



Appeal Decision

Site visit made on 25 June 2024

by L Fleming BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 9 August 2024

Appeal Ref: APP/A1530/W/23/3336150

Old Bouchiers Hall New Road, Aldham, Colchester CO6 3QU

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 Mr Kevin Cannell against the decision of Colchester City Council.
 - The application Ref is 220252.
 - The development proposed is re-develop the existing Stable block at Old Bouchiers Hall, into a new, modern and energy efficient ancillary accommodation as an extension of the main house. Amenities including 4 bedrooms, 4 en-suite bathrooms, a study-office, kitchen/living room and a utility room.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for an award of costs was made by Mr Kevin Cannell against Colchester City Council. This application is the subject of a separate decision.

Preliminary Matters, Background and Main Issues

3. The Council's decision notice reference 2022052 dated 29 June 2023 and planning application form dated 01 February 2022 both clearly refer to the proposed development as described above. The Council's decision notice also refers to the application dated as 01 February 2022. Two sets of plans have also been submitted with the appeal and neither the Council's decision notice nor the Officer report provide the reference number of the relevant plans.
4. However, the Officer report refers to amended plans being received on the 11 May 2023 summarising the amendments as being "chimney removed, elevation and roof material alongside finishing to windows altered" with extracts of those drawings clearly provided in the report. It is therefore clear that the Officer report which led to the Council's decision was referring to the revised plans and elevations drawing references PO1-F and PO2-F. I shall therefore consider the appeal on the same basis.
5. A second application form dated 25 April 2023 has also been submitted with the appeal relating to the same site and stable block for a proposal described as "Conversion of outbuilding into a dwelling". However, irrespective of how this application form was dealt with by the Council, there is no appeal relating to this application form before me.

6. The evidence also refers to an application for listed building consent. I can confirm that no such application is before me and in no way does my determination indicate whether or not listed building consent is required for the proposal. I acknowledge, it is also disputed whether or not the stable block is curtilage listed. However, even if I had found the stable block was not curtilage listed, for the reasons that follow, the outcome of the appeal before me, would have been the same. Therefore, I have not needed to make a determination on this matter, even if that was possible based on the limited information on the matter.
7. Thus, for the avoidance of any doubt I have determined the appeal on the basis of the development described in the banner above and based on the drawing references PO1-F and PO2-F as this is what the Council made its determination on. I am satisfied that no party has been prejudiced by my approach towards all these matters.
8. Against all this background, the main issues are:
 - Whether the proposed annex would be an appropriate form of development in this location having regard to the development plan and national policy.
 - Whether the proposed development / works would preserve the grade II listed Old Bouchiers Hall or its setting and any of the features of special architectural or historic interest that it possesses.

Reasons

5. The appeal building is a former stable block which forms part of a complex of buildings positioned close to the grade II listed Old Bouchiers Hall (the Hall). The Hall and the appeal building are accessed from a narrow lane and are close to a small number of other dwellings and commercial properties surrounded by countryside.

Appropriate form of development

9. Policy DM13 of the Colchester Borough Local Plan 2017-2033 Section 2 (2022) (LP) makes clear that residential annexes will be supported where the need for additional space cannot be met within an existing dwelling or buildings suitable for conversion provided the proposal meets four criteria, including criterion (ii) which requires that demonstrable dependence on the main dwelling is retained.
10. I acknowledge the comment that the proposed accommodation would be occupied by the same family as that which currently occupy the Hall. Although the proposed annex would not be physically attached to the Hall it would be a very short distance from it with the proposed entrance door facing the same access driveway which leads to one of the Hall's entrance doors. In my view, the appeal building is therefore clearly closely related to the Hall. The proposed accommodation is also some distance from other dwellings such that there would be no impact on the amenity of the occupiers of any properties nearby.
11. However, whilst I accept that size is not mentioned in Policy DM13 of the LP, the proposed accommodation would have its own kitchen, four ensuite bedrooms, private outside space and could be accessed without needing to pass through the Hall in any way. On the basis of the evidence before me, the occupants of the proposed annex would have access to an extensive living

space with all the necessary facilities to be able to live independently in the proposed accommodation without ever needing to access the Hall to meet any day-to-day needs. This would be the case irrespective of the Hall being a substantial property with seven bedrooms.

12. Thus, for the reasons given, in my view, the proposed development would clearly conflict with criterion (ii) of Policy DM13 of the LP. Therefore, based on the evidence before me, I am led to the conclusion that the proposed annex would not be an appropriate form of development in this location having regard to the development plan and national policy.

Heritage

The significance of the Hall

13. The Hall is of C16 origin but with later extensions and alterations. It is constructed of brick, now painted white, with a clay tiled gambrel roof hipped at the east end and gabled at the west end. It displays a variety of traditional architectural details including a modillion cornice at eaves, a projected string course, sash windows of a variety of forms and a range of high quality internal historical architectural features. Insofar as is relevant to this appeal the significance of the grade II listed Hall derives from its high quality traditional architectural detailing and its historical association with agriculture.

Effect on the Significance of the Hall

14. The proposal would convert a building currently used as a store associated with the Hall to energy efficient ancillary accommodation to the Hall. The appeal building was destroyed by fire in 1965 and rebuilt using vestiges of the original building. It has previously been used as a stable with stable doors and other relevant features still in place and overall although part of a complex of buildings, some of which are in commercial use, the appeal building retains its appearance as a low height agricultural or equestrian related building irrespective of how it has been used in the past.
15. It is common ground that the proposed development / works would not involve the loss or damage to any historic fabric associated with the Hall and I agree. The proposal would retain the two brick elevations with the remaining elevations clad in horizontal timber boarding with the roof finished in grey zinc and a modest black painted flue installed. The proposed replacement windows would be black powder coated metal and the existing stable doors would be reused as features of the proposed elevations. Overall, the proposed changes to the appeal building would retain its agricultural character and would result in a building finished in high quality materials which would complement the agricultural character and traditional architectural features of the Hall. The finish of the proposed building would also not look out of place in the complex of buildings.
16. However, drawing P01-F shows timber fencing would be erected to the east of the appeal building enclosing a garden with a raised planter and a terrace / decking. The same plan also shows a section of timber fence to the west of the appeal building and a further raised planter although it is not understood what purpose that section of fencing serves.
17. Any extensive outside domestic space or new boundary treatments associated with the appeal building so close to the Hall could result in conflicts with the

traditional architectural details of the listed building. Furthermore, the significant domestication of the space around the Hall could also erode the rural character of its setting. In my view, any such erosion or conflict would harm the setting and significance of the Hall.

18. Thus, whilst the plans and the design and access statement clearly show outside space associated with the proposed accommodation, without full details of the full extent of that space, how it would be used, bound, finished and accessed, I am unable to assess whether these elements of the scheme would harm the designated heritage asset. For that reason, a condition requiring details to be submitted would not be appropriate because I cannot form a clear view on whether these elements of the proposal are acceptable and instead must take a precautionary approach.
19. I therefore conclude that the development / works proposed would fail to preserve and harm the significance of the Hall. That harm would be less than substantial and towards the lower end of any range, but, still of considerable importance and weight. In these circumstances, the National Planning Policy Framework (the Framework) states that the harm should be weighed against the public benefits of the scheme, which includes securing the asset's optimum viable use. I deal with these matters in my conclusions below.

Other Matters

20. I note the Council granted planning permission¹ in May 2023 for an annex and garages at New Bouchiers Hall nearby. However, that development is not comparable to the appeal scheme which relates to a conversion much closer to the Hall. I have also noted the appeal decision put before me² relating to the application of Policy DM13 of the LP to a different scheme. However, the harm I have identified associated with both main issues relates to the specific details of the appeal scheme and location which are not comparable.

Balance and Conclusion

21. There is no substantive evidence to suggest the optimum viable use of the appeal building, particularly as storage or equestrian related purposes associated with the Hall, would be prejudiced without the development / works. The proposal would provide a new high quality living space associated with the Hall. This would be a social benefit. There would also be economic benefits associated with construction and environmental benefits associated with the regeneration of the building and the redevelopment of brownfield land.
22. However, in this case, with the absence of full details of the proposed outside space and associated boundary treatments, I must take a precautionary approach and find all the public benefits combined are insufficient to outweigh the great weight I must attach to the harm I have identified to the Hall. The harm I have found associated with the conflict with Policy DM13 of the LP only carries further weight against the scheme.
23. Thus, the application of policies in the Framework that protect areas or assets of particular importance therefore provides a clear reason for refusing the development proposed. The scheme would therefore fail to accord with the statutory provisions and the Framework and would be in conflict with Policy

¹ Council Reference 230505

² Appeal reference APP/A1530/D/22/3294439

SP7 of the North Essex Authorities Shared Strategic Section 1 Plan (2021) (SLP) and Policies DM13, DM15, ENV1 and OV2 of the LP which taken together, seek to ensure good design generally and that proposals involving listed buildings preserve them and their settings.

24. For these reasons the proposal would not amount to sustainable development and also therefore fails to comply with Policy SP1 of the SLP which aims to achieve a positive approach to sustainable development as detailed in the development plan and the Framework.

L Fleming

INSPECTOR