
Appeal Decision

Site visit made on 17 June 2025

by **Thomas Courtney BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 July 2025

Appeal Ref: APP/C1570/W/24/3349783

Radwinter Hall, Walden Road, Radwinter, Essex CB10 2SW

- 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 & Mrs Fallon against the decision of Uttlesford District Council.
 - The application Ref is UTT/23/3190/FUL.
 - The development proposed is the conversion and extension of the vacant agricultural and outbuildings to 2 no. holiday lets / 1 no. annexe accommodation with associated operational development.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion and extension of the vacant agricultural and outbuildings to 2 no. holiday lets / 1 no. annexe accommodation with associated operational development at Radwinter Hall, Walden Road, Radwinter, Essex, CB10 2SW, in accordance with the terms of the application, Ref UTT/23/3190/FUL, subject to the conditions in the attached schedule.

Procedural Matters

2. The description of development as described on the application form and the Council's decision notice referred to the 'retention' of the works. However, the term 'retention' is not a description of development. I have therefore removed it from the description of development in the banner heading above. I do not find either party would be prejudiced by my doing so.
3. Parts of the proposed development have already occurred and appear to accord with the plans before me. These include the conversion of the buildings, internal alterations, insertion of windows to the former piggery (Building 2), and the front extension of the former stables (Building 1). Other elements of the scheme such as the insertion of windows to the western and southern elevations of Building 1 and a ramped approach to the holiday let unit have not been carried out. I have therefore assessed the proposal on a part-retrospective basis.
4. Two revised plans were submitted with the appeal. Drawings nos 5834 04B and 5834 06C show that the window serving bedroom 2 of the former piggery (Building 2) has been enlarged for escape purposes. This is a minor amendment which does not fundamentally change the proposal or cause unlawful procedural unfairness. I have therefore decided to accept the revised plans.

Background and Main Issues

5. Although not stated as a reason for refusal in the decision notice, the Council questioned the lawfulness of the appeal buildings and their conversion. They state that the buildings do not benefit from planning permission or a lawful development certificate to show that the structures and uses have lawfully commenced or completed.
6. The appellant has provided extensive evidence relating to the existence of the buildings. It includes OS maps from previous planning permissions at the appeal site¹ showing the outline of the piggery and the stables, various descriptive written references to the buildings in documents submitted with these previous applications, and photographic evidence from the sales particulars of the farm. The appendices to the Planning Statement also include historic mapping imagery from Google Earth dating from 2000 and 2005 showing the buildings in the approximate location that I saw them during my site visit.
7. I have no reason to doubt that the scale and outline of the buildings referred to in the evidence are broadly consistent with the appeal buildings. Based on the timeline of the evidence, the appeal buildings are sufficiently established. Furthermore, I have no evidence to disagree that improvements and alterations to the former piggery (Building 2) could be considered lawful under Section 55 of Part III of the Town and Country Planning Act 1990 (as amended) however elements of the works undertaken that have affected the external appearance of the building such as the insertion of windows and the erection of a covered terrace will be assessed on a retrospective basis. The extensions already carried out to Building 1 as well as those proposed will also be assessed as part of this appeal.
8. Therefore, the main issues are:
 - the effect of the development on the character and appearance of the area;
 - whether the annexe accords with the Council's strategic approach to the provision of housing in the countryside; and
 - whether the holiday lets accord with the Council's strategic approach to the provision of tourist accommodation in the district.

Reasons

Character and appearance

9. Radwinter Hall is a substantial three-storey dwelling with an elegant and symmetrical frontage accessed via a private gravelled drive from Walden Road. It was formerly the main farmhouse and therefore occupies a prominent position within a cluster of outbuildings and barns, many of which, such as Building 1, are finished in black timber weatherboarding. To the north-west of the site lie a number of large sheds and silo buildings that form part of Hall Farm.
10. The surrounding land comprises a mix of agricultural fields, grassed paddocks, hedging and small areas of woodland. The overall setting remains distinctly rural, and the site appears as a typical and coherent cluster of rural buildings with Radwinter Hall remaining the focal point.

¹ Applications ref UTT/18/2179/FUL and ref UTT/19/0772/FUL

11. The two buildings subject to the appeal – a black timber-clad former stables outbuilding and a former nissen hut piggery – have been converted with only modest alterations and extensions. Their overall form, scale, and siting remain largely unchanged, and their appearance continues to reflect their agricultural origins. Importantly, no new built form has occurred outside the established footprint of the site, and the conversions have not resulted in any encroachment into open countryside.
12. Due to the enclosed nature of the site, and the substantial degree of natural screening provided by trees, hedging, and established boundary planting, there are limited public views of the buildings from nearby public rights of way. The converted buildings sit comfortably within the existing cluster, and their design and materials retain a distinctly rural and functional character. While the Council refers to the presence of domestic paraphernalia, vehicles, hardstanding and fencing, these are modest in scale and do not appear incongruous or result in a materially urbanising effect when experienced from within the site. The hardstanding consists of gravel, which has a softer, more rural appearance than tarmac or concrete.
13. Moreover, the post-and-rail fencing that encloses the former stables was already in-situ prior to the conversion and is consistent with the site's historic use and rural appearance. The wooden fencing around Building 2 is innocuous and harmonises well with the surrounding context.
14. The footprint of the converted buildings is acknowledged to exceed that of the main dwelling, Radwinter Hall. However, the buildings are modest in height, and visually subservient to the main dwelling, which remains the dominant structure on site in both scale and architectural presence. The conversions have not led to a proliferation of built form nor a change to the overarching rural character of the site. The retention of the development and the minor additional works proposed would preserve the rural qualities of the site and its wider setting.
15. As such, the development does not harm the character and appearance of the appeal site and surrounding area. It does not conflict with Policy S7 of the Uttlesford Local Plan (2005) (ULP) insofar as it seeks to ensure development in the countryside is appropriate and protects or enhances the character of the area in which it is set.

Principle of annexe

16. The Council contends that the portion of Building 1 used as an annexe is excessive in scale and layout, with the inclusion of two bedrooms, a bathroom, and kitchen/living space rendering it tantamount to an independent dwelling. However, while the annexe is physically capable of self-contained occupation, such accommodation may still constitute an annexe where it is used in connection with the main dwelling and does not form a separate planning unit.
17. In this case, the annexe is occupied by a family member in association with Radwinter Hall, forming part of a single household. It is not let or used independently. The evidence suggests there are no separate utility connections for water, electricity or drainage. Although there is fencing between the building and the main house, it does not functionally sever it from the host dwelling. The annexe lies within the clearly defined curtilage of Radwinter Hall, is accessed via the same driveway, and there is no separate postal address.

18. The annexe remains visually and physically subservient to the main dwelling and reads as a former agricultural outbuilding within a cluster of buildings associated with the former farming use. Furthermore, any concern regarding potential independent use can be effectively controlled by the imposition of a planning condition restricting the occupation of the annexe to purposes ancillary to the residential use of Radwinter Hall.
19. For these reasons, the annexe accords with the Council's strategic approach to the provision of housing in the countryside. Therefore, the proposal does not conflict with Policy S7 of the ULP which seeks to protect the countryside and ensure development is appropriate to a rural area. It also does not conflict with Policies Gen2 and H8 of the ULP insofar as they seek to ensure development is well-designed and compatible with surrounding buildings in terms of scale, form, layout and appearance.

Principle of holiday lets

20. The Council argues that insufficient information has been provided to demonstrate the business would be economically sustainable or that a countryside location is justified. With the appeal, the appellant has submitted clear evidence in support of the holiday let use, including brochures, booking records, occupancy data, and invoices. This information indicates a consistent and growing level of demand for high-quality short-stay accommodation in the local area. The lets are well-maintained, attract visitors to the rural surroundings, create employment, and generate spending in nearby villages, thereby supporting local businesses, pubs, and restaurants.
21. Whilst local policies require a countryside location to be justified, the holiday lets are formed through the conversion and re-use of buildings that were originally part of the farm and residential curtilage of Radwinter Hall. As mentioned previously in this decision, the appellant has provided evidence that the buildings existed at least as far back as the year 2000 according to historic mapping imagery from Google Earth. The location benefits from a tranquil rural setting that is attractive to tourists. The development is thus inherently dependent on its countryside context, and it makes productive use of redundant former agricultural buildings.
22. Paragraph 88 of the National Planning Policy Framework (the 'Framework') recognises the need to support a prosperous economy, including through the sustainable growth of rural tourism that respects the character of the countryside. In this case, the holiday lets are modest in scale, visually unobtrusive, and contribute positively to rural economic activity. Taken together, the evidence provided demonstrates that the business is viable and appropriately located.
23. Given this, the holiday lets accord with the Council's strategic approach to the provision of tourist accommodation in the district. Therefore, the proposal does not conflict with Policy LC5 which only permits tourist accommodation outside development limits when it involves the re-use of a rural building. It would also not conflict with Policies S7 and GEN2 insofar as they seek to ensure development is well-designed and appropriate in the rural area.

Conditions

24. A condition requiring compliance with the submitted plans is necessary for reasons of certainty. Also, in order to ensure that the holiday lets are not used as

permanent residences, I have attached a condition stipulating that they should only be occupied for short-term holiday accommodation. Similarly, I have imposed a condition requiring the annexe is only occupied for purposes ancillary to the residential use of the host dwelling.

25. Essex County Council's (ECC) highways team recommended several conditions relating to the vehicular access. The appellant states that the access and driveway has not been altered since the property was purchased. Notwithstanding this, EEC states that the details for the vehicular access shown in drawing no. DR1 Rev A were not agreed or approved. In the interests of highway safety, I have therefore imposed a condition amalgamating the various suggestions put forward by EEC.
26. To ensure the buildings are accessible and usable by occupants with reduced mobility, and to ensure appropriate standards are met I have imposed a condition requiring the submission of details relating to accessibility measures. To protect and enhance wildlife and biodiversity, I have imposed a condition requiring the submission of a Biodiversity Enhancement Layout and details relating to bat boxes. Furthermore, to protect the character and appearance of the area, condition 7 will require the submission of details relating to external lighting.
27. Conditions 4, 5, 6 and 7 are imposed to ensure that the required details are submitted, approved and implemented so as to make the development acceptable in planning terms. There are strict timetables for compliance because permission is being granted retrospectively, and so it is not possible to use a negatively worded condition to secure the approval and implementation of the details before the development takes place. The conditions will ensure that the development can be enforced against if the details are not submitted for approval within the period given by the condition, or if the details are not approved by the local planning authority or the Secretary of State on appeal, or if the details are approved but not implemented in accordance with an approved timetable.
28. To ensure appropriate parking is provided and to encourage the use of electric vehicles in the interest of climate change mitigation and air quality, I have imposed a condition requiring the provision of three parking spaces and electric vehicle charging points as shown on drawing no 02A.
29. The Council suggested a condition relating to the submission of a scheme of landscaping. However, I am satisfied that the landscaping, boundary treatments, earthworks and other hard landscape features and materials utilised are adequate and preserve the character and appearance of the appeal site and surrounding countryside.
30. I have not been provided with any evidence to suggest there is or would be any land contamination. I do not find it necessary to impose the Council's suggested condition relating to contamination.

Conclusion

31. The proposal does not conflict with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
32. For the reasons given above the appeal should be allowed.

Thomas Courtney

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with drawing nos 5834 01A, 5834 02A, 5834 03, 5834 04B, 5834 05A, 5834 06C and DR1 A.
- 2) Building 2 and the holiday let unit of Building 1 hereby approved shall be occupied as holiday accommodation only and shall not be occupied as a sole or main place of residence or by any persons exceeding a period of three (3) calendar months in any calendar year. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.
- 3) The annexe unit of Building 1 hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Radwinter Hall.
- 4) Unless within 3 months of the date of this decision details of the vehicular access, including surfacing materials and drainage, its width, and details of the dropped kerb, visibility splays and any gates are submitted in writing to the local planning authority for approval, and unless the approved details are implemented within 12 months of the local planning authority's approval, the use of the site and occupation of the buildings hereby approved shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as the details are approved and implemented.

If no details in accordance with this condition are approved within 12 months of the date of this decision, the use of the site and occupation of the approved buildings shall cease, and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as details approved by the local planning authority are implemented.

Upon implementation of the approved details specified in this condition, they shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 5) Unless within 3 months of the date of this decision a scheme of accessibility measures, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 12 months of the local planning authority's approval, the use of the site and occupation of the buildings hereby approved shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within 12 months of the date of this decision, the use of the site or occupation of the approved buildings shall cease, and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 6) Unless within 3 months of the date of this decision details of a Biodiversity Enhancement Layout for biodiversity enhancements recommended in the submitted Ecological Survey and Assessment (carried out by Essex Mammals Surveys, Jan 2023) and details of 3 no. bat boxes, are submitted in writing to the local planning authority for approval, and unless the approved details are implemented within 6 months of the local planning authority's approval, the use of the site and occupation of the buildings hereby approved shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.

The Biodiversity Enhancement Layout shall include:

- a) detailed designs or product descriptions for biodiversity enhancements; and
- b) locations for biodiversity enhancements on appropriate drawings.

If no details in accordance with this condition are approved within 12 months of the date of this decision, the use of the site and occupation of the buildings hereby approved shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as details approved by the local planning authority are implemented.

Upon implementation of the approved details specified in this condition, they shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time

limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 7) Unless within 3 months of the date of this decision details of any external lighting or floodlighting to be installed (or already installed) on the site, including the design of the lighting units, any supporting structure and the extent of the area to be illuminated, is submitted in writing to the local planning authority for approval, and unless the approved details are implemented within 6 months of the local planning authority's approval, the use of the site and occupation of the buildings hereby approved shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as details are approved and implemented.

If no details in accordance with this condition are approved within 12 months of the date of this decision, the use of the site and occupation of the buildings hereby approved shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as details approved by the local planning authority are implemented.

Upon implementation of the approved details specified in this condition, they shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 8) Within eight (8) months from the date of this decision, the vehicle parking spaces shall be provided in accordance with drawing no 5834 02A and each fitted with an active electric vehicle charging point and retained thereafter. Thereafter those spaces shall be retained and kept available for the parking of vehicles by the occupants of the buildings hereby approved and for no other purpose.

END OF SCHEDULE