

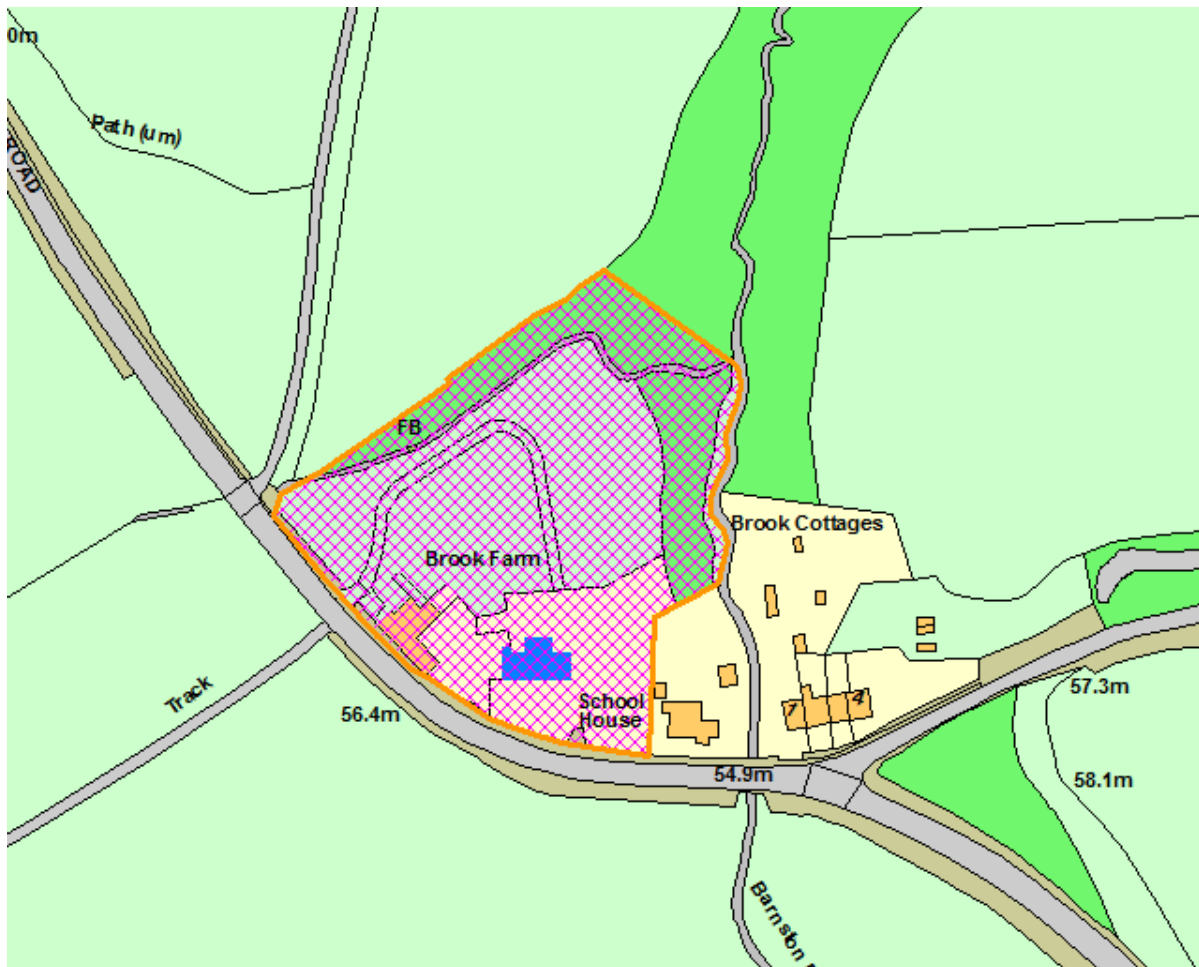
**ITEM NUMBER: 10**

**PLANNING COMMITTEE 9 April 2025**  
**DATE:**

**REFERENCE NUMBER: UTT/25/0352/HHF**

**LOCATION: Brook Farm, Chelmsford Road, Barnston**

## SITE LOCATION PLAN



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Organisation: Uttlesford District Council      Date: 24.03.2025

**PROPOSAL:** Proposed conversion of barn and stables to form residential annexe

**APPLICANT:** Mr And Mrs Walton

**AGENT:** Mr David Jones

**EXPIRY DATE:** 08.04.2025

**EOT EXPIRY DATE:** TBC

**CASE OFFICER:** Genna Henry

**NOTATION:** Outside development limits  
Flood Risk Zone 2/3  
Within curtilage of Listed Building

**REASON THIS APPLICATION IS ON THE AGENDA:** Cllr Call-in if refused.

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**1. EXECUTIVE SUMMARY**

- 1.1** The application is a Householder application and the applicant seeks to convert the existing barn within the curtilage of Brook Farm, a grade II Listed Building, which also requires associated works.
- 1.2** The development would effectively be a two storey dwelling within the curtilage of a designated Heritage Asst and by reason of the scale, design and footprint and floorspace, the proposal would be tantamount to an additional and separate residential accommodation.

**2. RECOMMENDATION**

That the Strategic Director of Planning be authorised to <b>REFUSE</b> for the reasons set out in section 17.
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**3. SITE LOCATION AND DESCRIPTION:**

- 3.1** The application site lies north east of Chelmsford Road and within the curtilage of Brook Farm which contains a grade II listed farmhouse.

- 3.2 The site contains a barn visible from Chelmsford Road, subject of this application.

#### 4. **PROPOSAL**

- 4.1 The application seeks to convert the existing barn and stables within the curtilage of Brook Farm, to form annex accommodation to the grade II listed host dwelling.

#### 4.2 **Applicants case**

- Application form
- Biodiversity checklist
- Heritage, Design & Access Statement
- Historic Building Recording, dated 16.08.2024
- Ecological Survey and Assessment
- EA Flood Maps
- Photos of Barn
- Transport Statement, dated July 2024
- Existing Floor Plans and Elevations (Drawing no. W/5265/23/EX-01)
- Existing Internal Elevations (Drawing no. W/5265/23/EX-02 rev C)
- Proposed Floor Plans, Elevations and Sections (Drawing no. W/5265/24/PL-01 rev A)
- Proposed Site & Landscaping Plan (Drawing no. W/5265/24/PL-02 rev A)
- Location Plan (Drawing no. W/5265/24/PL-03)
- Proposed Internal Frame Elevations (Drawing no. W/5265/23/PL-04 rev A)

Proposed demolitions Plan and Internal elevations (Drawing no. W/5265/23/DE-01 rev A)

#### 5. **ENVIRONMENTAL IMPACT ASSESSMENT**

- 5.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

#### 6. **RELEVANT SITE HISTORY**

Reference	Proposal	Decision
UTT/24/1826/LB	Proposed conversion of barn and stables to form residential annexe	Refused
UTT/24/1825/HHF	Proposed conversion of barn and stables to form residential annexe	Refused
UTT/25/0353/LB	Proposed conversion of barn and stables to form residential annexe	Pending consideration

**7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION**

**7.1** No pre-application advice undertaken.

**8. SUMMARY OF STATUTORY CONSULTEE RESPONSES**

**8.1 Place Services (Conservation)**

**8.1.1** No objection subject conditions.

**9. PARISH COUNCIL**

**9.1** No comment received.

**10. CONSULTEE RESPONSES**

**10.1 Place Services (Conservation)**

**10.1.1** No objection subject conditions.

**11. REPRESENTATIONS**

**11.1** The application has been advertised by way of press notice, site notice and neighbour letters. The overall date of expiry was 14.03.2025.

No comments received.

**12. MATERIAL CONSIDERATIONS**

**12.1** In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, The Development Plan and all other material considerations identified in the "Considerations and Assessments" section of the report. The determination must be made in accordance with the plan unless material considerations indicate otherwise.

**12.2** Section 70(2) of the Town and Country Planning Act requires the local planning authority in dealing with a planning application, to have regard to

- a) The provisions of the development plan, so far as material to the application:
  - (a) a post-examination draft neighbourhood development plan, so far as material to the application,
- b) any local finance considerations, so far as material to the application, and
- c) any other material considerations.

**12.3** Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, or, as the case may be, the Secretary of State, in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses or, fails to preserve or enhance the character and appearance of the Conservation Area

## **12.4 The Development Plan**

## **13. POLICY**

### **13.1 National Policies**

**13.1.1** National Planning Policy Framework (2024)

### **13.2 Uttlesford District Local Plan 2005**

<b>13.2.1</b>	S7	The Countryside	
	GEN1	Access	
	GEN2	Design	
	GEN3	Flood Protection	
	GEN4	Good Neighbourliness	
	GEN7	Nature Conservation	
	GEN8	Vehicle Parking Standards	
	H8	Home Extensions	
	H10	Housing Mix	
	ENV2	Development affecting Listed Building	

### **13.3 State name of relevant Neighbourhood Plan in this title**

**13.3.1** There is not 'made' Neighbourhood Plan for the area.

### **13.4 Supplementary Planning Document or Guidance**

Uttlesford Local Residential Parking Standards (2013)  
Essex County Council Parking Standards (2009)  
Supplementary Planning Document – Accessible homes and playspace  
Supplementary Planning Document – Developer's contributions  
Essex Design Guide  
Uttlesford Interim Climate Change Policy (2021)

## **14. CONSIDERATIONS AND ASSESSMENT**

**14.1** The issues to consider in the determination of this application are:

### **14.2 A) Principle of development**

- B) Design, Appearance and Impact on Heritage**
- C) Residential Amenity**
- D) Highways, Access and Parking**
- E) Environmental Health and Contamination**
- F) Landscaping, Conservation and Ecology**

**14.3 A) Principle of development**

- 14.3.1** The dwelling is situated outside of development limits whereby Policy S7 would be applied to any proposed development. Policy S7 is concerned with the protection of the countryside and supports development that needs to take place there or is appropriate to a rural area but places strict control upon other forms of development. Where such development is permitted where an application is required, it can only be permitted under planning permission if its appearance protects or enhances the particular character of the countryside in which it is set.
- 14.3.2** Policy H8 of the Local Plan states that extensions will be permitted subject to their scale, design and external materials respecting the original building and that no significant harm to adjoining occupiers occurs. In addition, the SPD Home Extensions indicates development should respect the scale, height, proportions, and form of the original dwelling.
- 14.3.3** Policy GEN2 requires development proposals, inter alia, to be compatible with the scale, form, layout, appearance and materials of surrounding buildings. It also requires development to safeguard important environmental features in its setting, enabling their retention and helping to reduce the visual impact of new buildings or structures where appropriate. The policy also requires the provision of an environment, which meets the reasonable needs of all potential users.
- 14.3.4** An annexe is described in the Supplementary Planning Document - Home extensions, as a single storey building attached or within close proximity to the host dwelling and must not be self-contained.
- 14.3.5** As an annexe is considered a 'home extension' Policy H8 applies. This policy requires new development respect the scale, design and external materials of the original building and have no detrimental impact on the amenity of neighbouring dwellings.
- 14.3.6** In terms of size and scale, the proposal will be a large structure in relation the main dwelling's footprint and in the built form on site. Therefore, Officers are of the view that the proposal could challenge the prominence and primacy of the host dwelling, which is also a designated heritage asset, through the comparable footprint, due to the existing scale of the building.
- 14.3.7** Furthermore, the distance of the proposed annexe to the host dwelling, and the scale of the residential annexe within the site would also disrupt the functional relationship with the principal dwellinghouse. Also,

floorplans indicate that the proposed annex would have one bedroom with additional habitable space at first floor (labelled Mezzanine / Gallery on the floor plans), two toilets, utility room, study area and an open fronted cart lodge which would provide two covered parking spaces.

**14.3.8** In a recent appeal<sup>1</sup> for a similar residential annex the Inspector acknowledged that ULP Policy S7 applies and stated that ‘as an existing residential property, householder development associated with the dwelling needs to take place there and would be appropriate in principle notwithstanding the countryside location.’

**14.3.9** Thus, in considering the degree of dependency of the proposed annexe, the Design & Access Statement states that the annexe would share the access, private amenity space, services will remain unaltered by the proposal. Although, parking spaces would be separated but given the size of the plot, it is not considered that the provision of parking spaces would be a material consideration as the site plan indicates the site can accommodate approximately 7no. spaces allocated to the host dwelling. Evidently, there is ample space at the site to accommodate additional parking provision.

**14.3.10** Notwithstanding above, the scale of the annexe is a significant building which effectively amounts to a separate residential unit; a large dwelling with first floor accommodation<sup>2</sup>. The footprint of the annexe is considered to challenge the prominence of the host dwelling, appearing overly dominant within the site and failing to be subservient. The annexe will result in disproportionate additions over and above that of the original dwellinghouse. Furthermore, the design of the annexe has the appearance of a separate residential dwelling, with domestic architectural features due to the sheer size and scale the proposal therefore fails to represent a building dependant on the host dwelling.

**14.3.11** For these reasons, it is considered that the application will not remain incidental to the enjoyment of the dwellinghouse. Overall, the two storey nature, scale, form and design of the proposed annexe is inappropriate and fails to appear subservient. Thus, the proposal is contrary to Policies S7, GEN2, Policy H8 and the NPPF (2024).

#### **14.4 B) Design, Appearance and Impact on Heritage**

**14.4.1** ULP Policy ENV2 advises that proposals that adversely affect the setting of a listed building will not be permitted. This is further supported by the aims of the NPPF and Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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<sup>1</sup> PINs ref: APP/C1570/W/24/3341685

<sup>2</sup> Despite the removal of a first floor bedroom on the floor plans when compared with the previous application (ref. UTT/24/1825/HHF).



- 14.4.2** Paragraph 131 of the NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 14.4.3** The proposal seeks to use the listed barn as a residential annex to the existing, Brook Farm. With regards to the amendments proposed to accommodate the conversion, the Conservation Officer raised the following comments;
- 14.4.4** *'The current applications follow pre-application advice, and previous applications (UTT/24/1826/LB and UTT/24.1825/HHF) which were refused. The principle of the conversion was considered acceptable by this office but a greater level of information was requested in order to confirm that only modern fabric is proposed for removal/and or replacement. Greater clarity has now been provided.'*
- 14.4.5** *Based on the current application, I am able to support the proposal, however I would request that the roof to the stable range should be finished in traditional clay tile rather than a standing seam metal roof to differentiate it from the main barn as a later phase of development. This, along with all proposed external materials, can be agreed by a suitable condition.'*
- 14.4.6** In light of the above, subject to conditions, Officers consider the works to the curtilage listed barn acceptable, subject to the conditions suggested by place services.
- 14.4.7** The Conservation Officer considered the justification for the annexe use of the buildings, outlined in the Heritage/Planning Statement, as acceptable. The applicant has stated that the proposal will accommodate extended family members from the host site and this proposal.
- 14.4.8** Therefore, notwithstanding the principle objection, it is deemed the proposed works will not adversely affect the listed building and therefore complies with Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is considered to comply with Uttlesford Local Plan Policies ENV2 and H6 and the NPPF (2024).

**14.5 C) Residential Amenity**

- 14.5.1** The proposal would not result in any material detrimental overlooking, overshadowing or overbearing impact and is considered to comply with Uttlesford Local Plan policies GEN2 and GEN4

**14.6 D) Highways, Access and Parking**

- 14.6.1** The Highway Authority has not been consulted on the current application, but in the previous application there were no objections in terms of highway safety or parking provisions. As indicated above, the site

accommodated sufficient parking at the site to accommodate annexed accommodation.

## **14.7 E) Environmental Health and Contamination**

- 14.7.1** Due to the nature of the site and the existing building Environmental Health were previously consulted, but not this time around. No objections were previously raised, however, in the event the application would be recommended for approval, appropriate conditions will be added.

## **14.8 F) Landscaping, Conservation and Ecology**

- 14.8.1** Policy GEN7 of the Local Plan states that development that would have a harmful effect on wildlife will not be permitted unless the need for the development outweighs the importance of the feature of nature conservation. Where the site includes protected species measures to mitigate and/or compensate for the potential impacts of development must be secured.

- 14.8.2** A Biodiversity Questionnaire has been submitted by the applicant to assess the likely presence of protected species within or in close proximity to the application site. The questionnaire states that there was potential for loft voids/lined roof tiles to be impacted as a result of the development. A Preliminary Ecological Appraisal (PEA) has been conducted and submitted stating;

- 14.8.3** 'The survey found no evidence of bats on the walls and floor of the building or on items stored within it. There was also no evidence of bats on the mezzanine floor at the south-eastern end of the building or on items stored on that floor, and also no evidence of bats was associated with the stables. Externally, there were no cavities that might offer potential roosting places for bats. No evidence of their presence was found at this site.

The area of the proposed building comprises maintained grass and gravel hardstanding. There is no vegetation at the site that is affected by the proposal.

The lack of potential roosting places and absence of any evidence of the presence of bats in this building means that no further surveys are required. The building was considered to have negligible potential as a roosting place for bats.'

- 14.8.4** At the time of writing, Place Services (Ecology) have not been consulted, however, Officers are seeking their views in the event Members are minded to approve the application, with specific regard to the PEA any Protected and Priority Species appropriate conditions/informatives.

## **15. ADDITIONAL DUTIES**

### **15.1 Public Sector Equalities Duties**

**15.1.1** The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers.

**15.1.2** The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

**15.1.3** Due consideration has been made to The Equality Act 2010 during the assessment of the planning application, no conflicts are raised.

### **15.2 Human Rights**

**15.2.1** There may be implications under Article 1 (protection of property) and Article 8 (right to respect for private and family life) of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been taken into account in the determination of this application.

## **16. CONCLUSION**

**16.1** The proposal does not accord with the Adopted Local Plan, development plan or the NPPF (2024) because the proposal fails to represent an incidental development within the curtilage of existing dwelling at Brook Farm, Chelmsford Road. As the development would effectively be a two storey dwelling within the curtilage of a designated Heritage Asset, the proposal does not constitute annexed accommodation within the application site.

**16.2** The application has been recommended for refusal.

## **17. REASON FOR REFUSAL**

**17.1** The proposed annexe, by reason of its design, size and scale, fails to represent an incidental development within the existing curtilage of Brook Farm, Chelmsford Road but would be tantamount to an additional and separate residential accommodation. The proposal is contrary to

Uttlesford Local Plan Policies (2005) S7, GEN2 and H8 and the NPPF (2024).