



Appeal Decision

Site visit made on 17 December 2024

by **Jonathan Price BA(Hons) DipTP DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 January 2025

Appeal Ref: APP/A1530/D/24/3348948

North Farm Barn, East Road, East Mersea, Colchester, Essex CO5 8UN

- 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 Mat and Andrea Shillum against the decision of Colchester City Council.
 - The application Ref is 240573.
 - The development proposed is to replace the existing main roof thatch with natural slates.
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Decision

1. The appeal is allowed and planning permission is granted to replace the existing main roof thatch with natural slates at North Farm Barn, East Road, East Mersea, Colchester, Essex CO5 8UN in accordance with the terms of the application, Ref 240573, subject to the following conditions.
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan 3699-PA-LOC; proposed site plan- 3699-PA-LOC; proposed elevations – 3699-PA-LOC.
 - 3) No development shall take place until details/samples of the natural slates to be used to replace the existing main roof thatch have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details/samples.

Main Issue

2. The effect of the proposal upon the character and appearance of the existing dwelling and its surroundings.

Reasons

3. The appeal property is served from a private track and is set apart from the main built-up part of the adjacent village of East Mersea within adjacent countryside. There are just a few other homes in the immediate vicinity and the location has a strongly rural, farmyard character. The subject property is a quite imposing dwelling, clad with dark weatherboarding on a brick plinth and a thatched roof. The site is visually well-screened within the surrounding landscape by woodland and hedges.

4. The dwelling was granted planning permission on 18 January 1988 as a facsimile of a residential conversion of a building destroyed in the 1987 hurricane, before the permitted works could be completed. The planning permission for the replacement dwelling includes a condition removing permitted development rights for enlargements, improvements or other alterations. This was to retain control over changes to ensure these caused no harm to the amenities of this rural location. The Council's refusal of this proposal is over the replacement of the thatched roof by slates causing such harm.
5. I accept the Council's case that the rationale for allowing a new dwelling in this rural location was to replicate the outward appearance of the listed building, as converted to a dwelling. Such a design thus addressed the loss of the historic thatched building and justified an exception to policy over the location of new housing in the countryside. However, the replacement dwelling was de-listed in 2014 by English Heritage. The supporting report noted that when listed in 1982 the barn retained a significant proportion of original fabric, but the destruction of the barn in the hurricane of 1987 removed all of this and the replacement building has no architectural and historic interest.
6. Policy DM16 of the of the Section 2 Local Plan¹ (LPS2) concerns the historic environment. To conserve this, part (ii) of DM16 ensures the protection and enhancement of buildings which, whilst neither listed nor within a conservation area, have a particular local importance of character which it is desirable to keep. However, the dwelling has not subsequently been locally listed by the Council, which might otherwise have deemed it a non-designated heritage asset. Consequently, I give limited weight to any conflict with LPS2 Policy DM16 in respect of heritage harm.
7. The existing house no longer retains any significant degree of the original fabric which provided the special architectural and historic interest justifying its previous listing. LPS2 Policy DM15, concerning design more generally, is therefore more applicable in this case. This requires a high standard of design of all development, to respect and, where possible, enhance the character of the site, its context and surroundings including in terms of materials.
8. There are no strongly unifying characteristics to design in this area. The building once occupying this site was thatched and the current house provides a pastiche of this. The replacement of this thatch with natural slates would be no less in keeping with the character and appearance of the existing house or its surroundings. The proposal would not detract from the design quality of this dwelling, which would remain of a suitably rural, vernacular character. Replacing the thatching with natural slates, would preserve the quality of the design of this house and satisfy LPS2 Policy DM15.

Conclusion

9. The replacement of the thatching on the main roof of this dwelling, and its replacement with natural slates, would preserve its character and appearance and that of the immediate surroundings. Therefore, this proposal would comply with LPS2 policies DM15 and DM16 and the development plan read as a whole.

¹ Colchester Borough Local Plan 2017-2033 Section 2, adopted July 2022.

10. In addition to the standard three-year time limit for commencement, a condition is required tying the permission to the submitted plans to define the development allowed. In the interests of the satisfactory appearance of the finished development, a condition is necessary for the slates to accord with an agreed sample or details. Subject to these conditions, and for the reasons given, the appeal is allowed.

Jonathan Price

INSPECTOR