeal A: APP/C1570/W/24/3339952

Grange Green Barn, Grange Green, Tilty Grange Road, Tilty, Essex CM6 2EQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Jo Jordan against the decision of Uttlesford District Council.
 - The application reference is UTT/23/2926/HHF.
 - The development proposed is two single-storey rear extensions.
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Appeal B: APP/C1570/Y/24/3339955

Grange Green Barn, Grange Green, Tilty Grange Road, Tilty, Essex CM6 2EQ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mrs Jo Jordan against the decision of Uttlesford District Council.
 - The application reference is UTT/23/2927/LB.
 - The works proposed are two single storey rear extensions.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Application for Costs

3. An application for costs was made by Mrs Jo Jordan against Uttlesford District Council. This application is the subject of a separate decision.

Preliminary Matters

4. As the proposal relates to a listed building I have had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).
 5. As the proposal has potential to affect bats, which are a European Protected Species, I have also had special regard to section 40(1) of the Natural Environment and Rural Communities Act 2006 (as amended) (the NERC Act), the provisions of the Wildlife and Habitats Act 1981 and Regulations 9(1) and 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended) which seek to ensure that protected species and their habitats are protected.
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6. The Council has referred to the impact of the proposal on the setting of a listed building in its reason for refusal without identifying a specific heritage asset. As the appeal building is curtilage listed, I will consider how the effects relate to the special interest of the building as a whole, which includes the visual juxtaposition between the barn and the principal building. I shall also consider how the proposal affects the special interest of a nearby farmhouse through changes that would occur to its setting, as set out below.

Main Issues

7. The main issues are: -

- Whether the proposal would preserve the Grade II listed building known as "Seven Bay Barn to West of Tilty Grange" (Ref: 1112184) (the LB) and any of the features of special architectural or historic interest that it possesses and the extent to which it would preserve the setting, as it relates to the special interest of the nearby Grade II listed building, known as "Tilty Grange" (Ref: 1169130) (the Grange) (Appeals A and B) and: -
- The effect of the development on the biodiversity of the area, with particular reference to bats. (Appeal A only).

Reasons

Heritage

8. There are two listed buildings in the immediate area. One, the subject of this appeal is a barn dating from the early 17th century. The other is a former farmhouse, the Grange, dating from the early 16th Century. The historic context of these buildings would have been a working farmstead set within its agricultural hinterland. The current context in which they are experienced comprises the group of historic farm buildings that have been redeveloped for residential use¹. The group now comprises seven dwellings known as Great Barn, Cart Lodge, Abbey Barn, Homewood Barn, The Grange, The Dairy and Grange Green Barn.
9. The Grange is a timber-framed, rendered farmhouse with a plain red tile roof, rising to two storeys with a gabled cross-wing at its west end. It is located on the south-east edge of the group. Passing along Tilty Grange Road the former farmhouse is seen in juxtaposition with the closely grouped agricultural buildings of its stead, surrounded by fields. The functional linkage between the buildings is clearly legible, as is their relationship to the holding that would have supported the farmstead. Its setting, as it contributes to the special interest of this building and insofar as relevant to these appeals, is the legibility of the buildings as a functional group of agricultural buildings set within an agrarian landscape. This makes a direct positive contribution to the special interest of the LB for the reasons given.
10. The LB is a seven-bay timber frame and weatherboarded barn, with a gabled midstrey, now converted for residential use. The barn is a very substantial building, associated with a group of agricultural buildings of more modest scale set around a series of yards, including Grange Green Barn (the appeal building), which faces onto a yard to the front of the LB. The buildings are of simple rectangular design and constructed using locally available materials. The

¹ Council Ref: UTT/0946/94/FUL

appeal building is a later addition, set perpendicular to one end of the LB with a narrow gap between the two. This faces another low building and these form three sides around a former farmyard.

11. The relationship of the buildings and the space around them defines the typical layout of a large farmstead, set around a series of enclosed courtyards. Given the above, I find the special interest of the LB, insofar as it relates to these appeals, to be primarily associated with the simple subservient form and close juxtaposition of former farm buildings which denote its former functional role.
12. Grange Green Barn is a modest single storey building of red brick and timber cladding which forms one side of a courtyard fronting the LB. It has a red tiled roof. It constituted part of the overall functional agricultural group, albeit that it has now been converted for use as a dwelling. For the purposes of the Act, a listed building includes any structure that is within its curtilage which has existed since before 1st July 1948. Whilst not in the list description, listings are primarily for identification purposes and do not necessarily provide an exhaustive or complete description of the special interest.
13. Although at some time Grange Green Barn was joined to the LB, it is now separated from the main barn. It is identified by the Council as forming part of the LB. Whilst the appellant disputes whether the building is listed, on the evidence before me, taking into account the information contained in the appellant's Heritage Statement, the age of the buildings, their close functional relationship and that they were all in the same ownership at the time of conversion, which is subsequent to the LB's listing, I see no reason to disagree with the Council's view.
14. As I have identified above, Grange Green Barn had a close functional relationship to the farmhouse and is laid out facing onto what would have been a farmyard which is still clearly legible. Its modest scale reflects its ancillary status and its position reflects its functional importance within the group. Whilst this courtyard currently provides a circulation and parking area, the original functional layout of the building group is readily apparent.
15. The proposal would add two rear extensions to the appeal building. The land immediately to the rear of the Great Barn and Grange Green Barn provide gardens for the occupiers and has acquired an appearance of domestic use, whilst the wider landscape around the farmstead remains as open land in agricultural use.
16. The conversion of the group of farm buildings associated with the LB has preserved much of their character as former agricultural buildings and retained the legibility of their relationship to each other and the contribution that they make to the form and layout and functioning of the rural farmstead. Whilst the group has seen the addition of outbuildings, the historic layout has been substantially preserved in a relatively unaltered form which contributes to their legibility as former agricultural buildings. The buildings retain their original relative scale and simple form.
17. Grange Green Barn is clearly legible as an ancillary addition forming a small barn yard area with the other outbuilding to the East of the site set to the front of the LB to which it was attached. The proposed depth of the building, relative to the central historic barn and the other former agricultural buildings would undermine the traditionally narrow, rectangular form of this building. The

resultant sprawl of Grange Green Barn away from the barnyard, increased massing and deeper form would be a discordant feature within the traditional layout that would erode the historic form of the group. This would undermine the legibility of the site as a functional farmstead of traditional layout.

18. The appellant has suggested that the proposal would not harm the listed building because it would be to the rear of the appeal building, encroaching into an already domestic space and not widely visible.
19. They assert that the building facing Grange Green Barn is not part of the original historic building and altered the courtyard. Whilst this building may be a later addition to the LB, the appellant's Heritage Statement identifies a building in that location existing over a prolonged period of the LBs history. Whilst it is likely that, over time, alterations may have taken place and the building evolved in form and use, it is identified on the plan at the time of listing of the LB. I also note that another, intervening building existed between the appeal building and the building opposite it.
20. The appellant further asserts that Grange Green Barn was extended south at the time of conversion. From the evidence before me the extent of works undertaken at the time of conversion is unclear. It is likely that, when Grange Green Barn was formed from a series of outbuildings, some reconstruction and other work was included. However, it is clear from the Heritage Statement that a building of similar proportions existed in that location over a prolonged period of the LBs history.
21. The LB has seen change over time whilst retaining its significance. Change can make a positive or negative contribution to the LB. However, I do not find that the proposal would make a positive contribution for the reasons I have already given.
22. I acknowledge, above, that the gardens of the dwellings have introduced a distinctly residential appearance to the setting of the LB. This notwithstanding the change in appearance of the land to residential garden does not justify the undermining of the special interest provided by the layout and form of the former farmstead buildings.
23. The appellant identifies that a substantial outbuilding/garage has been built to the west of the Great Barn, and that this extends further west than the ends of the extensions proposed. They have referred me to the decision letter² relating to that development. I note the Inspector's finding that whereas the southern side of the listed barn has retained more of its historic setting and context, the same is not true of the north side where the character has already changed from what would have been an agricultural farmyard setting to a residential curtilage. However, in that case the Inspector was considering the effect of a separate outbuilding. It did not alter the layout of the historic core buildings of the group. I therefore give that matter limited weight and, in any case, I have determined this appeal on its own merits.
24. The appellant argues that the proposal would not alter the appearance of the building when viewed from the yard, but would only alter the western elevation. This has been altered during the conversion of the building for domestic use by the addition of fenestration, whilst the changes to the eastern,

² PINS Ref: APP/C1570/D/21/3281621

courtyard facing façade were minimised. In this appeal I have identified harm to the building through changes in the footprint of the building and its massing and so, whilst the appearance of the building to the yard is preserved, this does not offset the harm that I have found.

25. It has been identified that the garden to the rear is bounded by a mature hedge and that this limits views into the site from the surrounding countryside. This hedge appears well established, and it is unlikely that the occupiers would remove it, given that it provides privacy to their primary amenity area, the garden. This would protect the site from views from the wider countryside thus limiting the effect of the proposal on the character and appearance of the countryside around the site. Nonetheless, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building or any of their curtilage structures can be gained.
26. Given the above, I find that the proposal would, given the harm that I have identified to the LB itself and the setting of The Grange, fail to preserve the special interest of the listed buildings. Paragraph 205 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have a clear and convincing justification.
27. Given the scope of the works and that the proposal does not affect any historic fabric of the LB that contributes to its special interest, affecting, rather, how the listed buildings are experienced, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Where a proposal would lead to less than substantial harm to the significance of designated heritage assets, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use. I note that the continued viable use of the appeal property as a residential dwelling is not dependent on the proposal as the building has an ongoing residential use that would not cease in its absence.
28. The appellant has not identified any public benefits that would result from the proposal and on that basis the harm that I have identified is not outweighed in this instance. I thus conclude that, on balance, the proposal would fail to preserve the special historic interest of the Grade II listed buildings. This would fail to satisfy the requirements of the Act, paragraph 206 of the Framework and conflict with policies ENV2 and GEN2 of the Uttlesford Local Plan (2005) in as much as these seek, among other things, to protect listed buildings against development that adversely affects the setting or impairs the special characteristics of the listed building and is compatible with the scale, form, layout and appearance of surrounding buildings.
29. I find no conflict between the proposal and Policy S7 of the Uttlesford Local Plan (2005) in as much as this seeks to protect or enhance the particular character of the part of the countryside within which the proposal is set.

Biodiversity

30. The appellants identify that the roof is of modern construction that would preclude bat ingress. During my site visit I observed that, whilst the roof appeared to have been renewed, it nonetheless, through variation in individual tiles, contained numerous gaps beneath tiles. Further, whilst I observed that the roof had been lined, and vents incorporated in the eaves, these vents did not, in all cases, butt up against the rafters on either side. Thus, the roof is not sealed against ingress by small bats.
31. The proposal would entail works to the roof. The appellant submitted a Bat Survey³ which states that no further information would be required as roof tiles are sealed tight. However, my observations on site cast doubt on this. The Bat Survey identifies that bats are active in the area and, I find that there is a realistic possibility that bats may be roosting or foraging in the vicinity. It has not, on the basis of the evidence before me, been demonstrated that the presence of bats can be ruled out without further work.
32. I am mindful of the advice provided in Government Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and Their Impact on Planning that “It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.”
33. I therefore conclude that the proposal would have a harmful effect on biodiversity, with particular reference to bats. It would, therefore, fail to satisfy the requirements of the NERC Act, and conflict with statutory duties under the Wildlife and Habitats Act 1981 and the Conservation of Species and Habitats Regulations 2017 and with para 180 of the Framework, in as much as this seeks to minimise impacts on biodiversity.

Conclusions

Appeal A

34. The proposal would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal has failed.

Appeal B

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

I A Dyer

INSPECTOR

³ Essex Mammal Surveys (November 2023)