



Appeal Decision

Site visit made on 29 July 2025

by **L Gardner MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5th August 2025

Appeal Ref: APP/W1525/W/25/3365169

East Hanningfield Hall, The Stable Flat, Old Church Road, East Hanningfield, Chelmsford, Essex CM3 8BQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Adam Taylor-King against the decision of Chelmsford City Council.
 - The application Ref is 23/01954/S73.
 - The application sought planning permission for proposed conversion of disused stables and tack room to extend existing dwelling without complying with conditions attached to planning permission Ref 23/01954/FUL, dated 12 February 2024.
 - The conditions in dispute are Nos 2 and 5 which state as follows:
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans and conditions listed on this decision notice.
 - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no windows or other openings other than those expressly authorised by this permission shall be constructed or inserted within any of the walls or roof slope of the development hereby permitted.
 - The reasons given for the conditions are:
 - 2) In order to achieve satisfactory development of the site.
 - 5) To ensure the building would remain rural in appearance in accordance with Policy DM11 and visually acceptable in accordance with Policy DM23 of the Chelmsford Local Plan.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposal in the application form refers to both conditions 2 and 5. However, the Council's decision notice refers only to condition 5. Nevertheless, through the application, the appellant provided plans seeking to alter the design of the building through the insertion of additional windows and doors. It is implicit that in order to achieve this, condition 2 (the relevant plans condition) would need to be varied. During the course of the appeal, both parties have confirmed that the application was assessed on the basis of condition 2 being varied and condition 5 (restricting permitted development rights for further windows or openings) being removed.
3. The Council's reason for imposing condition 5 explicitly referenced Policies DM11 and DM23 of the Chelmsford Local Plan (CLP) (2020). Copies of these policies have been provided through the appeal. Policy DM11 of the CLP relates in part to extensions to existing buildings within the rural area. Amongst other matters it states that planning permission will be granted where alterations or extensions are

in keeping with the context of the building's surroundings. Policy DM23 of the CLP relates more generally to design, requiring in part for development to respect the character and appearance of the area in which it is located.

4. I note that these policies are not referred to in the decision notice for the appeal scheme before me. Nevertheless, in the assessment of the application, the Council is entitled to deem that the condition is necessary for wider reasons (in this case the heritage context of the site).
5. The appeal site is situated close to a listed building. In considering whether to allow the appeal, I have been mindful of my statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which requires special regard to be given to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

Background and Main Issue

6. Permission was originally granted for part of the building to be used as a dwelling under reference 08/01215/S73/1 following removal of conditions restricting the building as holiday accommodation. Permission was then subsequently granted to extend the dwelling through the conversion of disused stables and tack room under reference 23/01954/FUL. In seeking to insert additional windows and doors, the appeal proposal seeks to carry out the development without compliance with the approved plans and the removal of permitted development rights in relation to windows and other openings.
7. The main issue is the effect that varying condition 2, and removing condition 5 would have on the setting of the Grade II listed building known as East Hanningfield Hall.

Reasons

8. East Hanningfield Hall is a Grade II listed dwelling set within spacious grounds with sparse development surrounding it. The significance of the building is partially derived from its white plastered finish, which increases the prominence of the building's architecture against its rural surroundings, which feature frequent hedges and tall trees. The sparse form of development surrounding the building with open fields bordered by picket fences, allows for appreciation of the significance of the asset on approach to the building.
9. The appeal site is outside of the curtilage of East Hanningfield Hall, on the opposite side of the road within a small cluster of rural buildings. The appeal site itself does not contain a designated heritage asset. The appellant has provided extracts of the Council's register of buildings of local interest to which the appeal site does not feature. It is suggested that planning history for East Hanningfield Hall has not referred to the appeal site. Indeed, a heritage assessment for East Hanningfield Hall which was submitted in support of a separate development has also been provided which makes no reference to the appeal site.
10. Nevertheless, I find that the appeal site is within the setting of East Hanningfield Hall. The appeal site is readily viewed in the same visual context as East Hanningfield Hall, particularly from Old Church Road. The photographs of the original building within the appeal site show it has always had modest proportions

and modest window openings. Despite its part conversion to a dwelling, this modest appearance still gives the impression of an ancillary agricultural building which contributes to the wider rural nature and setting of the listed building.

11. The changes proposed relate to the insertion of additional windows and doors in the eastern and southern elevations. Despite partial screening by a fence, these are the most prominent elevations of the building. Whilst glazed elements may be a well-established feature in rural conversion schemes, the increased size and number of the openings, and subsequent reduction in timber cladding would in this case lead to a disproportionate amount of glazing within the building, which would erode its rural appearance. The appearance of the building would subsequently contradict its rural setting and consequently harm the setting of East Hanningfield Hall by detracting from the listed building's architectural prominence.
12. Based on the above, I conclude that varying condition 2 and removing condition 5 would have a harmful effect on the setting of the Grade II listed building known as East Hanningfield Hall. The appeal proposal is therefore contrary to Strategic Policy S3 of the CLP which in part, states that the Council will conserve or enhance the significance of listed buildings, including any contribution made by setting. It would also be contrary to Policy DM13 of the CLP which amongst other matters, confirms that proposals will be permitted where development within the setting of a listed building would not adversely affect the significance of the listed building, including in the context of its landscape character.

Other Matters

13. The appellant has suggested that the Council's decision contradicts precedents set in previous decisions indicating inconsistency and potential bias in decision making. However, the appellant's case on this matter is reliant on a list of planning reference numbers and broad descriptions of development. I have little evidence before me to demonstrate how these applications are directly comparable to the appeal proposal before me, and subsequently how they would justify the appeal proposal.
14. I note that the principle of the building being in use for residential purposes has been accepted, and that the appeal proposal would not alter the building footprint or massing. Equally, I acknowledge that no harm would arise from the development in relation to several matters including biodiversity and surrounding amenity. I also note that the appellant has provided letters of support from interested parties relating to matters including privacy, outlook and the appearance of the building. It is also confirmed that the appeal site is no longer under the same ownership of East Hanningfield Hall. Nevertheless, these matters do not alter my findings on the main issue as outlined above.

Planning Balance and Conclusion

15. The National Planning Policy Framework (the Framework) describes heritage assets as an irreplaceable resource, that should be conserved in a manner appropriate to their significance. Harm to designated heritage assets can reasonably be identified through the decision making process, as is evidenced through the Council's reason for refusal and associated officer report.
16. Given the scale of the development, and the relationship with the listed building, I find the harm to the setting of East Hanningfield Hall to be at the lower end of less

than substantial in this instance. It is nevertheless of considerable importance and weight. Under such circumstances, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal.

17. The appellant has listed what they consider to be public benefits arising from the proposal including, energy efficiency and long-term sustainability, greater functionality of the dwelling, prevention of deterioration of a rural structure and that all alterations are superficial and easily reversible. The majority of these are private benefits. Whilst there are some modest public benefits associated with re-using the building and energy savings, there is little evidence before me to suggest that these would go beyond the benefits associated with the previous permission which has been granted and remains extant. The benefits are therefore not sufficient to outweigh the harm that I have identified to the setting of the nearby Grade II listed building.
18. The conditions imposed by the original permission, specifically conditions 2 and 5 are necessary to preserve the setting of the Grade II listed building known as East Hanningfield Hall. I therefore conclude that the development fails to satisfy the requirements of the Act, the Framework, and is not in accordance with the development plan, when read as a whole. For the reasons given above, and having considered all matters raised, the appeal is dismissed.

L Gardner

INSPECTOR