



Appeal Decisions

Site visit made on 25 November 2025

by **G Bayliss BA (Hons) MA MA MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 17th December 2025

Appeal A Ref: APP/Z1510/W/25/3368610

Bluebridge Farm, Colchester Road, Halstead, Essex CO9 1QG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr John Brookes, against the decision of Braintree District Council.
 - The application Ref is 24/02527/COUPA.
 - The development proposed is: Prior approval for the change of use of agricultural building to a dwellinghouse (Class C3), and for associated operational development.
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Appeal B Ref: APP/Z1510/W/25/3368616

Bluebridge Farm, Colchester Road, Halstead, Essex CO9 1QG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr John Brookes against the decision of Braintree District Council.
 - The application Ref is 24/00629/COUPA.
 - The development proposed is: Prior approval for the change of use of agricultural building to a dwellinghouse (Class C3), and for associated operational development.
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Decisions

1. Both appeals are dismissed.

Preliminary Matters and Main Issue

2. There are two appeals before me which relate to the same property. Owing to the similarity of the proposals, I shall deal with them together except where otherwise stated. The site address used in the banner heading above is that given in the appellant's appeal forms. I have also based the description of the proposals on that given in these forms.
3. The applications were made under Article 3(1) and Schedule 2, Part 3, Class Q, of the GPDO (as amended) (as of August 2020), (hereafter referred to as 'Class Q'). Although new Class Q permitted development criteria were introduced in May 2024, these applications were made under the transitional arrangements to allow applicants to apply under the old regulations. This permits development consisting of: (a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses); and (b) building operations reasonably necessary to convert the building subject to certain limitations and conditions. Consent is sought pursuant to Class Q(a) and Class Q(b).
4. Paragraph Q1 provides a list of exclusions as to when development would not be permitted by Class Q. In this regard the Council's case is that both proposals

would comply with all the limitations and restrictions set out in Paragraph Q1. Based on the available information, I have no reason to reach a different finding.

5. The deemed permission under Class Q is conditional upon the applicant first applying to the local planning authority for a determination as to whether its prior approval would be required as to the matters set out in Paragraph Q2(1).
6. **In relation to Appeal A**, of relevance to this case are Q2(1) criteria (c), (e), (f) and (g). Respectively, these relate to contamination risks, whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a dwellinghouse, the design or external appearance of the building, and the provision of adequate natural light in all habitable rooms. The appellant states that a further amended drawing was made following the Council's comments and prior to the Council making its decision (Drawing No.1 Rev.C). Although the Council states that they did not formally consider this drawing prior to determining the application, the Council has commented on it as part of this appeal and stated that prior approval would still not have been granted even taking account of this additional drawing. As no parties would appear to be prejudiced by my acceptance of this drawing, in relation to Appeal A, I shall consider Drawing No.1 Rev.C as part of this appeal.
7. **In relation to Appeal B**, of relevance to this case are Q2(1) criteria (c), (e) and (f). Respectively, these relate to contamination risks, whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a dwellinghouse and the design or external appearance of the building.
8. The appeal site lies near to several listed buildings. The Section 66 (1) duty of the Planning (Listed Buildings and Conservation Areas) Act 1990 does not generally apply to prior approval applications because Article 3(1) of the General Permitted Development Order grants planning permission. However, where the prior approval matters include amenity, siting or location, or design and external appearance, the impact of a development on the setting of a listed building will need to be considered under the tests set out in the National Planning Policy Framework (the Framework).
9. Accordingly, the main issue in both Appeal A and Appeal B is whether or not prior approval would be required in accordance with the conditions set out in Paragraph Q.2 (1) of the GPDO having particular regard to:
 - whether the proposed dwelling would provide acceptable living conditions for future occupiers, with regard to risk from contamination (Both Appeals);
 - whether the location or siting of the building makes it suitable for residential use (Both Appeals);
 - whether the conversion works to the building are acceptable in terms of their design or external appearance (Both Appeals); and
 - whether the proposed dwelling would provide acceptable living conditions for future occupiers, with regard to adequate natural light (Appeal A).

Reasons

Contamination (Both Appeals)

10. The conditions set out under paragraph Q.2 identify that contamination is a relevant prior approval consideration. It also states that the provisions of paragraph W (prior approval) of the GPDO apply. Paragraph W requires the local planning authority, when determining a prior approval application, to specifically consider the contamination risks on the site, considering any proposed mitigation. If it is determined that because of the proposal the site would be contaminated, prior approval should be refused.
11. Both appeals are supported by a Phase 1 Geo-environmental Desk Survey and Preliminary Risk Assessment (Bright Green, April 2024). This report identifies that potential sources of contaminants are metals and hydrocarbons because of the maintenance and storage of agricultural machinery within the barn. The hazard assessment provides a risk ranking of medium. The report recommends a Phase 2 intrusive ground investigation to quantify the risk to future site occupiers. This is described as the excavation of trial pits, collection and testing of the soil and an assessment of geo-environmental issues.
12. The intrusive ground investigation does not appear to have been undertaken meaning that the presence of any contamination and required remediation, including its extent and effect are unclear. The presence of contamination may not stop the building from ultimately being converted. However, at this stage, it is not possible to be fully assured that the ground would not pose contamination risks which could otherwise be mitigated within the remit of this Class Q process. An intrusive survey as recommended by the report is therefore required to appropriately determine this application.
13. Both appeal statements suggest that a condition would enable the 'mitigation of contamination'. However, given the lack of understanding as to the extent of contamination, this may require ground works beyond the scope of the conversion works otherwise permitted under Class Q.
14. The Appellant maintains that the report was prepared by a suitably qualified person and clarifies that a Phase 2 survey would be undertaken before construction starts. The Appellant also advises that he has undertaken many applications for Class Q conversions in recent years and has relied on Phase 1 contamination reports and has never been asked for a Phase 2 report as part of the initial application, which has always been conditioned. The Appellant maintains that this has also been the case with other applications submitted to Braintree District Council. However, I have not been provided with adequate details of these other applications, so I am unable to be certain that they share similar characteristics to the appeal site or the proposals before me. I have therefore determined the appeal proposals on their own merits and on the evidence before me.
15. The submitted documentation identifies a medium risk of contamination on the site requiring further investigation. The Appellant has provided insufficient information to give assurance that the site, even following mitigation, would not present a contamination risk. In accordance with the provisions of the GPDO and the Framework, the use of conditions in this instance would be inappropriate. Therefore, although contamination is not confirmed, the absence of a full

understanding of any site contamination prior to the grant of Prior Approval justifies finding that neither appeal proposal complies with this condition.

Location or siting (Both Appeals)

16. The appeal site is near to a cluster of three listed buildings: Bluebridge House (Grade II*, Ref.1337934), Walls, railings and gate 10m west of Bluebridge House (Grade II, Ref.1170512) and Coach House 30m south of Bluebridge House (Ref.112309). Bluebridge House dates from the 18th century and the list description mentions that it incorporates some 17th century timber framing of an earlier structure. The list description mentions the form of the building together with its materials and architectural detailing. In relation to this appeal, its significance is primarily derived from its age, plan form, function and traditional appearance. Its Grade II* status identifies that the building is of the highest significance. The list description for the walls, railings and gate describe the appearance and detailing of the structure which mainly fronts the roadside and provides an attractive boundary reflecting the status of the dwelling. The Coach House to the south of Bluebridge House also dates from the 17th century and the list description mentions that the property has been converted to a dwelling and describes its form and features of interest. Attached to the Coach House and closest to the appeal site is Blue Bridge Farmhouse, which is of timber frame construction with a rendered façade. Although it is not clear if the listing of the Coach House also extends to this structure, it nevertheless contributes to the cluster of historic buildings and their significance.
17. Collectively, the listed buildings are identified as having group value and form an attractive and distinctive cluster of structures alongside Colchester Road surrounded by attractive open countryside. This is the environment in which the listed buildings are experienced and appreciated, and this open, rural setting is an important part of their significance.
18. The appeal site comprises a relatively modern portal building with a level gravel area in front. It is constructed in metal profile sheeting, and the main opening is a large, full height double door, centrally positioned on the front elevation. The building lies to the south east of the listed buildings and is separated from them by a short track and is located at a higher ground level, partly set into the bankside with farmland rising behind it. Although the appeal building is to some extent visibly detached from the listed buildings, in wider views from the surrounding field to the south, it is viewed in the foreground of this historic building group. Changes to the appeal building therefore have the potential to affect the environment in which the listed buildings are viewed.
19. In terms of Condition Q2.(1)(e), an assessment must be made as to whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a dwelling. The building is already extant, and Class Q supports the principle of residential conversion subject to complying with the requirements. Despite the proximity to the listed buildings, it appears to me that, subject to acceptable design, materials and landscaping (considered below), there is no compelling reason why, in relation to either appeal, it would be undesirable to convert this building to a dwelling.

Design or external appearance (Both Appeals)

20. In relation to Appeal A, the proposal would largely retain the existing form and materials of the building. The large door opening to the frontage would be replaced with a partly set-back, glazed opening which would be narrower in width and lower in height than the existing. Relatively small openings at low level would be inserted into the rear elevation, facing towards the bankside. Each gable would incorporate a lower and a high-level window.
21. The proposed openings would appear to be limited to those reasonably necessary for the building to function as a dwelling and their siting and appearance would not be dissimilar to those found on agricultural buildings. The scheme would therefore assimilate reasonably well with the building's agricultural character. I do not consider that the front glazed opening would be excessively large and on site I saw that it would not readily be viewed in conjunction with the listed buildings. Furthermore, the set-back of this opening would create a shadow line which would limit the reflection from the glass. In more distant views from the surrounding fields, the domestic conversion would not be especially noticeable given the size and location of the openings, even considering night-time illumination. Therefore, in relation to Appeal A, I find that the scheme would be of an acceptable design and external appearance.
22. In relation to Appeal B, the proposal would largely retain the existing form and materials of the building. On the front elevation, the large door opening to the frontage would be replaced with a small, single door opening with a small window above. At the rear, there would be a large, glazed opening and two windows to the ground floor, and three windows above. Both end gables would have a number of glazed openings. The most significant opening would be to the southern gable facing up the field where much of the gable would be fully glazed and at double height.
23. The introduction of a large, glazed screen in the gable would be a highly incongruous feature, unexpected on a barn of this type and in this location, and would significantly depart from its legibility. This would be heightened after dark where night-time illumination would emphasise the domestic use of the building. Given the prominence of this gable in views of the listed buildings the proposal would therefore detract from the contribution that the agricultural setting makes to their significance. It may be that the Council allowed the demolition of a historic barn and construction of an annex near to the appeal site, but I have few details relating to this and it is unclear as to why this should affect my consideration of this proposal. I therefore find that in relation to Appeal B the scheme would not be of an acceptable design or external appearance.
24. In relation to the tests in the Framework, the proposal would result in a low level of less than substantial harm to the significance of the designated heritage assets. The Framework advises that this harm should be weighed against the public benefits of the proposal.
25. The development would provide one dwelling which would add to the overall stock and choice of residential dwellings and support the supply of homes. A boost to housing supply is an important Framework consideration in favour of the development. The development would also support local services and facilities and would provide some construction jobs. Future occupants would also help

sustain local businesses. In the balance, I have given a good deal of weight to the benefits of providing a dwelling through the conversion of an existing building as this is supported within Class Q. I have given limited weight to the other benefits. However, the adverse impact on the listed buildings is a matter of considerable importance and weight. Overall, I consider that the harm to heritage assets outweighs the benefits. As such, in relation to Appeal B, the proposal would not comply with the Framework. In addition, there is no clear and convincing justification for the harm to the significance of the designated heritage assets.

Living conditions (Appeal A)

26. In relation to Appeal A, on the ground floor, the proposed front and side glazing would illuminate much of the living room and kitchen. Windows would also serve smaller ancillary rooms, including a snug, utility and cloakroom. Even though some of these rooms would face towards the bankside there is little to suggest that natural light levels would be unacceptable, and, in any event, these would not be primary habitable areas. On the first floor, two main bedrooms would be served by relatively large windows, whilst four other bedrooms would appear to be only served by rooflights. Although the rooms with rooflights may have a restricted outlook there is little to suggest that there would be a lack of adequate natural light which is the criterion being assessed. Therefore, in relation to Appeal A, I find that the scheme would provide adequate natural light in all habitable rooms.

Conclusions

27. **In relation to Appeal A**, the proposal would comply with the conditions in paragraph Q2.(1) in relation to location and siting, design or external appearance and natural light but it would not comply with the condition in relation to contamination risks. The proposal would, therefore, not constitute permitted development having regard to the conditions set out in Paragraph Q.2 (1) of the GPDO.
28. **In relation to Appeal B**, the proposal would comply with the conditions in paragraph Q2.(1) in relation to location and siting and natural light but would not comply with the conditions in relation to contamination risks and design or external appearance. The proposal would, therefore, not constitute permitted development having regard to the conditions set out in Paragraph Q.2 (1) of the GPDO.
29. For the reasons set out above and taking into account all other matters raised, I conclude that both appeals should be dismissed.

G Bayliss

INSPECTOR