
Appeal Decision

Site visit made on 27 August 2024

by Peter D. Biggers BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2024

Appeal Ref: APP/C1570/W/24/3337861

Collins Cross, Tindon End, Great Sampford, Essex CB10 2RX

- 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 and Mrs Callow against the decision of Uttlesford District Council.
 - The application Ref is UTT/23/1919/FUL.
 - The development proposed is change of use of stable to residential dwelling and associated development.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of stable to residential dwelling and associated development at Collins Cross, Tindon End, Great Sampford, Essex CB10 2RX in accordance with the terms of the application, Ref UTT/23/1919/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the rural surroundings of Tindon End and in particular whether there is an adverse impact on the setting of the Grade II listed Collins Cross and its heritage significance.

Reasons

3. The appeal site sits on the south side of Tindon End Road accessed off the B1051 and lies adjacent to Collins Cross a grade II listed building. A large, single storey, timber clad stables building with slate roof occupies the site which it is proposed to convert to a residential dwelling. The stables are screened from the lane and adjacent countryside to the south by trees and hedging and from Collins Cross itself by mature trees and a large timber clad outbuilding.
4. According to the appeal paperwork the appeal site was acquired by the appellants in order to construct the stabling and the site is therefore not part of the historic curtilage to Collins Cross.
5. The stables although used for a number of years are now surplus to requirement and the proposal is to convert them into an independent dwelling. The appeal site is in a relatively isolated location and in that context the *National Planning Policy Framework* (the Framework) at paragraph 84 does

restrict residential development to a limited number of circumstances but one of these is the reuse of redundant and disused buildings. Even if I were to take the view that the site is not isolated in the sense of paragraph 84, the Framework at paragraph 124 makes it clear that planning decisions should promote and support the development of under-utilised land and buildings.

6. Policy S7 of the *Uttlesford Local Plan* (ULP) on the countryside is only partially consistent with the Framework being more restrictive on development in the countryside but Policy H6 allows the reuse of rural buildings for residential purposes subject to criteria, including one requiring there to be no demand for commercial or community re-use. As it is common ground between the parties that the reuse of the building for residential would represent the best alternative use and the site location would not lend itself to commercial use, residential re-use would be acceptable. The proposal would comply with the other criteria of Policy H6 and therefore the principle of the proposal would be acceptable. What remains to determine is the impact of the conversion.
7. The stable building already exists and, other than enclosing the pillared frontage to create a larger usable floor area, there is no proposal to extend the building. The building is well screened from the road approaching from the east. There is some visibility approaching from the west and in winter, when trees and hedgerows are bare, there would be glimpsed views of it. However, the converted building's appearance would look little different to the existing in these views.
8. Section 66 of the *Listed Buildings and Conservation Areas Act 1990* requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the listed building. Collins Cross is a Grade II listed C16-C17 timber-framed and plastered two storeyed house with cross wings on the north-east and south-west ends.
9. The appeal property is approximately 35 metres from the listed building and separated from it by the existing substantial outbuilding on the east side of Collins Cross and by mature trees. In inward views from the road the appeal proposal would not be viewed with Collins Cross because of the large outbuilding. Even viewed from the road directly in front of the entrances the ability to 'read' the two buildings in the same view is limited by tree planting and would be largely restricted to wintertime when trees are bare. In any event, as set out above, the stable building already exists which the Conservation Team admit successfully "*preserves the primacy of the host*". It is not proposed to extend its footprint, alter its roof form or height or change the finish and materials as part of the conversion. As this stable must have been granted permission and deemed to be acceptable in the context of the listed building I am satisfied that in terms of the physical form and appearance of the dwelling the proposal would be acceptable.
10. It has been put to me however that the switch to a domestic use is liable to result in an intensification of activity, the introduction of domestic paraphernalia, light pollution and an urbanising effect, failing to preserve what is a quiet, tranquil rural setting to the listed building Collins Cross and its special interest and significance. However, if part of the concern is the introduction of domestic paraphernalia this could be easily controlled by removing permitted development rights under the *General Permitted*

Development Order (GPDO) allowing the Council to control any extensions, alterations, curtilage buildings or intensification of development on the site.

11. In terms of the impact of a residence on tranquillity, use as stables would have involved a considerable degree of toing and froing, deliveries etc and I am not persuaded that this would be substantially different to the level of activity generated by what would be a relatively small dwelling. Indeed, removal of equine use and equipment - horse box, straw, manure heap etc - would be a modest benefit of the scheme.
12. In terms of light spillage and pollution it is reported that there is already external flood lighting at the stables which would be removed. The conversion does not propose rooflights so upward light spillage would not be an issue. Whilst the proposal introduces full height patio windows to the living space and main bedroom, any internal light spillage from these windows would be on the southern side of the building screened from the road with only smaller format windows facing the road and none in the gables facing the listed building. I am not persuaded therefore that light spillage and light pollution would be a concern or impact on the setting of the listed building.
13. For these reasons, and subject to a controlling condition removing PD rights, the proposal would not result in an urbanising effect that would harm the setting or significance of the listed building and its character and appearance would be preserved. The proposal would therefore not conflict with the Framework at Section 16 or with ULP Policy ENV2 seeking to preserve and enhance heritage assets.

Other Matters

14. A third party occupant opposite the site has expressed concern at the impact of the conversion in terms of the intensification of use and traffic generation in the lane. The two properties are separated from each other by mature hedging and the lane itself and in terms of the impact on traffic generation the parking for two vehicles proposed as part of the conversion would be unlikely to result in any greater traffic generation than an active stable use.
15. Although the council could demonstrate just over a 5 year housing supply in October 2023, because of a poor housing delivery over the 3 years up to 2022 the Council has had to add a 20% buffer and the Council states the supply is actually only 4.5 years. This being the case the 'tilted balance' set out in the Framework at Paragraph 11d) is engaged. In this context, the supply of further housing would be important even though in this case it is a gain of only one.
16. With the Framework's 'tilted balance' triggered it is important to apply that balance. Paragraph 11d) of the Framework provides that the presumption in favour should apply other than in two circumstances. The first of these is relevant in this case, namely whether the development would conflict with Framework policies to protect areas or assets of particular importance - in this case the listed building. As set out above there would be no harm to the significance of the listed building or its setting. Moreover in terms of the second test there would be no adverse impacts of the proposal that would significantly and demonstrably outweigh the benefits, when assessed against the policies in

this Framework taken as a whole. There is therefore no reason why the tilted balance should not apply.

Conclusions and Conditions

17. In reaching my decision I have had regard to the matters before me. I am satisfied that the conversion of the stables to residential use would not have an adverse impact on the character and appearance of the rural area or the setting to the listed building at Collins Cross. Moreover, the above assessment in terms of Paragraph 11 of the Framework shows that the presumption in favour of development should apply and supports my decision. The appeal is allowed and permission for the conversion is granted.
18. The Council has proposed a number of conditions in its appeal questionnaire. I have considered these in the light of the advice in the Framework and *Planning Practice Guidance*. A condition requiring development to be carried out in accordance with the submitted plans is necessary in the interest of certainty.
19. In order to safeguard the character and appearance of the surroundings and the setting of Collins Cross two conditions need to be added requiring details of external materials including colour of materials to be submitted to and approved by the Council and the submission and implementation of a landscaping scheme.
20. In view of the surrounding properties in Tindon End and the narrow nature of the lane a condition is necessary to control the construction process and ensure no nuisance is caused to neighbouring occupants. A condition to ensure the size of parking spaces provided is adequate to allow two vehicles to park off the highway is also necessary given the restricted opportunity for any vehicles to park on the highway.
21. As an independent dwelling the converted stables would normally hold permitted development rights under the *General Permitted Development Order*. As stated above, it is possible that permitted development extensions or ancillary buildings could adversely impact on the listed building and its setting and as such it will be necessary to attach a condition to remove permitted development rights. As this would be an additional condition to those proposed by the Council I have consulted with the parties about the imposition of such a condition. Neither party has responded to raise any concern.
22. Finally, the Council proposes a condition protecting against the risk of contamination and in view of the change of use from stabling and the introduction of residential accommodation I agree the condition is necessary.

P. D. Biggers

INSPECTOR

Schedule of conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

2. The development hereby permitted shall be carried out in accordance with the submitted documents and following approved plans: Dwg. 001/A; Dwg. 002/A; Dwg. 003/A; Dwg. 004/A.

3. Prior to any works above floor slab level, a schedule of the types and colours of the materials (including photographs) to be used in the external finishes shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be implemented in full accordance with the approved materials.

4. Prior to any works above floor slab level, details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details prior to occupation of the dwellings hereby approved.

The landscaping details to be submitted shall include:

- a) proposed finished ground levels (earthworks to be carried out);
- b) means of enclosure of the land (boundary treatments);
- c) hard surfacing and other hard landscape features and materials;
- d) existing trees, hedges or other soft features to be retained;
- e) details of soft landscaping and planting, including specifications of species, sizes, planting centres, number and percentage mix;
- f) details of siting and timing of all construction activities to avoid harm to all nature conservation features;
- g) management and maintenance details.

All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

5. The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:

- a. No waste materials should be burnt on the site, instead being removed by licensed waste contractors
- b. No dust emissions should leave the boundary of the site
- c. Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site
- d. Hours of works: works should only be undertaken between 0800 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays

6. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

7. Notwithstanding the provisions of the *Town and Country Planning (General Permitted Development) (England) Order 2015* (or any order revoking and re-enacting that Order with or without modification), no extensions, roof extensions or alterations, porches or curtilage buildings falling within Classes A, B, C, D and E of Part 1 of Schedule 2 shall take place.

8. If during any site investigation, excavation, engineering or construction works evidence of land contamination is identified, the applicant/developer shall notify immediately and in writing the Local Planning Authority. Any land contamination identified shall be remediated to the satisfaction of the local planning authority prior to occupation of the development hereby approved to ensure that the site is made suitable for its end use.