



ITEM NUMBER: 13

PLANNING COMMITTEE DATE: 3 April 2024

REFERENCE NUMBER: UTT/23/3180/LB

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

SITE LOCATION PLAN:



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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 listed building consent 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 listed building consent 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 in 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

11. REPRESENTATIONS

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

11.2 Comment

- 11.2.1
- 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:
 - (aza) 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 ENV1 Design of Development within Conservation Area
- ENV2 Development affecting Listed Building

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

- 13.4.1 Uttlesford Interim Climate Change Policy (2021)

14. CONSIDERATIONS AND ASSESSMENT

- 14.1 The issue to consider in the determination of this application is:

14.2 A) Heritage

- 14.2.1 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.

- 14.2.2 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.”*

- 14.2.3 *“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.”*

- 14.2.4 *“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.”*

- 14.2.5 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”*

- 14.2.6 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.

14.2.7 Planning Balance

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

14.2.9 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.”

14.2.10 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.”*

14.2.11 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.”

14.2.12 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.

14.2.13 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.

14.2.14 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.

14.2.15 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.

14.2.16 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.

14.2.17 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.

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 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.

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).