



Appeal Decisions

Hearing (Virtual) held on 19 March 2025

Site visit made on 25 March 2025

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th April 2025

Appeal A Ref: APP/Z1510/W/24/3356085

Fentons Farm, Fentons Road, Rayne, Essex CM77 6SL

- 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 Camsix Farms against the decision of Braintree District Council.
- The application Ref is 24/00159/FUL.
- The development proposed is described on the application form as the conversion of existing listed barns into a single dwelling, including small extension and link.

Appeal B Ref: APP/Z1510/Y/24/3356088

Fentons Farm, Fentons Road, Rayne, Essex CM77 6SL

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) against a refusal to grant listed building consent.
 - The appeal is made by Camsix Farms against the decision of Braintree District Council.
 - The application Ref is 24/00160/LBC.
 - The development proposed is described on the application form as the conversion of existing listed barns into a single dwelling, including small extension and link.
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Decisions

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

Preliminary Matters

3. Notwithstanding the description of development and works set out above, which is taken from the application form, I have used that of the Council's decision notices. This more accurately describes the proposal. I note that this version has also been used on the appeal form and within the Statement of Common Ground.
4. As Appeal A relates to a planning permission and Appeal B relates to a listed building consent, I have had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
5. The two appeals concern the same scheme under different, complementary legislation. To avoid duplication, I have dealt with both appeals together in my reasoning.
6. Prior to the determination of the planning applications, plans were submitted indicating a bat loft within the thatched barn and timber slats along the full length of the proposed glazed link. During the hearing (and as set out within supporting statements), the appellant sought a mechanism to omit these elements if the scheme was otherwise found to be acceptable. It was suggested that this could

come in the form of substituted drawings or planning conditions. However, an appeal should not be used to evolve a scheme and, in the interest of fairness, I have assessed the appeal based on the plans and evidence that the Council made its decision on.

7. Reference has been made to a hypothetical two-dwelling scheme, and a previous planning application at the same site. As set out above, I have assessed the appeal based on the submitted plans (a one dwelling scheme) and evidence that the Council made its decision on.

Main Issues

8. The main issues are:

- whether the proposed development and works would preserve the site's Grade II listed buildings, or any features of special architectural or historic interest which they possess, and the setting of an adjacent Grade II listed building;
- the effect of the proposed development on the character and appearance of the site and surrounding area; and
- the effect of the proposed development on the living conditions of the future occupiers of the dwelling, with particular regard to privacy.

Reasons

Heritage assets - special interest and significance

Barn (named as 'Small Barn Adjacent to West of Barn Approximately 30 Metres North West of Fentons Farmhouse', hereafter referenced as 'weatherboarded barn')

9. The weatherboarded barn is a Grade II listed building¹. It has its origins in around the 18th century, with later alterations. It is timber framed with weatherboarding over a brick plinth, and with a corrugated iron roof. It is of group value with the adjoining listed buildings.
10. The special interest and significance of the listed building is largely derived from its historic and architectural interests. Important contributors in these regards are its illustration as a vernacular agricultural building and the use of traditional building materials and methods.

Barn (named as 'Barn Approximately 30 Metres North West of Fentons Farmhouse', hereafter referred to as 'thatched barn')

11. The thatched barn is a Grade II listed building². It has its origins in the 16th/17th century. It is of timber frame construction, covered by render, with a midstrey and thatched roof.
12. The special interest and significance of the listed building is largely derived from its historic and architectural interests. Important contributors in these regards are its age, its illustration as an impressive and largely unaltered agricultural building and the use of traditional building materials and methods, in particular its roof structure.

¹ List Entry Number: 1338149

² List Entry Number: 1122756

Fentons Farmhouse

13. Fentons Farmhouse is a Grade II³ listed building. It is a 17th century (or earlier) house of timber frame construction with rough render over and a red tiled roof.
14. The special interest and significance of the listed building is largely derived from its historic and architectural interests. Important contributors in these regards are its age, illustration as a vernacular property that has evolved over time, and the use of traditional materials and building methods. Despite the extension and alteration of the listed building over time, it retains a picturesque and pleasing architectural form. Those later additions have not unduly eroded the building's intrinsic heritage merit.
15. Pertinent to this appeal, the building's special interest and significance are also derived, in part, from its setting. The open but clearly defined grounds (including former farmyard), together with the two listed barn structures, have an historic, visual and functional connection with the heritage asset, indicative of the historic agricultural use of the site and surrounding area. It is from these closely associated grounds that the asset is best appreciated. They form the asset's immediate setting. This immediate setting contributes considerably to the asset's special interest and significance.
16. Beyond this, the surrounding area is made up of open countryside, with some nearby later development. This surrounding area forms the asset's wider setting, from which only limited or fleeting views of the asset are possible. Contemporary development, including a bungalow to the east and barn structure to the north of the site, has altered how the asset is experienced and thus has moderated the contribution the wider setting makes to its special interest and significance.

Heritage assets – appeal proposal and effects

17. There are several strands to the proposed development and works. The existing barns would be converted into a single dwelling. The weatherboarded barn would be extended to the west and both barns would be connected via a glazed link extension. The internal spaces of both barns would be subdivided to accommodate the change to residential use and for mitigation purposes, including the introduction of a mezzanine level in the weatherboarded barn and a bat loft in the thatched barn. The historic farm complex would be physically subdivided to provide separate amenity spaces for the converted buildings. In addition, external repairs would take place to the barns.

There is no dispute between the Council and appellant in respect of the extension to the west of the weatherboarded barn, the repair works to the barns or the general subdivision of the weatherboarded barn. Based on the submitted evidence and my observations on site, I have no reason to disagree with those findings.

Weatherboarded barn and thatched barn

18. The glazed link extension would connect the weatherboarded barn with the thatched barn. New openings would be created within the historic fabric of the barns to physically connect the spaces.

³ List Entry Number: 1338148

19. There is no doubt that the glazed link structure would change the appearance of the site and alter the historically independent nature of the two barns. I also accept that there is no evidence to demonstrate any previous interconnectivity between the barns, even where historic maps indicate the existence of additional structures over time. However, the glazed link would be subservient to both buildings and would form a simple and lightweight structure. It would form an honest insertion that would connect the two principal barn structures with relatively minimal intervention, or significant intrusion into historic fabric. Its glazed nature, scale and position would allow the currently external historic fabric of the barns to remain largely visible and their individual nature to remain legible. Although glass can be highly reflective, this matter was discussed at the hearing and it was agreed that details of this could be managed by way of a suitably worded condition, should the appeal be allowed.
20. Notwithstanding that a glazed structure could provide a satisfactory solution here, the vertical timber slats that would be fitted along the full length of the glazed link would run contrary to the principle of it as a sleek, clean and fully transparent structure. Instead, this feature would introduce a solidity to the structure that would appear cluttered and incongruous. The slats would obscure the internal (currently external) walls of the barns which would otherwise be visible through the clear glass structure. Ultimately, the detailed design of the link before me, which includes timber slats, would have a poor relationship with the barn buildings, harming the special interest and significance of these designated assets. I appreciate that the appellant had sought a solution to this at the hearing, in order to remove this feature if it was found unacceptable. Nevertheless, as I have set out in my preliminary matters, I have assessed the scheme as determined by the Council when it made its decision.
21. I accept that the proposal would be positioned to the rear of the barns and would not be readily visible from the adjacent footpath. Be that as it may, the buildings are listed for their intrinsic architectural and historic interest and the visibility of the proposed works from public vantage points is not a determining factor in considering whether they would preserve the special architectural or historic interest of the buildings.
22. Turning to the proposed bat loft within the thatched barn, this was recommended by the scheme ecologist as a suitable mitigation measure. The thatched barn has an intact, intricate and visually interesting timber frame structure which is currently fully exposed. The proposal would involve the installation of a boarded ceiling and walls across part of the thatched barn's internal roofspace. Although I acknowledge that the loft would not cover the entire roof structure, this over-engineered intervention would form a considerable alteration that would obscure a significant part of the internal timber frame. It would dominate the interior of the barn and enclose part of the vast open roof space. In doing so, it would remove the ability to fully appreciate an important element of the thatched barn, harmfully eroding its historic and architectural integrity. This, in turn, would harm the special interest and significance of this designated asset.
23. While it might be possible to remove this relatively significant intervention in the future, this is highly unlikely to happen once installed.

Fentons Farmhouse

24. The undeveloped open space that exists between the farmhouse and barns consists of manicured garden land with gravel parking and turning areas. While this area is likely to have once formed part of the farm's historic yard area, it is clearly now in domestic use. Moreover, there is no ability to control how this space is used at present, in connection with the domestic use of the farmhouse.
25. The proposed development and works would formally separate the barns from the house which would result in the permanent subdivision of the site. However, neither the open character of the space, nor the experience of the site when approached from the shared entrance, would change significantly. The site would retain a domestic character and the ability to read the site as a whole would not be diminished, including the historic relationship between the house and barns. Any additional boundary treatments here would likely be low level and could be controlled by condition.
26. The introduction of a brick wall along the west side of the farmhouse would change the appearance of the site somewhat. However, this would follow a likely historic building line here, as evidenced by historic maps, and further details could satisfactorily be controlled by condition. Ultimately, the proposed subdivision of the site would not diminish the understanding of the appeal buildings, their individuality or their historic context. Consequently, the setting of Fentons Farmhouse, and the contribution that setting makes to the significance of the asset, would be preserved.
27. Taking all of the above into account, I acknowledge that elements of the proposed development and works would be acceptable. However, it is the combination of works before me that would harmfully erode the integrity of the designated heritage assets.
28. Overall, I conclude that while the proposed development and works would preserve the setting of Grade II listed building, Fentons Farmhouse, it would fail to preserve the Grade II listed buildings, the weatherboarded barn and thatched barn, or any features of special architectural or historic interest which they possess. Consequently, the development and works would harm the special interest and significance of these designated heritage assets. In doing so, they would be contrary to the requirements of section 16(2) of the Act.

Heritage assets – public benefits and balance

29. Paragraph 212 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.
30. With reference to paragraphs 214 and 215 of the Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given the extent of the works relative to the listed buildings, I find the harm to be 'less than substantial' in this instance. Noting caselaw⁴, there is no requirement upon me to place that harm somewhere on a spectrum. However, it

⁴ Shimbles v City of Bradford MBC [2018] EWHC 195 (Admin)

has been put to me that the level of less than substantial harm would be at ‘the lower level of the overall scale’. I also note that the Planning Practice Guidance indicates that within each category of harm, the extent of the harm may vary. In this context and given my reasoning above, I judge the less than substantial harm to be (at least) at a moderate level.

31. Notwithstanding this, less than substantial harm does not equate to a less than substantial planning objection. Irrespective of where on the spectrum the less than substantial harm falls, it is afforded considerable importance and weight. Framework paragraph 215 sets out that where less than substantial harm is identified, the extent of that harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
32. The appellant has set out that the proposed development and works would, amongst other things, secure the optimum viable use of the buildings, secure economic benefits, result in repairs, reverse previously damaging work to the buildings and result in biodiversity net gains.
33. I do not disagree, based on the evidence provided, that the use of the barns for residential purposes would likely be the optimum viable use for the buildings. This is particularly illustrated by the submitted marketing report and commercial viability appraisal. Nevertheless, this is not at any cost and does not mean that any development should automatically be allowed. I afford this benefit moderate weight.
34. I acknowledge that economic benefits would be brought about through the construction phase, an increase in local spend following occupation and the general investment into the property. However, the scale of those benefits would be short-term in respect of the construction phase and limited overall by the extent and nature of the proposal. I afford this benefit only limited weight.
35. I acknowledge that the significant repairs and reversal of damaging works (including re-thatching and the replacement of cementitious render with a lime render) would unlikely take place without a more comprehensive redevelopment of the site, in this case the conversion to residential. This would be a benefit. However, alterations such as the removal of the oil tank are not inherently reliant on the scheme before me. Overall, I afford these benefits moderate weight.
36. I do not doubt the positive biodiversity intentions of the appellant. However, I am not of the view that such benefits are inherently reliant on the scheme before me. In respect of the proposed bat loft, it has not been demonstrated that the same mitigation measures could not arise from a less intrusive approach. Indeed, a consultation response from the project ecologist suggests that an alternative approach, without a bat loft, is possible. Overall, I afford this matter limited weight.
37. It is also set out that the proposal would contribute to housing supply in the local area, making efficient use of existing buildings. This is undoubtedly true. However, the provision of one dwelling would, inevitably, make only a very limited contribution to housing supply. Moreover, the evidence before me demonstrates that the Council has at least a 5 year supply of deliverable housing sites. I afford this matter limited weight.
38. While noting the benefits of the scheme, I am not satisfied that clear and convincing justification for the identified harm to the significance of the thatched

barn or weatherboarded barn as a result of the proposed development and works has been provided. In giving great weight to the conservation of the assets, as well as considerable importance and weight to the identified harm to their significance, I find that this would not be outweighed by the limited-moderate public benefits that would flow from the proposal.

Heritage assets – conclusion

39. Overall, there are several public benefits that accrue from the proposal. Nevertheless, the weight that I ascribe to those public benefits is not sufficient to outweigh the considerable importance and weight that I attach to the harm I have found. The proposed development and works would fail to preserve the Grade II listed buildings, weatherboarded barn and thatched barn, or any features of special architectural or historic interest which they possess. The proposed development and works would be contrary to the requirements of section 16(2) of the Act and the provisions within the Framework which seek to conserve and enhance the historic environment.
40. The proposed development and works would also conflict with the relevant provisions of Policies SP7, LPP40(b), LPP47 and LPP57 of the Braintree District Plan which, in summary and when taken as a whole, seek to protect and enhance the historic environment.

Character and appearance

41. Notwithstanding the heritage considerations above, the Council has also set out concerns relating to character and appearance. In particular, the Council consider the glazed link to appear incongruous, failing to respect the character of the existing buildings.
42. The appeal site has a clear agricultural character and appearance, in part due to the former use of the buildings, but also due to the rural location of the site and the arrangement of buildings around an historic open yard area.
43. The proposed glazed link would, in part, be visible from the public right of way to the north of the appeal site. From this vantage point, it would be set back behind the principal barn structures. It would be of a simple, lightweight appearance and subservient to the appeal buildings. Nevertheless, the structure, which would include a prominent screen of vertical timber slats, would be highly visible from within the site and from Fentons Farmhouse. The timber slats, in particular, would clutter and undermine the concept of the glazed link as a clean, sleek and translucent structure. Consequently, the detailed design of the glazed link would appear as a discordant feature here.
44. Overall, the proposed glazed link, as submitted, would harm the character and appearance of the site and surrounding area, contrary to the relevant provisions of Policies SP7, LPP40(e), LPP52 of the Braintree District Local Plan, which in summary seek to ensure a high standard of design in development.
45. Policy LPP35 has been referenced in the Council's decision notice. However, this relates to housing mix, density and accessibility and I do not consider it directly relevant to this main issue. The appellant has queried the relevance of Policy SP7. However, this relates to the quality of development across all scales of new development, and I consider it relevant to this main issue.

Standard of accommodation

46. The Council sets out concerns with respect to privacy. In particular, it sets out that occupiers of the converted dwelling would experience a perceived lack of privacy by reason of the position and nature of the proposed glazed link.
47. I observed during my site visit that the appeal site, including glazed link, would be visible from within the adjoining Fentons Farmhouse. This includes from both ground and first floor windows. However, these views would generally be at oblique angles and from non-habitable rooms. The link would be, by definition, a connection between the two barns and not a habitable room. Moreover, bedrooms within the weatherboarded barn would be served by bathrooms in that same section.
48. From that perspective, and given the good levels of privacy and overall standard of accommodation across the rest of the proposed dwelling, there would be no harm to the living conditions of future occupiers. In addition, the appellant raised the argument that future occupiers of the market dwelling would be aware, upfront, of the existence of the glazed link before choosing to live at the property. I concur.
49. The timber slats included along the length of the glazed link would go some way to mitigate against any perceived overlooking. Nevertheless, this feature would not make a fundamental difference to privacy based on my findings above.
50. Overall, I conclude that future occupiers of the proposed development would be provided with a satisfactory standard of accommodation. Accordingly, the proposed development would be in accordance with the relevant provisions of Policies SP7, LPP35, LPP52(p) of the Braintree District Local Plan which, in summary and when taken as a whole, require the provision of a good standard of amenity for future occupiers, including in relation to privacy.
51. Policy LPP40(d) relates to the impact on residential amenity, rather than living conditions of future occupiers. As there is no dispute in this respect, I do not consider this to be relevant to this main issue.

Other Matters

52. The site lies within the zone of influence of the Black Water Estuary Special Protection Area and Ramsar site, and the Essex Estuaries Special Area of Conservation. I note that a mitigation payment has been made by the appellant in line with the Essex Coast Recreational disturbance and Avoidance Mitigation Strategy (RAMS). Habitats Regulation 63(1) states that a competent authority, before deciding to give any consent or permission must make an appropriate assessment of the implications of the plan or project for that site. However, given my reasoning in respect of the main issues and that the appeal is dismissed, there is therefore no requirement upon me in that regard, and even were I to find that the proposal was acceptable in this respect, it would be neutral in my determination of the case.
53. The appellant sets out that the proposed development and works would meet several planning policy objectives, including in respect of garden space, car parking and neighbouring amenity, but also in respect of overall design objectives. Where I have identified harm and clear conflict with policy, this has been set out. The

absence of harm in some other respects is neutral in my determination of the appeal. Ultimately, while the proposal would fulfil some policy requirements, I consider there would be conflict with the development plan, when read as a whole.

54. The appellant sets out concerns relating to the way in which the Council approached its decision and that this was flawed. This matter would be best dealt with via a costs application. I have assessed the scheme based on the evidence before me. None of the other matters raised alter my conclusions on the main issues.

Planning Balance and Conclusion

55. The benefits which would accrue from the proposed development and works are set out in the heritage balance, above. They individually carry limited-moderate weight in the appeal's favour.
56. Conversely, the proposed development and works would fail to preserve the Grade II listed buildings, weatherboarded barn and thatched barn, or any features of special architectural or historic interest which they possess. They would also have a harmful effect on character and appearance. Together, these matters attract considerable weight against the appeal. The Framework is clear that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. It also sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.
57. The benefits that weigh in favour of the proposed development and works are not sufficient to outweigh the harm I have found. It would therefore conflict with the development plan when taken as a whole. There are no material considerations which indicate a decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that Appeals A and B should be dismissed.

A Price

INSPECTOR

APPEARANCES

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