



Appeal Decision

Site Visit made on 10 May 2021

by M Ollerenshaw BSc(Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2021

Appeal Ref: APP/C1570/W/20/3265543

Wills Ayley Farm, Wills Ayley Lane, Swards End, Saffron Walden CB10 2LT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by GP and GH Goddard against the decision of Uttlesford District Council.
 - The application Ref UTT/20/1926/FUL, dated 31 July 2020, was refused by notice dated 19 October 2020.
 - The development proposed is the "conversion of 2no. barns to three dwellings; part demolition; and erection of boundary walls".
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Decision

1. The appeal is allowed and planning permission is granted for the "conversion of 2no. barns to three dwellings; part demolition; and erection of boundary walls" at Wills Ayley Farm, Wills Ayley Lane, Swards End, Saffron Walden CB10 2LT in accordance with the terms of the application, Ref UTT/20/1926/FUL dated 31 July 2020, subject to the conditions set out in the schedule at the end of this decision.

Main Issue

2. The effect of the development proposed on the character and appearance of the area.

Reasons

3. The appeal site comprises part of an agricultural unit located within the countryside to the north east of Swards End. There are a number of agricultural buildings within the farmstead, which include Barn 1 and Barn 2, the subject of this appeal. There are agricultural buildings to the north which have prior approval for conversion to residential use and I understand this consent has been implemented. The large Dutch barn to the north-east is not included within the proposals and is to be retained in agricultural use. A large red brick farmhouse is located to the south. To the west of the site are a pair of cottages, known as Wills Ayley Cottages, which are Grade II listed.
4. The character of the surrounding area is partly derived from the more traditional buildings around the site, including the listed cottages and farmhouse, set within an open landscape of arable farmland. The larger agricultural buildings within the farmyard, including Barn 1 and the Dutch barn, to some extent dominate the site.
5. It is proposed to convert Barn 1 and Barn 2 to provide a total of three new dwellings, including part demolition and extension, together with the erection of boundary walls to create gardens and parking areas. Access to the

development would be taken from the existing access road from Radwinter Road to the south.

6. The site lies outside any settlement boundary and falls within the countryside for the purposes of the Uttlesford Local Plan, adopted in January 2005 (the Local Plan). Local Plan Policy S7, which seeks to protect the countryside, and Policy H6, relating to the conversion of rural buildings, are relevant. The Local Plan Compatibility Assessment 2012¹ found that both Policies S7 and H6 were not fully consistent with the National Planning Policy Framework (the Framework). Policy S7 strictly controls new building in the countryside, whereas the Framework supports the reuse of redundant or disused buildings that enhance its immediate setting. However, where Policy S7 seeks to protect the countryside it is consistent with paragraph 170 of the Framework in recognising the intrinsic character of the countryside.
7. Policy H6 applies more stringent requirements in relation to the conversion of rural buildings than those contained in the Framework. In particular, this policy sets out a sequential approach in relation to the re-use of rural buildings, which is not a requirement of the Framework. Policy H6 contains other criteria which are not reflected in the Framework, such as the requirement that the building be of historic, traditional or vernacular form and that the conversion works respect and conserve the characteristics of the building.
8. The Structural Inspection Report submitted with the application found that both buildings were in good condition and capable of being converted into dwellings. I consider that the red brick elements of Barn 1 to be retained have some character and reference to its surroundings and as such would be worthy of retention. Barn 2 is a more modern, utilitarian structure of lesser quality.
9. A major part of Barn 1 would be demolished with the brickwork sections of the building to be retained. An extension is proposed along the north-western side of this building. The remaining footprint of the main barn would be enclosed by a brick wall to form a courtyard. A 1.8m high brick wall is proposed to the south-western side of the building. Barn 2 would be subdivided to create two 3 bedroom dwellings (Units 1 and 2) with gardens outside their main aspect, facing east and west respectively. Most of the lean-to structure would be demolished except for a section which would be retained to provide a garden room to Unit 2. Sections of the roof would be cut out to provide roof terraces to each dwelling.
10. The demolition of the larger part of Barn 1, and demolition of part of Barn 2, would significantly reduce the massing of these buildings and enhance the setting of the farmstead through an increased sense of openness. The proposed brick walls around the garden areas would not exceed the eaves height of the section of Barn 1 to be demolished and so would not appear more dominant than the existing building. The proposed extension to Barn 1 would be a modest addition. The proposed conversion works would be generally sympathetic and enhance the setting of the farmstead.
11. The proposed brick walls around the curtilages of the dwellings would largely screen domestic paraphernalia and parked cars. Car ports would be provided within the buildings, such that parked cars would be largely concealed. Moreover, since vehicles can currently be parked in the farmyard in the open

¹ Uttlesford Local Plan 2005 - National Planning Policy Framework Compatibility Assessment July 2012.

the proposed car parking arrangements would not be more harmful to the rural character of the site than the existing situation.

12. The proposed roof terraces within Barn 2, whilst not characteristic of a former rural building, would not adversely affect the character of the rural area. The site is self-contained and largely screened from public views. Barn 2 is situated a significant distance from Wills Ayley Lane and is well screened from this vantage point by the other buildings within the farmyard, including Barn 1, and by trees and hedges along the roadside. Therefore, any impact arising from the roof terraces would be limited and would be outweighed by the overall improvements to the setting of the farmyard. Moreover, the increased openness resulting from the removal of the larger section of Barn 1 would provide benefits to the occupiers of Wills Ayley Cottages and to the setting of that building.
13. To conclude on this main issue, the development proposed would not be harmful to the character and appearance of the area. The proposal would therefore accord with Local Plan Policy S7 where it seeks to protect or enhance the character of the countryside. Since the appellant has not demonstrated that there is no significant demand for alternative uses of the buildings, the proposal would not strictly accord with criterion a) of policy H6. However, this aspect of Policy H6 is not consistent with the Framework, and I find that the proposal would not conflict with the overall aims of this policy. The proposal also accords with Policy GEN2, where it seeks to ensure that development is compatible with its surroundings, and with paragraph 170 of the Framework, which requires that development should contribute to and enhance the natural and local environment.

Other Matters

14. The appellant and the Council have referred to the fall-back position represented by permitted development under Class Q.² However, there are currently no Class Q prior approvals in place for either Barn 1 or 2. The appellant advises me that a Class Q prior notification application has been submitted to the Council for the conversion of one of the barns³. However, that application has not yet been determined. Therefore, this matter weighs neither in favour nor against the proposal.
15. The site is not a significant distance away from Swards End. However, this village has only a limited range of services and facilities, including a village hall. The site is approx. 3.4 kilometres from the eastern side of Saffron Walden. Whilst future occupiers of the development would therefore be likely to travel by car to access services and facilities in Saffron Walden or beyond, paragraph 103 of the Framework recognises that sustainable transport solutions will vary between urban and rural areas. In addition, the scheme involves the conversion of existing buildings which, in all that is reasonable, could not be located anywhere else.
16. The Council have not raised objections to the proposal in terms of its effect on the setting of Wills Ayley Cottages (a designated heritage asset). I have considered the effect of the scheme in the context of the obligations under the

² Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

³ Council Ref: UTT/21/1254/PAQ3

Act⁴ and the requirements of the Framework. In view of the scale of the existing agricultural buildings within close proximity of the listed cottages, I agree with the Council that the development proposed would not adversely affect their setting. Matters relating to highway safety, the effect on the living conditions of neighbouring occupants and future occupants of the development, and ecology, do not form part of the Council's reason for refusal. I have no reason to disagree with these conclusions based on the evidence before me and my own observations on site. However, these are neutral matters and not benefits of the scheme.

Conditions

17. I have had regard to the conditions suggested by the Council. A condition specifying the relevant plans is necessary as this provides certainty. Conditions are also required to control details of materials, landscaping and boundary treatment in the interests of the character of the rural area. The Framework advises that planning conditions should not be used to restrict permitted development rights unless there is clear justification to do so. In this case a condition is necessary to restrict permitted development rights for future extensions and outbuildings in order to safeguard the character of the buildings and the countryside. I have also included a condition to require the roof lights to be of the conservation type or recessed design, as suggested by the Council for the same reason.
18. The Council have suggested a condition specifying a minimum width for the initial section of the private drive off Radwinter Road, and also suggests conditions relating to the surfacing of the vehicular accesses and gates. However, I have not included these conditions as I have limited evidence to demonstrate they are necessary. As acknowledged by the Highway Authority, there is likely to be a reduction in the number of agricultural vehicle movements associated with the access. Furthermore, I note that a passing place is proposed part way along the access road to allow for two-way traffic. A condition to require provision of the car parking spaces within the site is however necessary, in the interests of the proper functioning of the development.
19. The conditions relating to contaminated land and remediation, as suggested by the Council, are necessary in order to identify and minimise any risks associated with contamination from past uses. These need to be 'pre-commencement' conditions due to the risks inherent in developing the site.
20. Conditions to require implementation of the ecological mitigation and enhancement measures are also necessary to conserve and enhance biodiversity. In imposing conditions, I have had regard to the relevant tests in the Framework, Planning Practice Guidance and of statute. In that context I have modified the wording of some of the conditions proposed by the Council without altering their fundamental aims, for clarity and enforcement purposes.

Conclusion

21. For the above reasons, and subject to the conditions set out, the appeal should be allowed and planning permission accordingly granted.

⁴ Planning (Listed Buildings and Conservation Areas) Act 1990

Mark Ollerenshaw

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 100118.01 Rev C, 100118.02 Rev A, 100118.03 and 100118.07 Rev C.
- 3) No development shall take place above ground floor slab level until details/samples of the materials for all external surfaces of the development hereby permitted have been submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved details/samples.
- 4) All roof lights installed as part of the development hereby permitted shall be of a conservation type or a recessed design.
- 5) No development shall take place above ground floor slab level until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development, as well as:
 - i) planting plans with schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate.
 - ii) boundary treatments;
 - iii) hard surfacing materials;
 - iv) an implementation programme;
 - v) a scheme of maintenance.

The boundary treatments and hard surfacing materials element of the landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, roof extensions or outbuildings shall be erected other than those expressly authorised by this permission.
- 8) The development hereby permitted shall be carried out in accordance with the recommendations contained in the Preliminary Ecological Appraisal Incorporating Bat Survey Inspection & Badger Monitoring/Method

Statement, prepared by T4 Ecology Ltd (Report Ref. MH946 V1, dated 22 July 2020).

- 9) No dwelling shall be first occupied until a Biodiversity Enhancement Strategy, containing details and locations of the proposed enhancement measures, has been submitted to and approved in writing by the local planning authority. The approved works shall be carried out in accordance with the approved details.
- 10) No dwelling shall be first occupied until the spaces for the parking of vehicles have been laid out within the site in accordance with the approved drawings and those spaces shall thereafter be kept available at all times for the parking of vehicles.
- 11) No development shall take place until an assessment of the risks posed by any contamination has been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified person, and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include: (i) a survey of the extent, scale and nature of contamination; and (ii) an assessment of the potential risks to human health, adjoining land, groundwater and surface waters; ecological systems; and archaeological sites and ancient monuments.
- 12) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified person shall be submitted to and approved in writing by the local planning authority before the development is occupied.
- 13) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.