



Appeal Decision

Site visit made on 6 November 2025

by Ms Beloe MSc DIC BSc (Hons) CSci CEnv C.WEM MCIWEM

an Inspector appointed by the Secretary of State

Decision date: 24th November 2025

Appeal Ref: APP/P1560/W/25/3371459

Barn B at Bush Farm, Hall Road, Great Bromley CO7 7TR

- 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 Simon Brazier against the decision of Tendring District Council.
 - The application Ref is 25/00798/FUL.
 - The development proposed is the erection of three dwellings (in lieu of Prior Approval for three self-build dwellings approved under 25/00156/COUNOT).
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by the appellant Mr Simon Brazier against Tendring District Council (the Council). This application is the subject of a separate decision.

Preliminary Matters

3. I note that the Block Plan rev B, provided in the appeal documents by the appellant appears to show a previous design where plots 3, 4 and 5 are evenly spaced apart. I have based my decision on Block Plan rev D, which indicates a greater separation between the proposed dwellings on plot 5 and plot 4 than between dwellings on plot 3 and plot 4.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the rural area; and
 - if there is any harm, whether this is outweighed by any other considerations, with particular regard to whether there is a fallback position for an alternative development.

Reasons

Character and appearance

5. The appeal site is located in a rural area to the north-east of the village of Great Bromley. The appeal site forms part of a farmstead cluster, accessed directly from Hall Road via an existing farm entrance. The appeal site contains Barn B, an agricultural building, utilitarian in appearance, together with associated hardstanding. The appeal site and wider farmstead are surrounded by trees and

hedges to the south-eastern boundary and along Hall Road to the east of the appeal site.

6. Opposite the appeal site on the far side of Hall Road is a chicken farm located away from the road. Immediately to the north of the appeal site is Bush Farmhouse and associated annex buildings and beyond these is a vineyard. The surrounding landscape is rural in character, comprising largely of open countryside. Along Hall Road in both directions there are occasional buildings and dwellings of different styles, predominantly detached with some semi-detached, spaced apart from one another at varying distances.
7. The appeal scheme is located in the south-eastern part of the farmstead cluster. It seeks to demolish the existing agricultural building of Barn B and erect three detached, four bedroom, largely uniform dwellings of a 1.5 storey design, with pitched roofs finished in slate tiles. Each would feature three rooflights on either side. The external walls are proposed to be clad in black timber feather-edge boarding above a red brick plinth. A rear facing balcony for each dwelling, fully encapsulated within the roof structure is also proposed.
8. The proposed development would create a cluster of detached dwellings in a row of similar appearance, positioned at the same orientation with adjoining gardens. The proposed development would have a larger overall spread than the existing position of Barn B. It would also have a marginally increased height as evidenced by the appellant. The three detached dwellings would be arranged in a small row cluster in the same orientation, relatively closely spaced, albeit at varying distances of separation, with private gardens, off-street parking and a turning space. There would be a shared access from the existing farm entrance onto Hall Road. I note that plot 5 would be spaced further away from plot 4 than the separation distance between plot 3 and plot 4, and that the position of plot 5 would extend substantially beyond the original footprint of the existing Barn B.
9. The result would be a development of individual dwellings in a linear group, of similar design, layout and proportions, which together would look and feel out of character with the local and wider rural area. As an almost identical group, the proposed development would be out of character with other groups of dwellings in the wider rural area, which are predominantly of differing styles, spaces and orientations, with less uniformity.
10. On my visit to the site I was able to see the roof of the existing agricultural building comprising Barn B, through the trees from Hall Road as approaching the site. Therefore, whilst there are mature trees and hedges surrounding the site, they do not provide complete screening of the view of the appeal site from public areas at all times of year.
11. Whilst the palette for the design of the proposed dwellings may be in keeping with that of dwellings in the immediate vicinity, that does not mitigate the harm identified above to the character and appearance of the area.
12. For the reasons above, the proposed development would harm the character and appearance of the site in the context of the setting of the wider rural area and therefore be in conflict with Policy SP7 of the Tendring District Local Plan 2013-2033 and Beyond (TDLP) Section 1 and Policies SPL3 and PPL3 of the TDLP Section 2. Collectively these seek, among other aspects, that all new development responds positively to local character and context to preserve and enhance the

quality of existing places and their environs, and protect or enhance local character.

13. In addition, the proposed development is in conflict with Policy LP7 of the TDLP Section 2, which relates to self-build and custom-built homes. Policy LP7 provides a limited exception for self-build and custom-build housing, only where strict criteria are met. Such criteria includes that proposals shall have no significant material adverse impact on the landscape, or the form and character of nearby settlements and shall be otherwise appropriate in scale and design for their location, having regard to other policies in the TDLP.
14. The proposed development is also in conflict with paragraphs 131 and 135 of the National Planning Policy Framework (the Framework). Paragraph 131 requires buildings to be high quality, beautiful and sustainable, with good design to help make development acceptable to communities. Paragraph 135 of the Framework adds that planning decisions should ensure that developments are sympathetic to local character and history, maintaining a strong sense of place.

Fallback position for an alternative development

15. The appellant sets out that there is a fallback whereby there would be a total of three dwellings on the appeal site. The appellant highlights that the Council has confirmed that prior approval was not required for the conversion of Barn B into three dwellings under the provisions of Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the class Q scheme). I have had regard to the submitted information in respect of this issue, including the judgement from the *Mansell v Tonbridge & Malling BC* (2017) case.
16. From the information before me, I consider that the fallback has a real prospect of being implemented if this appeal is dismissed. Consequently, this fallback position is a material consideration in the determination of the appeal scheme. However, for significant weight to be afforded to a fallback position there needs to be not only a greater than theoretical possibility of it taking place, but also it would need to be equally or more harmful than the appeal scheme.
17. The Class Q scheme involves the conversion of a single agricultural barn into three units, within the existing structure. Each dwelling would have three bedrooms with two parking spaces allocated. The appeal scheme would introduce three detached dwellings, with spaces between each, with four bedrooms and three parking spaces allocated.
18. The overall area of development for the appeal scheme would extend substantially beyond the existing position of Barn B, across the appeal site to the south-west. The appellant contends that the separation of the detached dwellings at irregular spacings would break up the roof mass, lessening the impact of one singular roof line into three pitched roofs. The appellant also contends the increased separation distance between the dwellings of Barn B and Barn A would provide a less cramped and less urban layout.
19. The Class Q scheme is a conversion of a simple agricultural building into three adjoining three bedroom dwellings, within one consolidated building, with one continuous roof in the same location and with the same footprint as Barn B. The evidence indicates that the Class Q scheme involves the re-use of an existing building, retaining the original positioning and scale, which would result in some

characteristics of its original form being maintained. Moreover, it would result in a development with a smaller spread and less overall prominence than the appeal scheme and would retain the character of an agricultural conversion within an agricultural setting.

20. The increased separation distance between the dwellings of Barn B and Barn A and between the three proposed dwellings themselves, would result in the majority of the footprint of two out of the three of the proposed dwellings being located outside the original position of Barn B. This would result in the overall area over which development would occur being greater for the appeal scheme than for the Class Q scheme.
21. Although the appeal scheme does not propose to go beyond the outbuildings of Bush Farmhouse and would be further away from Hall Road and the boundary of the site, it would still be able to be seen from Hall Road and public locations nearby, through the vegetation, at certain times of year.
22. For the reasons given earlier, the combined effect of the design, layout and positioning of the appeal scheme would result in a development out of character with other clusters of dwellings in the rural area and would be harmful to the rural and agricultural setting of the area.
23. There are benefits proposed in respect of the appeal scheme, including a more-sustainable, efficient and higher-quality form of development and the provision of electric car charging and a turning head for refuse and emergency vehicles, which carry weight in favour of the proposal. However, the Class Q scheme would still be required to meet current building control standards and so would not result in an unacceptable level of sustainability or efficiency. In relation to the turning head for refuse and emergency vehicles, there is no evidence that the Class Q scheme is unacceptable or unsafe in terms of access for service and emergency vehicles and so any improvement associated with the appeal scheme would only attract very little weight. With regards to electric vehicle charging, I do not have the details of the prior approval given under Class Q (Ref: 25/00156/COUNOT) before me, but from examining the site layout and available parking space, I consider it likely that electric vehicle charging would also be possible to deliver under the Class Q scheme, so again the provision of electric car charging for the appeal scheme would only attract very little weight.
24. Having regard to the appeal scheme's layout, scale, prominence and design, it would have a more harmful impact upon the character and appearance of the area than the Class Q scheme. The benefits that would arise from the appeal scheme compared to the fallback position would be very modest and would not outweigh the harm that would arise.

Other Matters

25. The absence of objections relating to highways, amenity, drainage, sustainability and ecology are neutral factors.
26. The evidence indicates that the appeal site falls within the scope of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS), including the Zones of Influence of the Stour and Orwell Estuaries Special Protection Area and Ramsar site. The Essex Coast Sites are home to internationally important numbers of breeding and non-breeding birds. A key

purpose of these designations is to protect breeding and non-breeding birds and coastal habitats.

27. I note that a unilateral undertaking has not been provided with the appeal documentation to secure a financial contribution in accordance with the RAMS, to mitigate the effect of additional recreational disturbance on protected sites but that the Council has suggested a condition to be included with any planning permission to secure this via a future legal obligation. The Conservation of Species and Habitats Regulations 2017 require the Competent Authority to consider whether the proposal could adversely affect the integrity of protected sites. However, given that I am dismissing this appeal on other grounds, it is not necessary for me to consider the integrity of protected sites any further, nor undertake an appropriate assessment.

Conclusion

28. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework and the fallback position, that would outweigh that conflict. Therefore, the appeal is dismissed.

Ms Beloe

INSPECTOR