



Appeal Decision

Site visit made on 13 November 2018

by **L Fleming BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10th January 2019

Appeal Ref: APP/Z1510/W/18/3202532

Crowbridge Farm, Chapel Hill, Halstead CO9 1JS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Oliver Hookway (Go Homes Ltd) against the decision of Braintree District Council.
 - The application Ref 17/01664/OUT, dated 7 September 2017, was refused by notice dated 4 January 2018.
 - The development proposed is outline application for up to 70 dwellings with associated infrastructure and public open space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with all detailed matters reserved apart from the access. I have dealt with the appeal on that basis, treating the plans as illustrative only except where they relate to the access.
3. A completed planning obligation has also been submitted with the appeal. This commits to the provision of affordable housing and open space on site and secures contributions towards healthcare and open space maintenance. I have taken these obligations into account.
4. Since the submission of the appeal the revised National Planning Policy Framework (the Framework) has been published and I have therefore taken it into account in my decision. Both main parties have had the opportunity to comment on the implications for the appeal and I am satisfied that no interested party has been prejudiced by my approach.
5. Both main parties refer to draft policies of an emerging Local Plan for the district. In accordance with paragraph 48 of the Framework weight may be given to emerging policies subject to the extent of unresolved objections. There is no substantive evidence before me which allows me to make this judgement and as the examination of these policies has not yet concluded I have attached limited weight to them.

Main Issue

6. The main issue is the effect of the proposed development on the character and appearance of the area having regard to the settings and significance of the

grade II listed Barn at Crowbridge Farmhouse, the grade II Listed Crowbridge Farm Cottages, the grade II* listed Holy Trinity Church, the Halstead Conservation Area (CA) and the effect on the local landscape.

Reasons

7. The appeal site is an agricultural complex and surrounding fields on the west side of Chapel Hill. It is partly on a hillside and partly in a shallow valley in a relatively undeveloped gap in the Chapel Hill road frontage which is characterised by dwellings of a variety of styles positioned mainly facing and short distances from the road.
8. The site is also within the Gosfield Wooded Farmland landscape character area, a gentle and well wooded landscape with medium to large regular shaped arable fields set within strong structures of woodland blocks. Overall, the area has a rural, verdant and agricultural character which gradually changes to residential buildings of a varied yet linear character and appearance.
9. The grade II listed Barn at Crowbridge Farmhouse forms part of the agricultural complex which is set back from Chapel Hill but close to the grade II Listed Crowbridge Farm Cottages which are positioned close to the road. The CA and the Grade II* listed Holy Trinity Church are located some distance to the south east up Chapel Hill.
10. In accordance with the duty imposed by section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving the setting of listed buildings or any features of special architectural or historic interest. Furthermore, paragraph 193 of the Framework states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
11. Both the grade II listed Barn at Crowbridge Farmhouse and Crowbridge Farm Cottages have attractive traditional architectural detailing. Through their physical relationship with each other and positioning in an otherwise undeveloped gap they provide a clear reference to the agricultural history of the settlement. In my view, the significance of both these listed buildings derives from their architectural quality and agricultural heritage.
12. The CA includes the town centre and also some of the residential areas around it and is characterised by a variety of traditional buildings with attractive traditional architectural detailing gathered around a market town core. In my view the significance of the CA derives from the architectural detailing of the buildings within it and its market town history.
13. The grade II* Holy Trinity Church is a tall imposing building with attractive Victorian detailing. It is in the CA towards the top of Chapel Hill. In my view its significance derives from its architectural form and detailing, its positioning in relation to the settlement and as an example of the early work of Sir Giles Gilbert Scott.
14. I acknowledge that planning permission¹ has been granted to convert the grade II listed Barn at Crowbridge Farmhouse and associated buildings to two dwellings. I note the landscaping proposed to reinforce the historical

¹ Council Reference 16/01562/FUL

farmstead boundaries as part of that scheme. However, whilst the use of the grade II listed Barn at Crowbridge Farmhouse would change as part of that approved scheme its setting would remain broadly the same.

15. I also note the appeal site was originally put forward through the Strategic Housing Land Availability Assessment and Local Plan process for 90 dwellings. I note the scheme has been reduced to 70 dwellings to allow for landscape buffers and to limit any harm to the character and appearance of the area and heritage assets. I acknowledge the illustrative details show the proposed dwellings set back from Chapel Hill appearing in the background of the grade II listed Barn at Crowbridge Farmhouse and views of the grade II listed Barn at Crowbridge Farmhouse from Chappel Hill would be retained and enhanced. I also accept the proposed open space and pond adjacent to the access would provide a degree of buffering on the south side and open up views of the designated heritage assets from Chapel Hill.
16. However, the illustrative details show two relatively large blocks of dense formally arranged dwellings effectively wrapping around the grade II listed Barn at Crowbridge Farmhouse and the associated complex. A terrace of dwellings and a road is illustrated almost directly adjacent to the appeal site boundary with the western boundary of the farm complex.
17. Whilst I acknowledge the existing hedging and trees along this boundary would be retained, the limited space between the boundary and the proposed road and terrace would limit views of the farm complex from within the proposed development. Furthermore, when viewed from the north and the east, particularly from the public footpath running parallel with the northern site boundary, the historical farm complex would appear completely absorbed into a relatively compact development of a suburban character.
18. Thus, when viewed from the north and east the grade II listed Barn at Crowbridge Farmhouse and the associated complex would also appear indistinguishable from the main built up area of Halstead. This would leave its historical agricultural use and positioning in a working rural landscape almost unnoticeable.
19. This level of change and impact on the setting and significance of the grade II listed Barn at Crowbridge Farmhouse would be significant. Thus even though the proposals are illustrative I am not satisfied that 70 dwellings could be sensitively accommodated on the appeal site without harming the setting and significance of the grade II listed Barn at Crowbridge Farmhouse.
20. Furthermore, the reduced views of the historical farm complex from the north and east, together with the relatively compact form of development would, even with additional and retained landscaping, result in a stark transition from the countryside to the main built up area of Halstead. Thus the proposals as illustrated would erode the rural and agricultural character of this part of Halstead. Therefore, having had full regard to the appellant's Landscape and Visual Assessment, I am not satisfied that the level of development proposed can be accommodated without harming the landscape character of the area.
21. Turning my attention to the grade II listed Crowbridge Farm Cottages. These are set in relatively large plots close to Chapel Hill and their relationship with the grade II listed Barn at Crowbridge Farmhouse and the associated buildings would broadly remain the same. Furthermore, a significant separation distance

- between the proposed development and the grade II listed Crowbridge Farm Cottages would be retained. Thus, I find no harm to the setting or significance of the grade II listed Crowbridge Farm Cottages.
22. With regard to the setting and significance of the CA and the grade II* listed Holy Trinity Church, these are some distance away up Chapel Hill. The illustrative details show the proposed buildings would be located on the lower parts of the site with a large area of open space on the part of the site where the land rises. I find given the presence of intervening development, landscaping and the overall separation distance that the proposal would not harm the settings or significance of either the CA or the grade II* listed Holy Trinity Church.
23. Nevertheless, overall, on the basis of the evidence before me, I find the proposed development would harm the character and appearance of the area and would fail to preserve the setting and significance of the grade II listed Barn at Crowbridge Farmhouse. It would therefore be contrary to the provisions of the respective sections of the Act and would fail to accord with paragraph 193 of the Framework, which attaches great weight to the conservation of designated heritage assets and their settings.
24. For the same reasons the proposal would also not accord with the aims of Policies CS5, CS8, CS9 of the Braintree District Council Local Development Framework Core Strategy (2011) and saved Policies RLP10, RLP80, RLP90, RLP95 and RLP100 of the Braintree District Local Plan Review (2005), which taken together, aim to ensure good design, safeguard the landscape and natural assets and ensure that new development does not harm designated heritage assets.
25. That said, in the context of the significance of the heritage asset, I would calibrate the harm arising from the proposed development, in accordance with paragraphs 195 and 196 of the Framework, as less than substantial towards middle range of the scale. In these circumstances, the Framework requires the degree of harm to be balanced against any public benefits the development may bring.
26. I attach considerable weight to the benefit of 70 new dwellings thus contributing to housing supply in the District. I note some of these would be affordable, a further significant benefit. The proposed dwellings would be close to Halstead town centre. The occupants might work locally and would support local services and there may also be employment opportunities associated with building the properties, thus resulting in further economic and social benefits. There would also be biodiversity benefits through landscaping as well as the visual benefit of additional landscaping. There would also be new homes bonus and Council tax revenues.
27. I note through detailed design that views of the grade II listed Barn at Crowbridge Farmhouse would be improved from Chapel Hill. I note the enhancement to the homestead setting of the barn yard and that the proposed open space and pond at the point where historical water courses meet and close to Chapel Hill would have visual benefits and comprise minor enhancements to the settings of the grade II listed Barn at Crowbridge Farmhouse and Crowbridge Farm Cottages. I have also considered the Unilateral Undertaking which would ensure the provision of affordable housing

and open space on site and secure contributions towards healthcare and open space maintenance.

28. However, even if all are accepted as public benefits, the total benefits combined although substantial do not outweigh the great weight I attach to the harm I have identified to the setting of the designated heritage asset. Moreover, these benefits are further outweighed when the harm to the heritage asset is combined with the harm to the landscape and the overall harm to the character and appearance of the area I have identified.
29. In reaching these conclusions I acknowledge the Council is unable to demonstrate a five year supply of deliverable housing land. Even, if I accept the greatest shortfall suggested, I have found harm to the setting of a designated heritage asset. Thus in accordance with paragraph 11 (d) and footnote 6 of the Framework the conflict I have found through the application of the policies in the Framework that protect assets of particular importance indicates that development should be restricted.
30. In any event, overall even with significant additional weight attached to the benefit of new homes in light of the five year land supply shortfall, the harm I have identified would still significantly and demonstrably outweigh the benefits of the scheme when assessed against the Framework taken as a whole. Thus on balance the proposal would not amount to sustainable development and would be in conflict with the Framework and the development plan.

Other Matters

31. I have noted the example of a development proposal in Cressing². However, that scheme is some distance from the appeal site and has no bearing on the character and appearance of the area or setting or significance of the heritage assets which are relevant to this case. In any event the full details of that scheme are not before me and I have determined the appeal on its merits.
32. I have also noted the Great Spansey Wood ancient woodland site nearby. However, I find this is some distance from the appeal site and given the proximity of the existing built up area of Halstead to this woodland there is no substantive evidence to suggest that there would be any harm to it or its setting arising from the appeal proposals.

Conclusion

33. For the reasons given above, having had regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

L Fleming

INSPECTOR

² Council reference 16/00397/OUT