



Appeal Decisions

Site visit made on 25 September 2024

by R Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th January 2025

Appeal A Ref: APP/C1570/W/24/3345864

The Barns Monk Street, Thaxted, Dunmow, Essex, CM6 2NR

- 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 G Moore against the decision of Uttlesford District Council.
 - The application Ref: is UTT/23/3228/FUL.
 - The development proposed is subdivision of existing dwelling to create 2 no. dwellings.
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Appeal B Ref: APP/C1570/Y/24/3345865

The Barns Monk Street, Thaxted, Dunmow, Essex, CM6 2NR

- 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 G Moore against the decision of Uttlesford District Council.
 - The application Ref: is UTT/23/3238/LB.
 - The works proposed are subdivision of existing dwelling to create 2 no. dwellings including internal and external alterations.
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Decisions

Appeal A Ref: APP/C1570/W/24/3345864

1. The appeal is allowed and planning permission is granted for the subdivision of existing dwelling to create 2 no. dwellings at The Barns, Monk Street, Thaxted, Dunmow Essex CM6 2NR in accordance with the terms of the application, Ref UTT/23/3228/FUL, dated 21 December 2023, subject to the conditions set out in the attached schedule.

Appeal B Ref: APP/C1570/Y/24/3345865

2. The appeal is allowed and listed building consent is granted for subdivision of existing dwelling to create 2 no. dwellings including internal and external

alterations at The Barns, Monk Street, Thaxted, Dunmow Essex CM6 2NR in accordance with the terms of the application, Ref UTT/23/3238/LB, dated 2 January 2024, subject to the conditions set out in the attached schedule.

Procedural Matters

3. In Appeal A the Council initially objected on the grounds of highway safety but following additional information from the appellant that reason for refusal was withdrawn. I see no reason to disagree and have determined the appeal on that basis.
4. My attention has been drawn to revised plans in both appeals which were submitted to the Council's heritage advisers post the issuing of the decision notices¹. The 'Procedural Guide – Planning Appeals – England' is clear that if an appeal is made the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought².
5. Although the revised plan is intended to deal with part of the reasons for refusal it appears it has not been considered by the Council. On the evidence before me the revisions would materially alter the proposal and given the substance of the Council's concerns would need to be the subject of further consultation. As this has not taken place I have dealt with the appeal on the basis of the original plans as determined by the Council.
6. In Appeal A I have used the description of development given on the appeal form in the banner heading and my formal decision above as it is a more accurate description of the development proposed, aligns with the description used in Appeal B and was also used by the Council. Although the appellant's evidence refers to works to a nearby stable building, I understand those are being considered separately by the Council, I do not have the full details and therefore those references appear to have no significance for my determination of these appeals.
7. A revised National Planning Policy Framework (the Framework) came into force on 12 December 2024 and comments of the parties were sought. The appellant provided comments but the Council did not and I have determined the appeal on this basis.

Preliminary Matters

8. The buildings that are subject of these appeals comprise two linked former agricultural barns, one thatched and black weatherboarded and one under a clay plain tiled roof. Grade II listed buildings they were converted to a single residential dwelling in the early 1990s. Entry 1112947 (Barn 1) is listed as 'Barn to North of Monk Street Farmhouse and 1322205 (Barn 2) is listed as 'Barn to Northwest of Monk Street Farmhouse'.
9. The barns form part of a former historic farmstead associated with the nearby Grade II listed Monk Street Farmhouse (the farmhouse), a 17 Century house with later alterations and extensions, timber framed and plastered under a red

¹ Appellant's Statement of Case.

² Annex M.2.1

plain tiled roof. It is two storeys with a gabled cross wing at the northern end, and its appearance is characterised by a four-window range of double hung vertical sliding sash windows with glazing bars and red brick chimney stacks (entry 1322204).

10. As the appeals relate to a number of listed buildings, I have had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) in my determination of the appeals.
11. The Framework requires applicants to describe the significance of any heritage assets, such as listed buildings, which may be affected by a scheme. It goes on to advise that this should be proportionate to the assets importance and sufficient to understand the potential impact of a scheme on its significance when assessed using appropriate expertise. In Appeal B the Council's reason for refusal of listed building consent contends that such work has not been undertaken. However, a statement on heritage and design is before me and I am satisfied that I have sufficient information on which to make a decision on the appeal, including from my own internal and external observations at the site visit.

Main Issue

12. Given the above, the main issue is whether the proposal would preserve the Grade II listed buildings, any of the features of special architectural or historic interest they possess, and their setting.

Reasons

13. Constructed as agricultural buildings the barns are of isled construction and of a strong traditional form and appearance indicative of agricultural barn design at the point of construction. Barn 1 fronts onto Monk Street sited parallel to the highway and under a thatched roof with midstrey to west and double hung vertical sliding sashes with glazing bars inserted into the south wall.
14. Barn 2 extends back into the site, was constructed slightly later, sitting under a red plain tile roof with half hipped midstrey to the north and lean to extensions. The barns benefit from vaulted ceilings in both Barn 1 and Barn 2 with mezzanine floors having been introduced around the periphery of each barn. Exposed beams within both barns accentuate the timber structure.
15. Consequently, the special interest of the listed buildings, insofar as it relates to the proposals before me, is primarily associated with the surviving historic fabric and architectural, aesthetic, and historic cultural value. They are an attractive repository and expression of past building and working traditions and technologies demonstrating the skills of the craftsmen of the time with a valuable aesthetic quality within a retained agrarian hamlet setting. They also have cultural significance relating to the evolution of agrarian built form and local vernacular timber framing craftsmanship and an intimate relationship with the surrounding agrarian landscape.
16. Evidence of the property's history as a farming enterprise is limited and it is not entirely clear when the former uses ceased. The barns became partitioned from the farmhouse but use of both as a single dwelling was approved in 1992. The barns have also been subject to internal alterations including

rotation of a bedroom and balcony passage which I observed has altered the internal layout along with other more minor necessary works relating to its conversion to residential use.

17. The internal alterations proposed would result in the infilling of the existing doorway opening between a kitchen and dining area with a new opening formed to serve a bedroom. Those works would also include the infilling of an existing doorway between a bathroom and an office. A non-original staircase would be removed with the creation of a smaller stepped access to meet the level of the existing hallway. The lofty interior spaces and timber frame would remain but there would be a minor change to the appreciation of the aisled design by the introduction of the internal walling.
18. In association with those internal works a later narrow pane UPVC window would be removed in the north facing elevation of barn 2 and replaced with an external door opening and softwood door. This would reflect an existing external door in the side elevation. It would be a minor and respectful change that would preserve its existing composition. The works (which are also development) would not undermine any sense of balance, symmetry, or the architectural integrity or interest of the barns. Nor would this element weaken any understanding or significance of the former functional agricultural use and appearance of the barn.
19. The farmhouse sits on higher ground to the south and is in different ownership and residential use to the barns. It is separated from the barns by a lawned garden amenity area with an abundance of domestic garden structures and paraphernalia. The setting of the farmhouse and barns has been significantly altered by a gravelled vehicular access that leads to the rear which is bordered by a large hedgerow on both sides above post and rail fencing. Further development including an enclosed tennis court and outbuildings lie within the setting of the farmhouse and barns. Consequently, there has been some dilution to the former agricultural setting of those assets and the historic connection cannot be as readily and easily appreciated and understood as the Council suggests.
20. Changes in ownership of the listed building could result in further fragmentation with a slight loss of the ability to understand the original plan form of the two historic barns at certain points. Subdivision of the garden would reflect wider boundary treatments, and appreciation of the former yard would remain largely unaltered. However, I do not consider that the close boarded fencing proposed would be appropriate. A more sensitive fence would be acceptable albeit for a temporary period whilst a suitable boundary hedgerow grows. This is a matter which can be addressed by condition with the submission of details and would result in no harm to their significance from development within their setting.
21. The subdivision could potentially result in a greater degree of noise, but this is unlikely to be material and there is nothing substantive from the Council to suggest otherwise or that any effects, including from domestic paraphernalia, would be materially different to the existing use and occupation as a single dwelling.

22. Overall, whilst the proposed works (which are also development) would engender minor fabric loss and some minor alterations to their setting there would be no material harm to the character and appearance of the barns or farmhouse from the works or development within their setting. The proposal would preserve the special historic interest and setting of the barns and farmhouse.
23. In Appeal A this would satisfy the requirements of the Act, Policy ENV2 of the Uttlesford Local Plan (the LP) and Policies TX HC1 and TX LSC4 of the Thaxted Neighbourhood Plan (the NP) insofar as they seek to ensure that development affecting a listed building should be in keeping with its scale, character and surroundings and that regard be given to the setting and significance of designated heritage assets. Policy GEN1 of the LP is not listed in the Council's formal decision but is referred to in the delegated officer report. That policy requires a number of criteria to be met relating to achieving high quality and sustainable design and construction. For the reasons given above the proposal would not conflict with the requirements of that policy.
24. In Appeal B, I conclude that the proposed works would preserve the special architectural interest of the Grade II listed buildings and their setting, thus satisfying the requirements of the Act, development plan policies and the Framework insofar as relevant.

Other considerations

25. In this case I am determining both s20 and s78 appeals. However, listed building appeals are not subject to Section 38(6) of the Planning and Compulsory Purchase Act 2004. Although such appeals do not therefore need to be determined in accordance with the plan, the relevant provisions are still capable of being material considerations.
26. There would be compliance with the development plan, when read as a whole in terms of the main dispute and sole objection on the grounds of heritage effects. However, the Council's delegated officer report also refers to Policy S7 of the LP which relates to the spatial strategy, and I note spatial considerations also form part of Policy TX HC1 of the NP. Both parties agree that the LP is out of date and whilst the Council contend, that they can demonstrate a five-year housing land supply, on the evidence submitted, the presumption in favour of sustainable development as set out in paragraph 11 of the Framework is engaged³. On the evidence before me, the revised Framework does not change that position.
27. Ultimately, no harm would occur to the special architectural or historic interest of designated heritage assets, or their setting so it is not necessary to undertake the balance required in respect of weighing less than substantial harm against the public benefits of the proposal required by the Framework.
28. In terms of the Framework and paragraph 11 the adverse impacts and conflicts of providing an additional family sized dwelling in a relatively accessible rural settlement such as Monk Street, that sensitively re-uses and preserves heritage assets whilst making a more effective use of land, would be limited.

³ Council's Delegated Officer Report.

29. Set against this, the works (which are also development) would bring economic and social benefits from the conversion and the creation of a separate dwelling, assisting in the vitality of the settlement and supply of rural housing. Whilst I acknowledge these benefits would be small in scale and notwithstanding the appellant's comments on housing targets and supply, the adverse impacts would not significantly and demonstrably outweigh the benefits. I therefore regard the proposal as being sustainable development in Framework terms and this is a significant material consideration in favour.

Conditions

30. I have considered the suggested conditions against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents and in the interests of clarity, precision, and simplicity.

31. In the interests of certainty, I have attached a condition in respect of Appeal A which specifies the approved plans; however, such a condition is not replicated in terms of Appeal B as progressing the works in accordance with the submitted plans is part of the formal decision above. A condition to ensure a suitable boundary treatment between the newly formed amenity areas along with other hard and soft landscaping details is necessary and would ensure the setting of the heritage assets would be preserved. Further, a condition requiring maintenance of the landscaping, including replacement is also necessary for the same reason.

32. In Appeal B, to ensure the special interest of the building is preserved a condition is necessary to require a schedule and methodology to be submitted and agreed detailing the materials and installation of the new external door and internal works. To preserve the special interest of the building, it is also necessary to impose conditions requiring the timely progress of any works of making good that may be required after the completion of the works.

Conclusion

33. For the above reasons and having regard to all other matters raised I conclude that in both appeals there would be compliance with the development plan, read as a whole.

34. Even if the proposal should be regarded as being in conflict with the spatial strategy of the development plan and therefore as a whole, in an unweighted balance the limited conflicts would be outweighed by material considerations. There are no other considerations which indicate a decision should be made otherwise and therefore both Appeal A and Appeal B should be allowed.

R Aston

INSPECTOR

SCHEDULE OF CONDITIONS

Appeal A Ref: APP/C1570/W/24/3345864

- 1) The development hereby permitted shall be carried out no 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: 2512 P01, 2512 P02B, 2512 P03 and Reeve Brown Heritage and Design Statement December 2023.
- 3) Notwithstanding any details on the approved plans above prior to commencement of the development, details of the hard and soft landscaping works must be submitted to and approved in writing by the local planning authority. The details shall include the following:
 - Hard and soft landscaping to be retained or provided.
 - Planting details of a native hedgerow (including species, size, and planting method) to subdivide the amenity area.
 - Details of a temporary fence including the design/appearance, materials, height, extent, and duration.

Subsequently the approved details shall be implemented before first use of the development and the use shall not take place other than in accordance with the approved details unless otherwise agreed by the local planning authority.

- 4) Any planting which within a period of five years from first occupation die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of comparable size and species, unless the local planning authority gives written consent to any variation. All landscape works must be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the local planning authority.

Appeal B Ref: APP/C1570/Y/24/3345865

- 1) The works authorised by this consent shall begin no later than 3 years from the date of this consent.
- 2) Prior to the commencement of the relevant part of the works, a full schedule and methodology detailing the internal works and installation of the new external door, including fixings, frames, opening methods and materials to be used shall be submitted and approved in writing by the local planning authority. The works hereby approved shall be carried out in accordance with the approved details and retained thereafter.

- 3) Upon completion of the works authorised by this consent, any damage caused to the buildings in the course of carrying out the works shall be made good within 3 months, and such works of making good are to match existing original adjacent work in respect of materials, method and finished appearance.

----- End of Conditions-----

Appendix 1

List of those who have appealed.

Reference	Case Reference	Appellant
Appeal A	APP/C1570/W/24/3345864	Mr G Moore
Appeal B	APP/C1570/Y/24/3345865	Mr G Moore