



ITEM NUMBER: 12

PLANNING COMMITTEE DATE: 3 April 2024

REFERENCE NUMBER: UTT/23/3179/HHF

LOCATION: 2 Parsonage Farm Barns, Barnston Road,
High Easter, Essex, CM1 4QZ

SITE LOCATION PLAN:



© Crown copyright and database rights 2021 Ordnance Survey 0100018688
Organisation: Uttlesford District Council Date: 4 March 2024

PROPOSAL: Proposed mounting of 20 photo voltaic panels on the west facing, single story roofs of the converted cart shed and outbuilding attached to the main barn.

APPLICANT: Ms. Vicky Lockie

AGENT: N/A

EXPIRY DATE: 29th February 2024

EOT EXPIRY DATE:

CASE OFFICER: Mark Sawyers

NOTATION: Outside Development Limits
Conservation Area (HIGH EASTER)
Listed Building – Grade II - Reference: 1112537 (1 Parsonage Farm Barns, Barnston Road, High Easter, Chelmsford, Essex, CM1 4QZ)

REASON THIS APPLICATION IS ON THE AGENDA: Member Call In

1. EXECUTIVE SUMMARY

1.1 This householder planning application is for the proposed mounting of 20-no. photo voltaic panels on the west facing roof elevation.

1.2 The site concerns a Grade II listed property located to the western side of Barnston Road, within the rural village of High Easter.

1.3 This proposal seeks to reduce the carbon emissions of the building and to ensure that the heating and power for the building remains affordable.

2. RECOMMENDATION

That the Strategic Director of Planning be authorised to REFUSE for the reasons set out in section 17.

3. SITE LOCATION AND DESCRIPTION:

3.1 2 Parsonage Farm Barns, is a Grade II listed property located to the western side of Barnston Road, within the rural village of High Easter. Located as part of an agricultural farmstead, the barns are thought to date from c. 1600, with later C17th additions. The property is timber framed with weatherboarding to the elevations and peg tile roof to the principle range.

3.2 The full listing description reads as follows:

'Barn. C16 and later. Timber framed with painted weatherboarding on south side and black weatherboarding elsewhere. Roof is of peg tiles and is gabled. Of 9 bays and aisled both sides with 2 gabled midstreys on each long side.

Jowled posts, arch braces and top plates of C15 or C16 barn with probable C17 roof and studwork. 4 bay cartlodge with brick rear wall and black weatherboarded outbuilding both with pantile roofs attached to south east corner.'

3.3 To the west of the barns, is a further timber-framed cottage known as 'Hilly Ley', believed to date from the C16th.

4. PROPOSAL

4.1 The proposal seeks to mount 20-no. photo voltaic panels on the west facing, single story roof elevation of the converted cart shed and outbuilding attached to the main barn.

4.2 The application is accompanied by the following supporting information:

- Biodiversity Checklist
- Biodiversity Photos
- Design, Access and Heritage Statement
- Panel Specification

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

6.1

Reference	Proposal	Decision
UTT/2079/05/FUL	Proposed conversion of cart shed. Internal alterations.	APPROVED
UTT/2078/05/LB	Proposed conversion of cart shed. Internal alterations.	APPROVED
UTT/13/2605/HHF	Conversion of cartshed (amended scheme to	APPROVED

	planning consent UTT/2079/05/FUL)	
UTT/13/2607/LB	Conversion of cartshed and internal alterations (amended scheme to planning consent UTT/2078/05/LB)	APPROVED

7. PREAPPLICATION ADVICE AND/OR COMMUNITY CONSULTATION

7.1 A Heritage Pre-App was undertaken in May of 2023 in order to ascertain if the addition of photo voltaic panels could be supported by the Conservation Officer and the Local Planning Authority.

8. SUMMARY OF STATUTORY CONSULTEE RESPONSES

8.1 Not Applicable

9. PARISH COUNCIL COMMENTS

9.1 High Easter Parish Council notes Places Services objection including the pre-application advice and has nothing further to add.

10. CONSULTEE RESPONSES

10.1 Place Services (Conservation and Heritage)

10.1.1 The Conservation Officer is not able to support the proposal and has raised the following concerns:

- High visibility of the panels,
- Obscuring the historic clay tiles
- Impact on the Architectural interest of the Conservation Area
- Harm to Listed Building

10.2 Place Services (Ecology)

10.2.1 The County Ecologist is not satisfied at this time that there is sufficient ecological information available for determination of this application.

11. REPRESENTATIONS

11.1 Site notices were displayed on site and 5 notification letters were sent to nearby properties. An advertisement in the local press was also included as part of this application.

11.2 Support

- 11.2.1
- Similar array of panels located on the neighbouring house
 - Precedent set

- Draft Planning changes in the works by the Government regarding Listed buildings and allowing PV Panels.

11.3 Comment

- 11.3.1**
- The required statutory consultations have been made
 - The material consideration will be considered in the following report

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

- 12.4.1** Essex Minerals Local Plan (adopted July 2014)
 Essex and Southend-on-Sea Waste Local Plan (adopted July 2017)
 Uttlesford District Local Plan (adopted 2005)
 Felsted Neighbourhood Plan (made February 2020)
 Great Dunmow Neighbourhood Plan (made December 2016)
 Newport and Quendon and Rickling Neighbourhood Plan (made June 2021)
 Thaxted Neighbourhood Plan (made February 2019)

Stebbing Neighbourhood Plan (made July 2022)
Saffron Walden Neighbourhood Plan (made October 2022)
Ashdon Neighbourhood Plan (made December 2022)
Great & Little Chesterford Neighbourhood Plan (made February 2023)

13. POLICY

13.1 National Policies

13.1.1 National Planning Policy Framework (2023)

13.2 Uttlesford District Local Plan 2005

13.2.1

S7	The Countryside
GEN2	Design
GEN4	Good Neighbourliness
GEN7	Nature Conservation
ENV1	Design of Development within Conservation Area
ENV2	Development affecting Listed Building
ENV15	Renewable Energy

13.3 State name of relevant Neighbourhood Plan in this title

13.3.1 There is not a '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, Layout, Scale and Appearance**
- C) Impact on Neighbours Amenity**
- D) Heritage**
- E) Ecology**

14.3 A) Principle of development

14.3.1 The site is located outside development limits in the countryside (ULP Policy S7) as defined in the Uttlesford Local Plan, which states that the countryside will be protected for its own sake, planning permission will only be given if the development protects or enhances the particular

character of the part of countryside within it is set or there are special reasons why the development in the form proposed need to be there and if the proposal is appropriate to the rural area.

- 14.3.2** The NPPF requires local authorities to have a positive strategy to promote energy from renewable and low carbon sources and to approve applications if the impacts are (or can be made) acceptable.
- 14.3.3** Policy ENV15 states that small scale renewable energy development schemes to meet local needs will be permitted if they do not adversely affect the character of sensitive landscapes, nature conservation interests, or residential and recreational amenity.
- 14.3.4** The proposals are regarded to be of a small scale for the purposes of provided renewable energy for the existing property and not a large commercial scheme. As such, the principle of the development can be considered to be appropriate in line with local policy ENV15. However, the proposals need to be assessed against other planning merits as discussed below.

14.4 B) Design, Layout, Scale and Appearance

- 14.4.1** Section 12 (Achieving well-designed places) of the National Planning Policy Framework attaches great importance to the design of the built environment. The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. 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.
- 14.4.2** Strategic policies require development to be compatible with a settlement's character. Policy GEN2 provides more detail as to this consideration stating that development will not be permitted unless its design meets all of a number of criteria.
- 14.4.3** The first criterion of Policy GEN2 is that the development be compatible with the scale, form, layout, appearance, and materials of surrounding buildings.
- 14.4.4** The installation of PV Panels is not an incongruous feature within the locality. The neighbouring dwelling of 'Hilly Ley' located to the South West of the site already benefits from PV Panels granted under UTT/16/1388/HHF.
- 14.4.5** The neighbouring dwelling of 'The Parsonage' also benefits from an array of PV Panels, however it must be noted that these are standalone panels that are located approximately 100m away from the Listed Building of 'The Parsonage'.

14.4.6 The second criterion is that the development should safeguard important environmental features in its setting.

14.4.7 No trees are to be removed as part of this application.

14.4.8 The proposal is considered to be of acceptable design, appearance and scale. The proposal would therefore comply with the requirements of Uttlesford Local Plan Policy GEN2.

14.5 C) Impact on Neighbours Amenity

14.5.1 The adjacent neighbouring properties are an adequate distance away for the site to ensure that they would not be adversely affected by the proposal particular regarding visual blight, glint, or glare.

14.6 D) Heritage

14.6.1 As this proposal concerns the setting of a Grade II Listed Building and the Setting of a Conservation Area, Place Services Heritage have been consulted on the proposals.

14.6.2 The Conservation Officer states that *“an array of PV panels affixed to the roofs of the former cart shed and attached outbuilding within the courtyard will be visually prominent and jarring modern additions.”*

14.6.3 *“The courtyard (former farmyard) is an important part of the setting of the listed building and the special historic and architectural interest of these former agricultural buildings can clearly be appreciated from within the rear courtyard.”*

14.6.4 *“Although the proposed PV panels would not be clearly visible from the street, the listed building as part of a prominent historic farmstead at the northern end of the settlement makes a positive contribution to the historic and architectural interest of the Conservation Area and its significance.”*

14.6.5 When concluding, the Conservation Officer states that *“the proposed installation would fail to preserve the special interest of the listed building, contrary to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. It would also fail to preserve or enhance the character and appearance of the Conservation Area contrary to Section 72(1) of the same Act” ... “with the installation of PV panels representing a “low level of less than substantial harm to the significance of the listed building, and the lowest level of less than substantial harm to the significance of the Conservation Area”*

14.6.6 Taking Conservations comments into consideration, with their concerns regarding the proposals impact to the heritage asset and the conservation area as a whole, the benefits and negatives will be weighed up using the Tilted Balance.

14.6.7 Planning Balance

14.6.8 The NPPF describes the importance of protecting heritage assets (paragraphs 195-214).

14.6.9 Paragraph 205 of the NPPF advises:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

14.6.10 Paragraph 206 of the NPPF advises:

“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.”*

14.6.11 Paragraph 208 of the NPPF advises:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

14.6.12 Positive:

- The development could provide a small level of economic and social benefit during the installation period through the employment of tradespeople.
- The proposal would seek to make use of green energy in which the Local Authority has declared a Climate Emergency.
- The development could have the ability to provide energy to the grid.

Together these elements are considered to carry limited weight in support of the scheme.

14.6.13 Negative:

- The proposed development will offer little to no public benefit, this is due to the nature of the works being of those to a private dwelling.
- The proposal is not required in order to secure the optimum viable use of the subject property. Therefore, any grant of permission would only be of benefit to the occupiers.
- The proposed scheme would impact the Heritage Asset.

- The proposal would cause harm to the significance of the surrounding Conservation Area.

14.6.14 The impact the development would have in this regard weighs against the proposal and would be in conflict with the aims of paragraphs 205, 206 and 208 of the NPPF.

14.6.15 The proposed installation of photo voltaic panels in this location would represent a low level of less than substantial harm to the significance of the listed building, and the lowest level of less than substantial harm to the significance of the Conservation Area.

14.6.16 Taking both the positives and negatives of the proposal into account it is concluded that the harm caused by the development set out in this application will outweigh the positives of the development as a whole.

14.6.17 Therefore, and on balance, the proposed development would fail to comply with the provisions of Uttlesford Local Plan Policies ENV1, ENV2 and paragraphs 205, 206 and 208 of the National Planning Policy Framework.

14.7 E) Ecology

14.7.1 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.

14.7.2 Essex County Council Ecology has been consulted on the proposal, they are not satisfied that there is sufficient ecological information available for determination, and as such have placed a holding objection on the proposal due to insufficient ecological information on European Protected Species (bats).

14.7.3 Within the County Ecologist's response, they go onto state that they "*are not satisfied that there is sufficient ecological information available for determination of this application and recommend that details of survey results, mitigation & enhancement measures are required to make this proposal acceptable.*"

14.7.4 As such, the proposal as submitted would not comply in principle with Uttlesford Local Plan Policy GEN7 and the National Planning Policy Framework (2023).

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 principle of the development is acceptable to the Local Planning Authority.
- 16.2** No objections are raised in terms of design.
- 16.3** No objections have been raised with regard to the impact on neighbouring dwellings.
- 16.4** On balance, when the proposal is weighed against the public benefits provided the tilted balance would be engaged, the proposal would secure optimum use of the land whilst minimising the harm to the non-designated heritage assets.
- 16.5** Insufficient ecological information has been supplied with the application for determination and as such would fail to comply with Uttlesford Local Plan Policy GEN7.

17. REASONS FOR REFUSAL

- 17.1** The application lies within a conservation and consists of a grade two listed building. The Local Planning Authority has a duty under Section 66(1) 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting and significance of any features of special architectural or historical interest.
- 17.2** The development by way of the PV panels affixed to the roofs of the former cart shed and attached outbuilding within the courtyard will be visually prominent and jarring modern additions which would inevitably result in an adverse impact to the setting and experience of the designated heritage assets resulting in less than substantial harm to the setting and significance of these heritage assets.
- 17.3** Having regard to the guidance in paragraph 208 of the National Planning Policy Framework, the Local Planning Authority has considered the public benefits associated with the development but concludes that these would not outweigh the harm caused to the setting of the designated heritage asset. The proposals are thereby contrary to paragraphs 203 and 208 of the National Planning Policy Framework and Policies ENV1 and ENV2 of the Uttlesford District Local Plan 2005 (as Adopted).
- 17.4** Insufficient information has been submitted with this application to enable the Local Planning Authority to assess the impacts of the proposal on European Protected Species (Bats). In the absence of this information, the proposal would conflict with Policy GEN7 of the Uttlesford Local Plan (adopted 2005) and the National Planning Policy Framework 2023.