Appeal Decision

Site visit made on 13 October 2014

by D J Board  BSc (Hons) MA MRTPi
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 November 2014

Appeal Ref: APP/C1570/A/14/2223934
Elmondbury House, Ickleton Road, Elmdon, Essex, CB11 4NF

- 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 Russell Smith Farms against the decision of Uttlesford District Council.
- The application Ref UTT/14/1668/FUL, dated 27 May 2014, was refused by notice dated 18 July 2014.
- The development proposed is conversion of existing steel frame barns to single residential unit.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site was the subject of a previous application that was permitted\(^1\) and a previous appeal that was allowed\(^2\) and these are material considerations in assessment of the current proposal. Nonetheless I note the differences between the schemes and I have taken these into account. In particular I have considered the individual circumstances of this current proposal in the light of current national policy and guidance.

3. The Council has referred me to its Uttlesford Local Plan 2005 – National Planning Policy Framework Compatibility Assessment (July 2012) which considers the consistency of the Local Plan policies with the National Planning Policy Framework. I have taken it into account in considering the appeal.

4. The appellant has referred to policy C2 of the Council’s Proposed Review Local Plan (RLP). Whilst the appellant has provided the text I have not been provided with a copy of this policy. I note that the appellant indicates that the RLP is at an ‘advanced’ stage but I do not have any detailed information regarding the status of the RLP and whether it has been examined and found sound. As such I afford it limited weight.

Main Issue

5. The main issue is the effect of the design of the conversion on the character and appearance of the area.

Reasons

6. Policy H6 of the Uttlesford Local Plan (LP) refers to the conversion of rural buildings to residential use. It allows for conversion in principle but this is

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\(^1\) LPA Ref UTT/13/0911/FUL
\(^2\) APP/C1570/A/11/2167583
subject to a number of criteria. The Council’s Uttlesford Local Plan National Planning Policy Framework Compatibility Assessment suggests that the policy is 'partly consistent' with the National Planning Policy Framework (The Framework). The Framework is clear that planning should recognise the intrinsic character and beauty of the countryside. Paragraph 55 sets out that isolated new homes in the countryside should be avoided unless there are special circumstances. One of the circumstances identified is ‘where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting…’. Further paragraphs 58 and 63 require new development to respond to local character and create attractive design that would help to raise the standard of design more generally.

7. I appreciate that the LP policy pre dates the Framework. Nevertheless the broad aim of the policy to allow for appropriate conversion of rural outbuildings to residential is broadly consistent with the principle for reuse of buildings set out in the Framework. As such I have accorded the saved LP policy substantial weight in my assessment of the proposal.

8. There is no dispute between the parties regarding the principle of the reuse of the building for residential. The principle was established through the grant of planning permission for a previous scheme to convert the building. Within this scheme I am advised that the Council was satisfied that there was no demand for business use of the building. Furthermore there is no dispute about the structural condition of the building. The main area of dispute relates to the design approach to the current scheme.

9. The building is located within a wider complex. There are a number of buildings to the south west including a farmhouse and a number of substantial barns. To the south is the dwelling ‘Great Harvesters’. This has a ‘Georgian’ style and appearance. The existing building has a utilitarian appearance. However, whilst it is located within a wider setting that contains buildings with a ‘traditional’ appearance, by contrast the building has a simple appearance that is not out of place in this rural setting.

10. The proposed conversion would be designed around the footprint and steel frame of the existing building. The design approach is described as a 'traditional approach that would reflect the future residential use of the building utilising high quality materials’. The frame of the existing building would essentially be treated with a facade and the existing frame and curved roof form would be sit behind a parapet. The material finish would be a combination of red brick, stone detail, herringbone brickwork and painted joinery. The roof would be constructed from curved profiled metal. The area around the building would be landscaped.

11. The building would have a broadly square footprint based on the existing metal frame. The elevations would be treated with a mix of square and semi-circular bay windows that would increase the footprint. The cross section demonstrates that height of the façade is linked to the height of the existing building. Similarly the width of the elevations required to cover the frame is a response to the size of the existing frame and footprint. As a consequence the elevations would appear elongated and would lack a vertical emphasis. The design would use a parapet which would mask the existing curved roof. I accept that it would be unusual to see the curved roof behind the parapet. Further I appreciate that the parapet and façade are often the dominant
feature in this type of design. However, absence of a visible roof behind would make the parapet the visually dominant feature of the building.

12. The north and south elevations would not be symmetrical in appearance. They would also contain differing window and door designs and positions. Furthermore the use of the herringbone brickwork detail and semi-circular bay windows on the south elevation would be unusual. It would clash with the simplicity of brick and stone on the wider building. I note that the west and east elevations would appear symmetrical. However, both elevations would have large central projections and square bay windows. Furthermore, the east elevation would have two styles of window and the ground floor and central projection of the west elevation would have different windows to the first floor.

13. In my experience I would expect a Georgian style house to be represented by a grand tall house with symmetrical facades and sash windows. Overall, none of the facades proposed would appear unified. There would be no cohesion to the building in terms of windows and doors. As the new dwelling would be based on the footprint of the existing building it would be based on the three long sections of the existing building. As such the footprint of the facades would manifest itself in frontages that would make the building appear squat. This would be compounded by the mix of detailing to the individual elevations.

14. I appreciate that paragraph 60 of the Framework is clear that decisions should not attempt to impose architectural styles and tastes. There may be a different design solution for the building to that previously approved. However, due to the constraints of the existing footprint and height of the building, the proposal before me would not, in my view succeed in creating a well resolved or sympathetic conversion of the building. Further, for these reasons I do not consider that it would meet the requirements to be considered as an innovative or high quality country house referred to in the Framework. As such, even with the landscaping proposed, it would not have visual affinity with either the rural agricultural setting or with ‘Great Harvesters’.

15. I therefore conclude that the design of the conversion would harm the character and appearance of the area. It would therefore conflict with policies H6, S7 and GEN2 of the LP which amongst other things seek new development that protects or enhances the particular character of the countryside within which it is set and to respect the characteristics of the building to be converted.

Other matters

16. It is apparent that a five year supply of deliverable housing land cannot be identified in the area. There is no dispute between the parties on this issue. Paragraph 49 of the Framework states that in these circumstances relevant policies for the supply of housing should not be considered up to date. Paragraph 14 of the Framework states that there should be a presumption in favour of sustainable development. Where relevant policies are out of date permission should be granted unless the adverse impacts of doing so would outweigh the benefits taking account of the framework as a whole. There is no dispute between parties regarding the sites location. The site is located to the north of the dwellings within the village of Elmdon. As such it would be within a reasonable distance of the main village and would be as accessible to services as other dwellings within the village. Therefore the new dwelling would not be isolated. As such the scheme would contribute a dwelling to the supply of housing, that would not be isolated, and this does weigh in favour of the proposal.
17. The appellant has referred to the Class MB permitted development rights which allows the change of use of buildings to residential use. The Council consider that these rights would not apply to the proposal as it would exceed the 450 sq m floor area limit and the external dimensions of the design, utilising bay and bow windows, would exceed those of the existing building. As such the appeal proposal could not be constructed using these rights. Further there is reference to the ability to create a large bungalow dwelling utilising these rights. However, whilst this may be the case, I have no evidence that the appellant would undertake this if the appeal were to be dismissed. Therefore the weight I can attach to this is limited.

18. Further I note that the references to examples of replacement dwellings that have been approved in the countryside. However, I cannot agree with the appellant’s suggestion that, due to the existing approval, that the site should be treated as a replacement dwelling. The consent had not been implemented. The proposal before me is for the conversion of the existing barn to a single dwelling. Therefore I have considered it on that basis and as such I do not consider the examples of replacement dwellings to be directly comparable.

19. The appellant considers that the new dwelling could create a building that is energy efficient. Further I note that the development would not harm the living conditions of near neighbours, would not have a harmful effect on protected species or the setting of the nearby listed buildings. Whilst this may be the case none of these matters alter or outweigh my conclusions on the main issue.

20. I have carefully considered the letters of representation from the Parish Council (PC) and near neighbours in support of the development. I appreciate that the PC consider that the existing building is of limited architectural merit. As such it considers that a country house design is preferable. I appreciate that consideration of design is a matter of judgement. Nevertheless in this case I have considered the design proposed on its merits and do not consider it to be acceptable for the reasons given.

21. The appellant has referred to the manner in which the application was considered and processed by the Council. However, my considerations relate purely to the planning merits of the case.

Conclusion

22. In conclusion, the proposal would contribute a dwelling to the supply of housing which does weigh in its favour. Further there is no dispute between the parties regarding the principle of the conversion of the building or the suitability of the location for a dwelling and that there is some local support for such a development. However, the appeal proposal would lead to significant and demonstrable harm to the character and appearance of the area when assessed against LP policies, including GEN2, S7 and H6 and the policies of the Framework. Consequently the benefits of the proposal would not outweigh the harm to the character and appearance of the area.

23. For the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

D J Board
INSPECTOR