



Appeal Decision

Site visit made on 11 October 2024

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th December 2024

Appeal Ref: APP/C1570/W/24/3338901

Princes Halfyards, Stebbing Road, Felsted, CM6 3LG

- 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 R Ockendon-Day against the decision of Uttlesford District Council.
 - The application Ref is UTT/23/1249/FUL.
 - The development proposed is Demolition of stables/ outbuilding, barns (1 and 2), construction of two dwellings and conversion of barn 4 to an annexe to Plot 2.
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Decision

1. The appeal is allowed and planning permission is granted for Demolition of stables/ outbuilding, barns (1 and 2), construction of two dwellings and conversion of barn 4 to an annexe to Plot 2 at Princes Halfyards, Stebbing Road, Felsted, CM6 3LG in accordance with the terms of the application, Ref UTT/23/1249/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. Whilst a direction of travel has been outlined within the Written Ministerial Statement, which is a material consideration, the changes to the Framework can only be given limited weight at this stage, given that no final document has been published.
3. In any event, the policies that are material to this decision are not subject to any fundamental changes, and I am satisfied that this has not prejudiced any party. Consequently, in reaching my decision I have therefore had regard to the Framework as published in December 2023, and any reference to paragraph numbers are to this version.

Main Issues

4. Whilst there is reference within the Council's delegated report to the suitability of the location for housing, having regard to its accessibility to services, the parties have confirmed that this does not form part of the Council's reasons for refusal.
5. Therefore, the main issue is the effect of the development on the character and appearance of the area and on the setting of Grade II Listed, Princes Halfyards.

Reasons

Character and appearance

6. The appeal site is located outside of the village of Felsted and within the countryside for planning purposes. The site comprises a close knit group of buildings, including the Grade II Listed Farmhouse and a number of existing buildings associated with the sites equestrian use. As a result, the site does not contribute to the open rural nature which is experienced beyond the appeal site, with open fields interspersed with native hedging.
7. Views of the site from the road by car are restricted due to the length of the access track off of Stebbing Road, however the site is visible from the public right of way which runs along the existing access track and to the east of the site creating a circular route joining to Stebbing Road. Nevertheless where views can be afforded, the site appears part of the surroundings of Princes Halfyard and will also be seen in the context of residential development which has been permitted adjacent to the site, rather than as part of the open countryside beyond the appeal site.
8. The proposal whilst increasing the density of development within the locality, would replace the existing buildings on the site, whilst retaining and converting Barn 4 and together with the adjoining development the proposed dwellings would appear part of a small cluster of development.
9. Whilst Policy S7 of the LP is only partially consistent with the Framework as it is more restrictive in that it seeks to protect the countryside for its own sake, it also seeks to protect and enhance the natural environment, which is an important part of the Framework. Therefore, I consider it should be afforded significant weight when considering development proposals in the countryside.
10. The site is located within a small cluster of development, as set out within the Council's officers report. There would be a degree of urbanisation and countryside encroachment through additional housing. However, the development would be located within the domestic surroundings of Princes Halfyard rather than on a field or paddock and would not greatly diminish views along the road.
11. Thus, the adverse impacts on the character and appearance of the area would be limited. The introduction of dwellings into the site would be appropriate within this rural setting, having regard to the enclosed nature of the existing site. The development would protect the character of this part of the countryside and result in a small infill between the existing built development. Furthermore, opportunities exist for the provision of new areas of planting and landscaping which would further enhance views of the site from those public rights of way.
12. The Felsted Neighbourhood Plan (NP) sets out in policy FEL/HN5 that residential development outside development limits will be supported where the circumstances set out in paragraph 84 of the Framework apply or where a number of other criteria apply. The Council's first reason for refusal cites both FEL/HN5 and FEL/HN6 but references this in relation to the scale and design of the proposal rather than its location and therefore neither policy appears directly relevant to the Council's reason for refusal.

13. However, as part of the proposal includes the re-use of a redundant building, which is supported by paragraph 84 of the Framework that part of the proposal would accord with FEL/HN5. Paragraph 84 does not imply that a dwelling has to be isolated in order for the restrictive policies to apply and as such it does not automatically follow that support for the re-use of buildings should only be given in isolated locations.
14. The proposal would also provide a supplemental dwelling in the form of an annexe to one of the proposed dwellings, as envisaged by policy FEL/HN6 of the NP, I consider that the proposal would broadly accord with and therefore not conflict with the aspirations of both NP policies, noting the Council has not found harm arising from the proposals location outside of the settlement boundary.
15. In conclusion, the proposed development would provide a suitable location for housing having regard to the character and appearance of the area. The development accords with policy S7 and GEN2 of the LP which looks for development to protect the character of the countryside and design to be compatible with the scale, form and layout of surrounding buildings.

Impact on the setting of Princes Halfyard

16. Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 ('the LBCA Act') requires special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses when dealing with planning applications. Paragraph 205 of the National Planning Policy Framework ('the Framework') states that when considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the asset's conservation; the more important the asset, the greater the weight should be.
17. I have considered the effect on the Grade II Listed Princes Halfyard, a timber framed and plastered two storey dwelling, with red plain tile roof, its significance derived from its architectural features. The appellant's heritage statement sets out that the farmhouse is of high significance as it retains many original features, visible both externally and internally and that its evolution is clearly legible.
18. The farmyard and buildings subject to this appeal are not within the curtilage of the listed building and are separated by the access road, but they are clearly within the setting of Princes Halfyard and there is intervisibility between the two sites. The relationship between the farmhouse and farmyard is of importance due to its connection to the social history of farming and agriculture.
19. The majority of the buildings which form the farmyard are modern in their construction having replaced the original threshing barn which existed on the site, in the 1970s. Given their modern construction, there is no objection raised by the Council to the demolition of the existing barns (barn 1,2 and 3).
20. The proposal would retain barn 4 which, whilst not considered to be curtilage listed, is part of the original courtyard and contains remains of two structures, rebuilt in the later nineteenth century. Barn 4 has archaeological and aesthetic value as a surviving barn from the historic farmstead and as a result makes a

positive contribution to the setting of Princes Halfyard. However, it is currently in a poor condition and requires extensive repairs.

21. Evidence has been presented of the previous threshing barn and an aerial photo has been provided which shows that the threshing barn had hipped ends to the midstreys, a central lean-to between the midstreys, half hipped gables ends that most likely contained high level drying doors. The midstreys had large openings to the front and rear to form the through draft for the activity of threshing.
22. The proposed development has been designed to replicate the historic farmstead by retaining the farmyard and designing the proposal on the basis of evidence of the original threshing barn. Whilst the parties disagree as to the height of the original barn and how this might compare with the proposed development, the scheme as a whole is a close reflection of the original threshing barn.
23. Princes Halfyard is set within its own immediate garden and as such, even developed, the site would not have a significant impact on how the listed building would be appreciated from within the elements that form its immediate setting. Furthermore, as the principal farmhouse it would retain its hierarchy within this grouping and remain a prominent feature. This prominence would not be unduly compromised as a result of the proposed scale or design of the proposed development, noting the separation distance to the listed building.
24. Once developed the site would contain elements which more closely reflect a traditional farmyard and the proposed garden areas have been placed at the rear to enable the frontage of the site to remain readable as an open courtyard. By restoring the original layout, legibility and hierarchy of the farmyard I conclude that the proposed building, despite its overall scale and massing, would make a positive contribution to Barn 4.
25. Furthermore, the appearance and layout of the farmyard, which makes an important contribution to the setting of Princes Halfyard, would form a more coherent group setting and better reveal the significance of the farmstead and result in a positive contribution to the setting of the listed building.
26. The Framework at paragraph 203 sets out that the desirability of sustaining and enhancing the significance of heritage assets should be taken into account and as such the proposed development would not result in harm to the heritage asset, and would result in an enhancement to its immediate setting.
27. In conclusion the development would be in accordance with policy ENV2 of the LP which states that development affecting a listed building should be in keeping with its scale, character and surroundings.

Conditions

28. The Council has suggested conditions which I have considered against the advice in the Framework and Planning Practice Guidance. As well as the standard implementation condition, I have imposed a condition to ensure that the proposal is built in accordance with the approved plans to provide certainty

29. In the interests of the character and appearance of the area a condition to agree a scheme of hard and soft landscaping and boundary treatment, would be necessary in this case given the lack of detail on the submitted plans.
30. Given the proximity to other residential properties, I have imposed a condition requiring the submission of a construction management plan, including the need to agree the hours of construction, in order to protect existing occupiers from noise and disturbance at times when they may expect to enjoy respite from such activities.
31. Noting the requirements of the supplementary planning document on Accessible Homes and Play Space, it is necessary to impose a condition relating to accessible and adaptable dwellings.
32. I have imposed a condition to ensure that any risk associated with historical contamination is appropriately assessed and remediated, which is necessary to ensure the safety of future occupiers.
33. I have also found it necessary to impose a condition requiring the submission of a Great Crested Newt Protection Plan and for the ecological enhancement and mitigation set out within the Preliminary Ecological Appraisal to be implemented and retained, in order to ensure the adequate protection of priority habitats and species.
34. In order to ensure an appropriate standard of vehicular access in the interests of highway safety, I have found it necessary to impose conditions requiring the access to be provided prior to occupation of the dwelling and retained for the life of the development.
35. I have not imposed a condition removing permitted development rights as these require there to be clear justification to do so and I do not consider they would pass the test of reasonableness in this instance. I have not been provided with adequate justification to suggest that there are exceptional circumstances for such a restriction and therefore do not consider it is necessary in this instance.
36. I have also not found it necessary to impose a condition requiring the PROW to be kept free of obstruction as this is adequately covered by the Highways Act.

Conclusion

37. For the reasons given above the appeal should be allowed.

G Pannell

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos Location Plan 18/37/20; Existing Site Plan 18/37/21; Plans and Elevations Existing – Barn 4 18/37/22; Proposed Site Plan 18/37/23; Proposed Plans 18/37/24; Proposed Elevations 18/37/25; Existing Stable & Store Buildings – Barns 1,2 & 3 18/37/26; Timber Survey 2022-674-TS01
- 3) No development shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the local planning authority. If any contamination is found, no development shall take place until:
 - i) i. a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority;
 - ii) ii. the site has been remediated in accordance with the approved measures and timescale; and
 - iii) iii. a verification report has been submitted to and approved in writing by the local planning authority.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until:

- i. additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority; and
 - ii. a verification report for all the remediation works has been submitted to and approved in writing by the local planning authority.
- 4) No development shall take place until a Great Crested Newt protection plan has been submitted to and approved in writing by the local planning authority. The Great Crested Newt protection plan shall include:
 - A plan showing habitat protection zones;
 - Details of development and construction methods within habitat protection zones and measures to be taken to minimise the impact of any works;
 - Details of phasing of construction.

The protection plan shall be implemented in accordance with the approved plan.

- 5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- i) vehicle routing
 - ii) the parking of vehicles of site operatives and visitors;
 - iii) loading and unloading of plant and materials;
 - iv) storage of plant and materials used in constructing the development;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 6) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include but are not limited to:
- a statement setting out the biodiversity enhancement and mitigation measures and how these will be delivered, with reference to the details contained in the Preliminary Ecological Appraisal (Essex Ecology Ltd, March 2023);
 - means of enclosure and retaining structures;
 - boundary treatments and gates;
 - vehicle parking layouts;
 - other vehicle and pedestrian access and circulation areas;
 - hard surfacing materials;
 - lighting, floodlighting and CCTV;
 - an implementation programme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be maintained in accordance with an approved scheme of maintenance.

- 7) The development hereby permitted shall not be occupied until the means of access for vehicles/pedestrians/cyclists has been constructed in accordance with the approved plans. No unbound material will be used in the surface treatment within 6m of the highway boundary. The access shall be retained thereafter.
- 8) The dwellings shall not be occupied until the Building Regulations Optional requirement Category 2: Accessible and adaptable dwellings M4 (2) has been complied with.