



Appeal Decisions

Site visit made on 18 November 2024

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 24th December 2024

Appeal A Ref: APP/C1570/W/24/3340185

Yew Tree Farm, Ford End Road, Ford End, Clavering, Essex CB11 4PU

- 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 Thom Hunt against the decision of Uttlesford District Council.
- The application Ref is UTT/23/1752/FUL.
- The development proposed is alterations and restoration work, as part of change of use of the building and related land to a single dwelling at Yew Tree Farm Ford End Road Ford End Clavering Essex CB11 4PU.

Appeal B Ref: APP/C1570/Y/24/3340189

Yew Tree Farm, Ford End Road, Ford End, Clavering, Essex CB11 4PU

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
- The appeal is made by Mr and Mrs Thom Hunt against the decision of Uttlesford District Council.
- The application Ref is UTT/23/2373/LB.
- The works proposed are alterations and restoration work, as part of change of use of the building and related land to a single dwelling at Yew Tree Farm Ford End Road Clavering Essex CB11 4PU.

Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters and Main Issue

3. The revised National Planning Policy Framework (the Framework) was published on 12 December 2024. I have considered the changes and, as they are not material to the proposal in this case, the comments of the parties were not sought. Nevertheless, I have taken into account the revised Framework in the determination of the appeals.
4. As the appeals relate to a listed building, I have had special regard to section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
5. The appeals relate to a building in the curtilage of a listed building. The Council's evidence refers to the listed building as "Yew Tree Farmhouse, also known as Chamberlayne Farmhouse" (ref: 1112423), but the appellants refer to it as "Yew Tree Farmhouse" (ref: 1170504). Having been provided with both list entries and visited the site, I am satisfied that Yew Tree Farmhouse and Chamberlayne Farmhouse are not the same building.

6. Therefore, the main issue is whether the proposal would preserve a Grade II listed building, "Yew Tree Farmhouse" (Ref: 1170504) (the LB), and any of the features of special architectural or historic interest that it possesses.

Reasons

7. Yew Tree Farmhouse is a C16-C17 timber-framed building with exposed timber-framing, a jettied upper storey on exposed joists and curved brackets and a clay tile roof. The LB farmhouse is set back from the road behind an enclosed garden and it forms part of a historically isolated farmstead in the small rural settlement of Ford End, roughly 1 mile west of Clavering. The appeal building (the barn) is a former threshing barn and one of several historic farm buildings, with a granary and linked cart lodge, arranged around a yard to the northwest of the LB. The yard is open to the rear of the LB and the shared access runs between the front garden and the outbuildings.
8. The barn is a 3-bay aisled barn with a central threshing floor accessed via tall doors to both sides of the central bay. The external elevations are clad in weather boarding on a handmade red brick plinth. Domestic windows have been inserted in the elevation facing the farmhouse and there are later lean-to structures to both end elevations. While the barn was originally aisled, the raising of the wall plates has altered the roof profile and there are modern roof timbers above the level of the wall plates. The roof, originally thought to have been thatched, has been replaced with corrugated metal. Internally, there is a concrete floor and a blockwork wall to the southwest end.
9. Notwithstanding the changes to the barn over time, historic timber framing survives in the form of the main posts and trusses. These, together with the handmade bricks, date the barn as C16-C17 and therefore contemporary with the farmhouse. Moreover, although redundant from its former use, its historic agricultural function and relationship to the LB remains legible. Internally, its openness allows its full height and roof structure, albeit not original, to be appreciated. Given the above, I find the special interest of the LB, insofar as it relates to these appeals, to be primarily associated with the vernacular form and construction, historic fabric, and layout and relationship of the former threshing barn to the LB, indicative of its historic ancillary use and illustrative of the high status of the rural vernacular farmhouse.
10. The barn is not suitable for modern agricultural use and a commercial use would not be compatible with neighbouring residential uses, even if it was viable. Consequently, a residential use represents the optimum viable use of the heritage asset. Sympathetic conservation and conversion of the barn would maintain the historic building and secure its long-term future.
11. The footprint of the barn would remain unchanged, but the later extensions to either end would be rebuilt and the weatherboarding and metal roof would be replaced. While the proposal would not reinstate a thatch roof, nevertheless slate is a traditional material. The handmade brick plinth and historic timber framing below the level of the wall plate would be retained, as would the threshing door openings and barn doors. These works would not result in the loss of historic fabric and they would respect the historic form and materials.
12. New openings would be formed in all elevations to provide windows at ground and first floor and there would be new doorways to both end elevations into the rebuilt extensions, accessed over the plinth via internal steps. The windows

would be relatively small and their arrangement would be sympathetic to the agricultural appearance of the barn. The extensive glazing to the threshing door openings, with the doors pegged open, would serve to illustrate the historic use. The new internal door to the lean-to extension would be necessary to make this usable internal space. However, while it would be convenient, there appears to be little justification for a new doorway from the kitchen to the outdoor entertaining space. This would result in the loss of historic fabric, with no historic precedent for a domestic door in this location and the converted barn would in any case be well served by doorways.

13. Internally, the historic timber frame would be repaired and reused and the modern roof timbers would be replaced with oak beams. The timber framing and roof timbers would continue to be exposed. The removal of the internal blockwork wall to the end elevation, which would better reveal the historic framing, would be a small heritage benefit.
14. While the historic framing would remain largely visible, part of the ground floor would be enclosed to create a snug, and openness would be further interrupted by the stairs and mezzanine support posts. At first floor, mezzanines to both end bays with connecting walkway across the central bay would result in significant enclosure to the barn. The central bay would remain open to the roof and the high level glazing panels above the mezzanines would allow for limited oblique views of the roof to either end. Even so, the cumulative alterations would result in a cluttered and substantially enclosed barn interior. The internal partitioning and walkway in particular would be dominant and visually intrusive. The loss of openness would significantly detract from an appreciation of the scale and structure of the former threshing barn and thereby the special interest of the LB.
15. The appellants consider that a one- or two-bedroom option, with one mezzanine as suggested by the Council, would be unviable for them and for the investment required to convert the barn. However, the barn with lean-to has a reasonably large footprint and there appears to be little flood risk justification to provide any or all of the bedrooms at first floor level. No alternative plans have been provided to demonstrate that a dwelling could not be provided with an amended first floor and layout and less internal subdivision.
16. An alternative plan (ref 117521.02C) has been provided which replaces the walkway and stairs with two spiral staircases. The appellants consider this demonstrates that the linked bridge is the best option to provide means of escape to the bedrooms and because the spiral stairs would intrude on the ground floor living space. However, as noted, there appears to be little justification for bedrooms at first floor level and it has not been robustly demonstrated that there are no financially viable and less harmful alternatives that could provide similar benefits to the appellants.
17. Given the above, I find that the proposal would fail to preserve the special interest of the LB. Consequently, I give this harm considerable importance and weight in the planning balance of these appeals.
18. Paragraph 212 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 213 advises that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have a clear and convincing

justification. Given the nature of the proposals, I find the harm to be less than substantial in this instance but even so of considerable importance and weight.

19. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimal viable use.
20. In this case, the appellants are of the opinion that the proposal would be beneficial because it would provide a 3 bed family dwelling; it would be the optimum use of the heritage asset, securing its conservation and removing the risks to it; it would retain the building and historic fabric would be largely retained and better revealed; there would be economic benefits during construction and future occupation, and biodiversity enhancement.
21. The Planning Practice Guidance advises that harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset, notwithstanding the loss of significance caused, and provided the harm is minimised. In this case, a residential use would be the optimum viable use. However, there is little compelling justification for all of the proposed changes. As the harm would not be demonstrably minimised, the proposed optimum viable use carries only moderate weight in favour of the proposal.
22. The removal of blockwork and concrete, reuse of the timber frame and replacement of the roof structure would be collectively modest heritage and therefore public benefits. The openness beneath the mezzanines at ground floor level would be primarily a private benefit.
23. There would be limited, temporary economic benefits during the works. The appellants live in the adjacent studio (ref UTT/0311/96/FUL), which would be retained incidental to the residential use of the barn. As the proposal would not increase the number of residential units, it would make a negligible contribution to the supply of housing. It follows that there would be similarly negligible additional support to the local economy during occupation of the barn.
24. Although bats roost nearby, the works would not impact on bats or bat roosts. Mitigation measures to protect wildlife during works, a scheme of sensitive lighting, bird and bat boxes and new planting could be secured by the imposition of planning conditions. Avoidance of impacts and enhancement of biodiversity is a policy requirement. The low hedge and wildlife boxes would be a limited benefit, taking into account the vegetated surrounding context and the loss of the mature oak tree.
25. Given the above, I find that the public benefits are not sufficient to outweigh the harm that I have found, taking into account the great weight afforded to the asset's conservation irrespective that the potential harm in this case may be at the lower end of less than substantial.
26. Consequently, I conclude that, on balance, the proposal would fail to preserve the special historic interest of the Grade II listed building. This would fail to satisfy the requirements of the Act, paragraph 212 of the Framework and conflict with saved policies S7, GEN2 and ENV2 of the Uttlesford Local Plan Adopted January 2005 in relation to the protection of heritage assets, taking into account the surrounding built and countryside context. As a result, the proposal would not be in accordance with the development plan.

Other Matters

27. The River Stort, which is a main river, is approximately 12m north of the site. Due to the change in ground levels, the appeal site is predominantly within Flood Zone 1, although the northern part of the barn is in Flood Zone 2 and therefore at medium risk of flooding. The proposed residential use is a type that is classified as 'more vulnerable' to flood risk. However, the Flood Risk Assessment (FRA) states that the modelled extent of the 1 in 100 year +20% Climate Change Allowance event does not impact the site. The 1 in 1000 year event would impact the north-east corner of the site, but even that does not reach the footprint of the barn. The FRA concludes that the principal risk is a low risk of surface water flooding, with potential flood depth below 300mm or between 300-900mm over spatially limited areas.
28. The Environment Agency advises that where development is in Flood Zone 2, the floor level should be raised above the estimated flood level. Where this is not possible, consideration should be given to flood resistance and resilience measures. As the floor would need to be lowered to provide headroom to accommodate the mezzanines, the ground floor could not be raised above the flood level without comprising the first floor living space. The FRA therefore recommends flood resistance and resilience measures, including the use of low permeability and flood resistant materials and access to all spaces to enable drying and cleaning. As the barn is within an Environment Agency Flood Alert Area, the occupants would be warned about the possibility of flooding and could vacate prior to onset of potential flooding. The package of measures would be adequate to mitigate the low risk of flooding in this case.
29. The Council cannot demonstrate a 5 year supply of deliverable housing sites and the Housing Delivery Test indicates that the delivery of housing was less than 75% of the requirement over the previous three years. Paragraph 11d)i. of the Framework states that, in such circumstances, planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance, including designated heritage assets, provides a strong reason for refusing the proposal. Consequently, the presumption in favour of sustainable development does not apply.

Conclusion

30. For the reasons set out above, and having regard to all other matters, I conclude that the appeals should be dismissed.

Sarah Manchester
INSPECTOR