



Appeal Decision

Site visit made on 14 April 2025

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 May 2025

Appeal Ref: APP/Z1510/W/24/3354548

Brickwall Farm, Queen Street, Sible Hedingham, Essex, CO9 3RH

- 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 Ms Z Fuller against the decision of Braintree District Council.
 - The application Ref is 24/00507/FUL.
 - The development proposed is erection of detached three-bedroom dwelling with private amenity space and parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the site is an appropriate location for a new dwelling having regard to local and national planning policies;
 - The effect of the development on the character and appearance of the area, including the effect on nearby trees and designated heritage assets;
 - Living conditions of future occupiers of the proposed development having regard to the adjacent public right of way and adjacent agricultural and commercial buildings;
 - Parking; and Contamination.

Reasons

Location

3. The spatial strategy set out within the Braintree District Local Plan 2013-2033 (the local plan), directs development towards the most sustainable and accessible locations, which will reduce the need to travel. Policy LPP1 of the local plan states that development outside development boundaries will be confined to uses appropriate to the countryside. The supporting text to this policy explains that new development outside development boundaries would not normally be considered sustainable.
4. The site is located outside of the development boundary for Sible Hedingham. It has not been put to me that the proposed dwelling would replace an existing farm worker's dwelling, or that any other countryside exception or rural need would apply. Having regard to the planning history of the wider farm site, the supporting information submitted, and comments made by a local councillor, it appears that

the proposal would be a self-build dwelling for the appellant, who currently occupies a mobile home for a farm worker on the farm site that was granted planning permission in 2004. I am advised that this permission was temporary and expired in 2007, but presume it is now immune from enforcement action due to the passage of time. It would also appear that the appellant has grown up on, and continues to work on the farm, which is owned by her family. If this is the case, the appellant's travel needs would be no different than they are at present, as a result of relocating from the mobile home to the new dwelling. However, I have not been advised what would happen to the mobile home after the appellant vacates it, whether it would be removed or re-occupied, or if the occupation of the mobile home is restricted in anyway. I have therefore assessed the proposal as an additional new dwelling with unrestricted occupancy. In this respect I note that the Supporting Statement submitted with the application states that the additional dwelling would support local services.

5. Despite being located outside of the development boundary for Sible Hedingham, the site is well connected to its built extent, forming part of the ribbon development along the A1017 to the south of the village. The planning history also suggests that a variety of employment, retail, tourism and community uses have been granted planning permission on the wider farm site.
6. There is a continuous footpath and some street lighting along the 30mph road that connects the site to the village. Sible Hedingham, is defined in the local plan as a key service village. Such villages have a good range of services and facilities that meet day to day needs. I am satisfied that future occupiers of the proposed new dwelling would be able to safely access the services and facilities in the village on foot, by bicycle or by public transport.
7. In the absence of any information relating to the future of the mobile home currently occupied by the appellant elsewhere on the farm site, I have not treated the proposal as a replacement dwelling and as such it would not accord with Policy LPP1. However, notwithstanding this conflict, I consider the site to be a suitable and sustainable location for a single new dwelling, in principal, and I find no conflict with Policies SP3, SP7, LPP35 and LPP52 of the local plan, in so far as they seek to direct new development to within or adjoining the most sustainable locations, which are well connected and prioritise the needs of pedestrians, cyclists and public transport services above use of the private car. The proposal would also accord with the National Planning Policy Framework (the Framework) which states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

Character and appearance

8. Section 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting. Whilst there is also a statutory duty under section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas, this does not extend to the setting of conservation areas or to land outside of them.

9. The appeal site is located approximately 50 metres away from Brickwall House, which is a Grade II listed building. Whilst this building is sited within the Sible Hedingham Conservation Area (the CA), its rear garden and the farm buildings and land beyond it, including the appeal site, are not. Neither of the main parties has described the significance of the adjacent heritage assets and the Council has not explained what harm it considers the proposed development would cause to the significance of these assets.
10. When assessing the harm to the significance of a conservation area, it is necessary to consider the asset i.e. the CA, as a whole. I have not been provided with a plan identifying the whole extent of the CA or with a conservation area appraisal or any other detail regarding its special significance. However, based upon the evidence before me, and given the location of the site well beyond the CA boundary, I do not consider that the proposal would result in harm to the special significance of this designated heritage asset as a whole, nor do I consider it would affect any views into or out of the CA. As I am dismissing the appeal anyway, I have not sought further information on this matter.
11. I have been provided with a copy of the listing description from the Historic England website, which appears to highlight the incorrect building on the location plan. It also refers to the building as Brickwall Farmhouse, whereas the name currently displayed at the front of the building is Brickwall House. The highlighted building on the plan appears to be Brickwall Farm, a part two storey, part two and a half storey building with gable roofs covered partly in clay pantiles, and partly in slate tiles, above painted timber clad and rendered walls and white UPVC double glazed windows. The listing description appears to match neighbouring Brickwall House, which has an exposed timber frame facing the road, with a timber framed red tiled roof veranda to the front, a hipped red clay tiled roof, sash windows, timber front door and large brick chimney stacks.
12. The significance of the listed building is derived from its age, sixteenth century with later eighteenth century alterations, its architectural interest and historic fabric. Its setting within landscaped gardens and surrounded by low level agricultural buildings and open agricultural land contributes to its historic significance. However, it is apparent that the original farmhouse has been segregated from the remainder of the farm, the gardens have been subdivided and the older traditional farm buildings converted to other uses such as holiday cottages and a function room. New dwellings have been constructed along Queen Street to the north of the listed building and modern farm buildings have been constructed to the west, albeit some of these have also diversified into other business uses.
13. The existing use of the site is described on the application form as a former silo, the existing and proposed plans label the site as a slurry pit and the appeal statement says the site is a redundant crop store. Regardless of its former agricultural uses, the site of the proposed new dwelling comprises a concrete floor enclosed by breezeblock walls. The ground floor is roughly level with that of the adjacent modern farm buildings, which are low rise and constructed in vertical timber boarding above breezeblock walls and have metal profiled roofs, some with roof mounted solar panels. The existing tennis court, which would be retained, is on much higher ground than the adjacent barns and has a retaining brick wall along its southeastern boundary, where the land steps up again to the permissive footway and orchard area, which is currently used for keeping chickens and sheep.

The mobile home, which I understand is currently occupied by the appellant, is on the opposite side of the farmyard to the proposed new dwelling.

14. The proposed new dwelling would be of modern contemporary sustainable design. It would be located adjacent to the modern farm buildings, and its design and materials, including the solar panels, would reflect these. I am also mindful of the fact that solar panels on dwellings, even within conservation areas which this site is not, are generally permitted development and a condition could be imposed to screen the external air source heat pump equipment. However, due to the topography of the site, which is not clearly indicated on the submitted plans, it appears likely that the second floor of the proposed dwelling would be significantly higher than the buildings adjacent to it. Cross sections, demonstrating land levels and building heights over a larger area of the site would have been helpful. Based upon the evidence before me, it appears that the height of the proposed dwelling, in combination with its prominent position immediately adjacent to the access road into the Brickwall Farm site, which serves multiple premises, would appear incongruous. Whilst I acknowledge that the tennis court is on higher level ground, this is surrounded by transparent mesh fencing.
15. The curtilage of the new dwelling would be extensive and would encroach beyond the tennis court and permissive footpath route, into the orchard, which at the time of my visit was occupied by chickens and sheep. The use of this area, which is visually prominent due to its open position adjacent to the access road and on higher ground than the tennis court, as garden, which would encroach into the countryside and even with permitted development rights removed could become very domesticated by garden paraphernalia, would erode its agricultural character and appearance. Whilst I note this small parcel of land has been sub-divided from the larger field by the access road, it continues to be used for grazing animals and continues to be agricultural in appearance. Furthermore, due to its position on higher ground, beyond the tennis court and permissive footpath, it appears distinctly separate and different in character to the more developed northern part of the farm site.
16. With regard to the existing trees located between the access road and the proposed dwelling, these are outside of the CA and I have not been advised they are protected by a preservation order or by a condition of any existing planning permission. Consequently, these could be removed before any new planning condition comes into force. The footings to the new dwelling would be beneath the existing concrete surface and the trees, which are to the northeast of the proposed dwelling, would be unlikely to significantly overshadow any main windows, garden areas or the solar panels, which would face them, and as such there is unlikely to be pressure to remove these trees in the future. A condition could be imposed to protect existing trees during construction and to ensure that any trees damaged or removed as a result of the development or within a specified period following its construction to be replaced with new tree planting in accordance with a scheme to be agreed by the Council.
17. I therefore conclude that the height of the building and the extent of its proposed domestic curtilage, combined with their prominent locations, would harmfully detract from the low level buildings and open surroundings that contribute to the setting of the listed building and to the character and appearance of the surrounding area. The harm to the setting of the listed building would be less than

substantial. However, I must afford any harm great weight, and there are no public benefits that would result from the development to outweigh this.

18. The proposal would therefore conflict with Policies SP7, LPP47, LPP52, LPP53 and LPP57 of the local plan, and the Framework. These policies collectively seek to ensure that development protects assets of historic and natural value.

Living Conditions

19. An existing public right of way (PROW) footpath runs along the northwestern side of the tennis court. There is also a permissive right of way, which grants access along the southeastern side of the tennis court, and this arguably provides a better route through the site. However, I understand that the landowner could withdraw the rights to the use of this permissive footpath at any time. The legal PROW would run directly in front of the proposed private patio area and bifold doors to the drawing room, in the southwest elevation of the proposed dwelling, and through the garden area immediately to the rear of the dwelling.
20. I am advised that the PROW is to be legally diverted, and I see no reason why this would not be possible, but I am unaware of the timescales relating to this. The main parties are minded to agree that the footpath diversion would be difficult to control by a planning condition.
21. Whilst I acknowledge that the PROW may not be used frequently or result in any unacceptable noise, its existence would significantly reduce the privacy and security that would usually be expected to be enjoyed to the rear of a dwelling and within its garden. Even houses fronting pavements on busy streets tend to have privacy to the rear and within their gardens.
22. With regard to potential disturbance from other adjacent buildings, I acknowledge that light industrial and Class E uses are generally acceptable in residential areas. However, the site is not within a built-up residential area and I have not been advised what uses have been permitted and implemented in the adjacent buildings or what conditions they are subject to, if any, to control their type and hours of use and to control any potential noise or other nuisance from them. It is also unclear what control, if any, the appellant has over the use or operation of these buildings. I also noted livestock buildings close to the site but have been provided with no information regarding these.
23. The appeal statement advises that the proposed dwelling would be occupied by the appellant, who already lives in a caravan on the farm, has grown up on and works on the farm and has no objection to walkers going through her garden and past her windows. I also acknowledge that any other future owner would buy the plot or the dwelling knowing what uses surround it. However, I am not convinced that viewing a house would provide future occupiers with a full understanding of what existing or future operations could take place in the adjacent commercial and agricultural buildings at all times of day and night, over different times of the year. Nor can I be sure if the appellant or any future occupiers of the dwelling would have any control over uses of the adjacent buildings should their ownership and control be split. I acknowledge that there are existing dwellings close by, but the proposed new dwelling and its garden would be sited much closer to the agricultural and commercial buildings than those.

24. I therefore conclude that based upon the evidence before me I cannot be satisfied that future occupiers of the dwelling would have an appropriate standard of living conditions with regards to privacy from the PROW or noise and disturbance from adjacent commercial and agricultural buildings and uses. The proposal would therefore conflict with Policies SP7, LPP35, LPP52 and LPP70 of the local plan, which seek to ensure appropriate amenity standards and to safeguard residential properties from noise, smell, light pollution and disturbance.

Parking

25. The proposed dwelling would have a lower ground floor car port accessed from the shared road that also serves the commercial and agricultural buildings, as well as use of a gravel parking area adjacent to the upper ground floor area and the main access road into the farm site. As such there would be sufficient car parking for future occupiers of the proposed dwelling and their visitors. Whilst concerns have been raised about manoeuvring vehicles around the sharp U turn bend into the access road and into the carport, at the time of my visit there were very few vehicles using the wider farm site and I noted alternative access routes around the farm site exist. As such the lower ground level access and parking is unlikely to result in any danger. I accept that it would be difficult for drivers exiting the car port to see any oncoming vehicles or pedestrians but given the nature of the site there would be few people and cars, vehicles would be slow moving, and pedestrians would see cars emerging.
26. The existing PROW runs through the upper ground level gravel parking area, which it is suggested would be detrimental to PROW users. However, this gravel parking area is existing and according to signage on site, appears to be a waiting area for large deliveries to the joinery workshops. Whilst I do not agree a few domestic parking spaces would unduly obstruct or cause danger to users of the PROW, the loss of this space for large waiting vehicles, and the effect of these large waiting vehicles on the living conditions of residents is unclear due to the lack of information.
27. I have not been provided with an overall plan of the wider farm site that identifies the different uses or that identifies the staff and customer parking and vehicle access routes for each use. I also have no details of the arrangements for large vehicle movements to the agricultural or business premises, or details of how often these are. However, in the absence of any evidence to suggest the gravel parking area is required in connection with the safe movement of vehicles to and from other parts of the farm site, I am satisfied that future occupiers of the proposed dwelling would have safe access to adequate parking space.
28. I therefore find no conflict with Policies LPP43 and LPP52 of the local plan in respect of parking. As I have not been provided with a copy of the Essex Vehicle Parking Standards, I have not assessed the proposal against these.

Contamination

29. There is conflicting information in the forms, plans and supporting documents regarding the past use of the site. However, given the historic agricultural nature of the site, I am satisfied that any potential risk of contamination could be dealt with by planning conditions.

Conclusion

30. I consider that a dwelling of contemporary design would be appropriate on the appeal site, that future occupiers would have access to services and facilities by means other than car, that the proposal would not affect the CA, would provide an appropriate standard of parking and that conditions could be imposed to protect or replace trees and to deal with any risk of contamination. However, the height of the dwelling above the higher ground level of the site and close to the access road, would be visually prominent in comparison to the low-rise agricultural buildings and open land adjacent to the site. This together with the extent of the proposed domestic curtilage would detract from the historic agricultural setting of the listed former farmhouse and the surrounding countryside landscape. There is also insufficient information before me to conclude that future occupiers would not be affected by the existing route of the PROW or by adjacent agricultural and commercial premises.
31. For the reasons given above, and having considered all matters raised, I conclude that the proposal conflicts with the development plan taken as a whole and there are no material considerations of sufficient weight, which indicate a decision should be made other than in accordance with the development plan. The appeal is therefore dismissed.

R Bartlett

INSPECTOR