



Appeal Decision

Site visit made on 17 October 2024

by JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th November 2024

Appeal Ref: APP/W1525/W/23/3330444

Barn East of St Mary's Church, Church Road, Little Baddow, Chelmsford, Essex CM3 4BE

- 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 P McMillan against the decision of Chelmsford City Council.
 - The application Ref is 23/00370/FUL.
 - The development proposed is described as the conversion of the existing agricultural building to a single residential dwelling with associated parking, landscaping and improvements to existing access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are
 - a) the principle of the development and its effect on the character and appearance of the area,
 - b) its effect on the significance of the nearby Grade I listed church and
 - c) its effect on the living conditions of future residents.

Reasons

The principle and the character and appearance of the area

3. The appeal site sits in the countryside outside any settlement boundary, and comprises a large barn with profiled sheeting on its walls and roof, supported by 5 internal pre-cast concrete arches. To the south, between the barn and Church Road, is a row of cottages, and the Church of St Mary the Virgin (at places called St Mary's Church in the submissions) is to the west. To the east and north are woodlands and fields running off into the distance, while public footpaths pass the site.
4. It is now proposed to change the barn's roof to slate, and remove the existing cladding on the 3 walls to replace it with an external weatherboarding and internal walling. This would also be the treatment for the fourth side, which is open at the moment. While it was said this cladding could be retained, it has been confirmed that for reasons of practicality it would be removed.
5. Although described as a conversion, it is necessary and relevant to determine whether, as a matter of planning judgement, the works can be deemed to constitute such an operation, or whether they go beyond and should be viewed as a new build. Indeed, the appellant has accepted that in the absence of any

specific definitions to guide otherwise, in making this planning judgement there should be an assessment as to whether the building is capable of the proposed reuse without being rebuilt or without requiring extensive works.

6. The building's height and dimensions would be unaltered by the scheme, the 5 concrete arches and the floor would be reused and while the roofing would be replaced the roof supports would stay. It is not questioned that the arches would be structurally sufficient for the proposal, but the appellant accepted that the roof supports may require strengthening. Therefore, although the appellant does not agree, in the light of the above it appears that very little of what is there now would remain beyond the skeletal frame of the building and its concrete floor. As a result, the works needed to alter the barn to a dwelling would be so extensive and of such a magnitude that the proposal cannot be defined as a conversion, and so must amount to a new build. For this reason Policy DM10 in the *Chelmsford Local Plan* (the Local Plan), which expressly concerns the change of use of buildings, is not relevant, and assessing compliance or otherwise with its various criteria is not necessary. Moreover, I am aware of no policy basis that would support a new open market house in this rural location outside of the Borough's settlements and remote from services.
7. Turning to the effect on the character and appearance of the area, the existing building is of little design merit at the moment, being of a functional appearance with a variety of utilitarian materials cladding its external sides. A certain amount of agricultural activity would also be expected around the building and especially to its east, in connection with its current lawful use. However, its agricultural nature is clearly apparent, and so, despite its design limitations, it forms an accepted part of this rural landscape.
8. What is proposed would have a significant number of windows on its northern and eastern elevations, some of which would be sizeable. Furthermore, I see little in the design of these windows that would echo the essence of the existing agricultural structure or celebrate an agricultural aesthetic. The significant curtilage around the dwelling would also inevitably display a sense of domestication with garden accoutrements and planting being apparent. I therefore find that the scheme would have the appearance of a large modern dwelling that would be extending a sense of urbanisation into the rural landscape, and undermining the character and appearance of this area of countryside.
9. In coming to this view, although the building is concealed to a great extent from the lane by the cottages, it can nonetheless be seen from those houses. It is also apparent from the passing footpaths, whose users, it is reasonable to assume, have chosen to walk those paths partly in order to enjoy the rural surroundings.
10. The appellant said the slate roofing and weatherboarding walls were commonly found in the rural areas around. However, given the presence of the various domestic elements, the use of these materials does not allay the concern about the adverse effects of a new dwelling in this landscape.
11. It is accepted that, under 'permitted development rights' and under policy, agricultural buildings can be converted to dwellings in certain instances, with associated external alterations and the establishment of gardens, despite their distance to facilities and an increased sense of domestication. Such support though has, quite probably, balanced any harm against the retention of the building and any sustainability benefits arising from its reuse, and so are materially different to this instance. I am aware of Willowshade nearby but my knowledge of that site's history is limited, and, while recognising that there would be opportunity for landscaping, any benefits this may bring would not allay the

concerns expressed above. As such, these points do not lead me to different findings. However, the intended siting for the refuse storage area need not detract unduly from the experience of users of the footpath network if suitably treated.

12. Accordingly, I conclude that, because of its extensive works and the limited amount of the existing building that would remain, this proposal would not constitute a conversion, but rather would be a new dwelling in the countryside that would detract unacceptably from the character and appearance of the area. As such, it would conflict with Local Plan Policies S11 and DM23, which require development to respect the character and appearance of the area and be compatible with its surroundings, and the *National Planning Policy Framework* (the Framework), which requires recognition of the intrinsic character and beauty of the countryside, and development being located where it reduces the need to travel.

Setting of the listed building

13. The church is Grade I listed, dating from the 11th Century though with later additions. In so far as this appeal is concerned, its special architectural and historic interest lie in its age and detailing. Its significance is partly historic, as it has been the focus for this community, both spiritually and in other regards, for many centuries. However, its significance is also partly architectural, as its detailing reflects construction methods and styles over the years. The setting of this designated asset very much comprises the graveyard that surrounds it, as well as the cottages to its east and the fields to the north. These aspects add to its significance by reflecting its role as a rural parish church.
14. The barn subject of this appeal stands further to the east, beyond an intervening garden. Currently there is only a slight awareness of it in the church's setting due to the separation involved and the planting in between. As a result, it is not a dominant presence or, in my opinion, a noticeable feature, when the listed building is being experienced. However, from where it can be seen its agricultural nature and appearance mean it reflects the rural context of the church.
15. When compared to the existing, the proposal would be of the same dimensions and the same distance from the church. It would also be finished in materials that reflected those traditionally found on agricultural buildings in the area. Moreover, the upper floor of its west-facing elevation would contain no windows but would be blank, as at present. On the ground floor on this side of the new house there would only be a limited number of openings, and intervening planting would screen these to a great extent and minimise the impact of any light spillage when seen from the church. Although there would be an area of garden on the west side of the new dwelling, that would also be concealed when in the graveyard.
16. On the opposite side of the lane is the Grade II* listed Little Baddow Hall, Dating from the 14th Century, this too has a historic and architectural significance. However, given the separation and the presence of the intervening cottages, the appeal site does not impact on how that asset is experienced.
17. Accordingly, I conclude the proposal would not harm the significance of either the church or the hall because of its effect on their respective settings, and so would not conflict with Local Plan Policies S3 and DM13 or the Framework, which together seek to safeguard heritage assets and their significance.

Living conditions

18. A refuse vehicle could not enter and leave the site in forward gear. As such, refuse cannot be collected from by the house itself. Rather, in order to be sufficiently close to the highway to be accessible for refuse collectors, it would have to be stored well down the drive, and it would be for the occupiers to place it there when collection was due. Although clearly it would be preferable for refuse to be stored and collected from near to the house, I see no reason why this arrangement would be so unsatisfactory as to mean it would result in unacceptable living conditions for the future residents.
19. Accordingly, I conclude that the scheme would not result in unacceptable living conditions for future residents, and so would not conflict with Local Plan Policy DM26, which requires appropriate and well-designed waste storage for new dwellings among other things.

Other Matters & planning balance

20. I have therefore found development plan conflict would be caused by the principle of the development and its harm to the character and appearance of the area.
21. Balanced against this, the proposal would deliver some economic benefits during the construction phase and afterwards, and would also provide a further dwelling. The appellant has contended that the scheme would deliver parking for the adjacent cottages, thereby improving highway safety by avoiding parking to the front of them on the road. I consider the rights of access that would necessitate would be difficult to secure by condition. Indeed, the *Planning Practice Guidance* states that a negatively worded condition limiting the development that can take place until a planning obligation or other agreement has been entered into is unlikely to be appropriate in the majority of cases, and I have no reason to consider this proposal should be treated as one of the exceptions to that guidance. However, putting that aside, I am not satisfied that any hazards caused by on-street parking, even if weighed with the other benefits identified, would be sufficient to outweigh the harm that has been found and its associated development plan conflict.
22. The site is within the zone of influence for the Blackwater Estuary Special Protection Area, but given my findings above its impact in this regard is not a matter I have to explore further.

Conclusion

23. Accordingly, I conclude the appeal should be dismissed.

JP Sargent

INSPECTOR