



Appeal Decision

Site visit made on 24 September 2024

by Eleni Marshall BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 October 2024

Appeal Ref: APP/C1570/D/24/3344756

Bishops Green, Bishops, High Easter Road, Barnston, Essex, CM6 1NF

- 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 Eric Haines against the decision of Uttlesford District Council.
 - The application reference is UTT/24/0742/HHF.
 - The development proposed is demolition of a tennis court and proposed outbuilding and driveway.
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Decision

1. The appeal is allowed, and planning permission is granted for demolition of a tennis court and proposed outbuilding and driveway at Bishops Green, Bishops, High Easter Road, Barnston, Essex, CM6 1NF Ref: UTT/24/0742/HHF and the plans submitted with it subject to the following conditions:
 - 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission;
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2024-829-003 (proposed plans and elevations) and 2024-829-002 (site/location plan);
 - 3) The materials utilised within the development hereby permitted shall match those specified within the application form and the submitted plans. The materials will be maintained for the lifetime of the development and any changes shall be submitted to, and approved in writing by, the Local Planning Authority.

Procedural Matters

2. I have utilised the Council's description of the proposal as I find that it describes the proposal more concisely.

Main Issue

3. The main issue is the impact of the proposal upon the appeal site as a designated heritage asset.

Reasons

4. The appeal site is a large, converted, barn which I note benefits from single storey modern elements attached to the northeastern part of the dwelling as well as, for example, a swimming pool to the rear. The host dwelling is a Grade II listed timber framed, plastered and weatherboard barn which I understand to form part of the historic farmstead to Grade II listed Little

Garnetts Farmhouse. In accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 the decision maker should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

5. The appeal site stands as a subdivision of the former farmstead and I find that the intervening planting, and more modern built form at the appeal site, reduce the ability to experience the barn as part of a historic farmstead. Whilst the legibility of the historic cluster of farm buildings within an open landscape setting has been retained it is fair to consider that the significance of the heritage asset in question has been compromised in the past as a result of development affecting its setting.
6. The proposal seeks to demolish an existing tennis court and construct an outbuilding and connecting driveway. The existing tennis court is a domesticating feature and, whilst it does not represent built development above ground, it appears to have been unused, as a tennis court, for some time having been utilised for parking to some extent as set out within the appellant's statement of case (and was the case at the time of my site visit). The tennis court is in the region of 600 square metres with the proposal being in the region of 140 square metres which would be combined, as seen on the proposed site plan, with a return of significant court area to grass with the exception of a shingle turning area.
7. At the time of my site visit I found that views, of the host property itself, were only realistically available from the driveway and that such views do not, ultimately, allow an assessment or understanding of the significance of the listed element in conjunction with the wider historic farmstead. The tennis court area of the gardens is, visually, obscured within the landscape gardens and the proposed building would be created using comparable materials to the host dwelling. The proposed driveway, off the main driveway itself, would be grasscrete which would result in limited visual impact as a result of views of the host dwelling that are available from the driveway itself.
8. Overall, the appeal site is read as a domestic setting as a result of landscaped gardens with the proposal being over 50 metres from the host dwelling with significant intervening vegetation. Whilst the proposed building may be visible in views from the road, as previously acknowledged, it is now difficult to experience the listed barn as part of a historic farmstead which, combined with the modification and extension beyond the original scale and mass of the barn, means that I do not find that the additional changes proposed would further detract from the asset. The existing, redundant, tennis court and hardstanding fails to contribute positively to the site, and I do not find that the proposal would be conspicuous nor that there would be any notable shared views of the proposal and the barn itself due to the location and characteristics.
9. Given the separation, outlined above, intervening vegetation and general landscaping of the domesticated site, I find that the proposal would retain an appropriate appearance within the surrounding landscape and that the open, verdant, setting of the listed building and its relationship with the farmhouse would be retained. I do not find that the proposal would detract from the legibility of the historic farmstead or represent harm to the significance of the listed barn. I find that the proposal would be appropriate for the character and appearance of the listed building and would preserve its special interest, with

such interest having arguably already been diminished as a result of subdivision and historic changes to the host dwelling as outlined. I do not find that the proposal could be said to impact upon the barns relationship with the farmhouse and that any views of the listed asset would be appropriately retained as a result of the proposals and the proposed building would not impact on the setting of the listed building.

10. Overall, I find that the proposal has been designed in a manner which is consistent with the appearance of a rural area as well as proposing materials which are similar to the designated heritage asset. The proposal would allow uninterrupted views of the host dwelling, from the driveway, as is currently the case with any views of the proposal closer to the road being largely un-associated with the designated heritage asset. The proposal is modest in scale when compared to the footprint of the existing tennis court as well cumulative scale of the barn, its modifications and alterations which have taken place as well as the overall size of the domesticated site.
11. The proposal is appropriate in terms of character and appearance for its general location albeit, for the reasons I have set out above, I find that its visual association with the host dwelling would generally be limited due to intervening vegetation and separation to the southwest of the extensive gardens which the host dwelling benefits from. I find that the proposals would ultimately result in no harm to the significance of the listed building. The proposal would be consistent with Uttlesford Local Plan 2005 Policy ENV2 which requires that development affecting a listed building should be in keeping with its scale, character, and surroundings.
12. The proposal would also be consistent with the overarching objectives of the National Planning Policy Framework 2023 in relation to proposals affecting heritage assets and, in this case, due to there being a finding of no harm to the designated heritage asset in question there is no requirement to consider the proposals against the public benefits of the proposal including, where appropriate, securing its optimal viable use in accordance with paragraph 208.

Other Matters

13. I note that the Council's delegated report states that the proposal is inconsistent with several policies listed within the Local Plan (and policies that the Council are stated to have regard to are listed within the decision notice), however, only one policy (ENV2) has been specifically referred to within the stated refusal reason and I have, therefore, only taken this policy into account within the determination of this appeal.
14. I also note that the Parish Council has raised concerns regarding the size of the outbuilding and its potential to be easily converted into a residential dwelling. Planning applications should be determined on the basis upon which they are submitted. Utilisation of the building, as a residential dwelling, would specifically require planning permission and would therefore be subject to development control and consideration, on its own merits, at the point any application is made in the future. The use of the proposed building, as a residential dwelling, does not fall within the scope of this appeal.
15. Whilst not directly a planning matter, the appellant is advised to take into account the consultation responses, and comments made, by Cadent Gas Limited in relation to proximity to gas assets in the area. I raise this,

therefore, as an informative note to this decision letter given that I am allowing this appeal.

Conditions

16. The Council have, within their questionnaire, suggested three conditions which I have considered and applied with some amendments as to the material condition. A time condition is attached to comply with Section 51 of the Planning and Compulsory Purchase Act 2004. A condition requiring the development to be in accordance with the approved plans is required to control and define the development which is granted consent. A materials condition is required to ensure an appropriate finish in accordance with the details submitted.

Conclusion

17. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

Eleni Marshall

INSPECTOR