
Appeal Decision

Site visit made on 16 January 2017

by Jonathan Hockley BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 January 2017

Appeal Ref: APP/C1570/W/16/3156568

Site adjacent to Potash Farm, Hempstead Road, Radwinter, Saffron Walden, Essex CB10 2TH

- 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 Ford Homes Limited against the decision of Uttlesford District Council.
 - The application Ref UTT/16/0783/OP, dated 4 March 2016, was refused by notice dated 17 May 2016.
 - The development proposed is the erection of two dwellings with garages.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with all matters reserved aside from access. I have dealt with the appeal in the same manner and have thus treated all plans, apart from those that consider access, as indicative.

Main Issue

3. The main issue in this case is whether or not the proposal would provide a suitable site for housing, having regard to the effect of the proposal on the character and appearance of the area including the setting of nearby listed buildings, the location of the proposal, and whether the scheme would have an adverse effect on highway safety on Hempstead Road.

Reasons

4. Radwinter is a small village, constructed in a linear pattern largely around the crossroads of Walden/Hempstead Road and Water Lane/Roman Road. This intersection is marked by the Church of St Mary the Virgin. To the east of this junction lies a further crossroads between Hempstead Road and Ashdon Road. At this intersection lies the Plough public house. The appeal site lies to the east of these crossroads, on the north side of the road and falls within land belonging to Potash Farm, a Grade II listed building.
 5. Section 66(1) of the Planning (Listed Building and Conservation Areas Act) 1990 states that when considering whether to grant planning permission for development which affects the setting of a listed building, special regard should be had to the desirability of preserving this setting.
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6. Paragraph 132 of the National Planning Policy Framework (the Framework) says when considering the impact of a proposed development on the significance of a designated heritage asset (including conservation areas), great weight should be given to the asset's conservation. Significance can be harmed or lost through by development within its setting. The Framework defines setting as the surroundings in which the asset is experienced. Elements of setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral.
7. Potash Farm is a 17th/18th century timber framed and plastered building. The former public house is set into the gently rolling landscape and is one and a half storeys high, with three dormer windows set in the thatched roof. A subordinate extension to the west has a lower tiled roof and a further dormer window. A reasonably sized boarded garage/outbuilding is set to the west and in front of the building line of the property. Just to the east of the building is a former barn, which has been converted to residential use and is in separate ownership to Potash Farm. This building is set closer to the road and is more obvious from Hempstead Road.
8. Due to the height of Potash Farm and its setting within the landscape, as well as various mature trees and landscaping nearby, the property is relatively well screened from most directions. The barn is more visible however, and can be seen when approaching from a fair distance from the west. The appeal site is an area of rough grassland directly to the west of Potash and is clearly visible both from and to the heritage asset.
9. The site has an air of being garden or paddock land belonging to the host property. My attention is drawn to an existing hedgerow on the northern boundary of the site which appears to also be shown on plans from 1877. However, the plans from 1877 appear to show the proposed development site as being open farmland at this time, with the northern hedgerow being confined to the area north of Potash Farm and an adjacent outbuilding to the west. Open farmland still surrounds Potash Farm to the north and the south.
10. Therefore whilst the setting of Potash Farm is fairly restricted, the site constitutes an aspect of the setting from which the heritage asset is experienced, and its open nature has a positive contribution to the significance of the asset, contributing to its rural setting. Although there is a small boundary between the site and the listed building defined in terms of some trees, this boundary is patchy and ill defined, particularly at the northern end.
11. In the absence of definitive plans it is difficult to fully consider the likely effect of the proposal upon the setting of Potash Farm. The indicative plans show two fairly large houses, with one towards the western edge, set back within the site, and one on the eastern side set further forward to a similar building line to the adjacent outbuilding. However, it is clear that the construction of two houses on this previously open area would affect the setting of Potash Farm, removing an aspect of the rural setting of the building, and creating a small linear grouping of the two houses, Potash Farm, the Barn and the further property of St Crispins. When combined with a new access and the associated trimming back of the hedgerow to create such an access, the proposal would have an adverse urbanising effect on this setting.

12. Having regard to the advice in the Planning Practice Guidance I consider that the scheme would not constitute substantial harm (as defined in the Framework) to the significance of the heritage asset. However, though less than substantial, there would, nevertheless, be real harm which requires clear and convincing justification. I also note in this respect that the appellant also considers that less than substantial harm to the heritage asset would result from the proposal¹.
13. The appeal site is around a 10 minute walk from the centre of the village, where the church and school are located. The pub is located closer; however, the stretch of walk to the pub requires a walk along a fairly busy road as there is no footpath. A footpath commences after the pub and into the centre of the village beyond. The appellant notes that there are various bus services to nearby larger towns. However, there is little evidence submitted on this point. On my visit I noted some timetables but services to Saffron Walden and Haverhill appeared somewhat infrequent. Given the lack of footpaths to the edge of the village and the lack of evidence regarding public transport I therefore consider that the future occupants of the proposal would be likely to use private transport for virtually all of their day to day needs, including employment, even if such needs were accommodated for in Radwinter.
14. The Highways Authority raises concerns over the proposed access to the site. This would seek to use an existing field access on the western edge of the site, widening and improving the access. A further access is proposed towards the eastern edge of the site, adjacent to the outbuilding for Potash Farm should the first choice be considered undesirable. I note that this latter access has been agreed in principle by the Highways Authority. Immediately to the west of the site Hempstead Road turns to the south; it then stays roughly on a straight line, until it turns again to the south adjacent to St Crispins. I noted from highway signs close to the site that the speed limit around the site is 40mph.
15. When leaving the proposed access, visibility is reasonable in both directions. The sweep of the road to the west is such that it is possible to see for a considerable distance cars approaching on the inside carriageway. To the east, visibility is slightly shorter but is reasonable given the local speed limit, and would allow adequate time for a car leaving the access to either the east or the west. I do not consider therefore that this access would create a risk to highway safety for the relatively limited traffic that would be generated by the proposal. Given this finding I have not considered in detail the second access proposed.
16. Paragraph 134 of the Framework indicates that less than substantial harm to heritage assets is to be weighed against the public benefits of the proposal, including securing its optimum viable use. The public benefits of the proposal can be summarised as the creation of 2 homes, with the limited economic and social benefits that this and the future occupants of the two houses would provide. However, it is important to note that less than substantial harm does not equate to a less than substantial objection. The public benefits of the scheme are fairly limited in my view and would not outweigh the harm caused to the heritage assets. The unsustainable location of the proposal adds weight to my views on this matter and on the overall suitability of the site for housing.

¹ Supporting Planning Statement March 2016

17. There is dispute between the parties over whether the Council can demonstrate a five year supply of deliverable housing sites. On the limited information I have been provided with I am unable to come to a firm view on this matter; nevertheless, even if the Council were unable to demonstrate such a supply I do not consider that the proposal would constitute sustainable development for which there is a presumption in favour. In reaching this conclusion I have borne in mind paragraph 17 of the National Planning Policy (the Framework) and its guidance that planning should take account of the different roles and character of different areas, conserve heritage assets in a manner appropriate to their significance and should actively manage patterns of growth to make the fullest possible use of public transport and walking, as well as the provisions of Paragraphs 132 & 134 of the Framework.
18. I therefore conclude that, whilst the proposal would not have an adverse effect on highway safety, the effect of the proposal on the character and appearance of the area including the setting of the nearby listed building and the location of the proposal means that the proposal would not constitute a suitable site for housing. The proposal would be contrary to the Framework and policies ENV2 and S7 of the Local Plan², which together state that development affecting a listed building should be in keeping with its character and surroundings, and that development will only be permitted in the countryside if its appearance protects or enhances the character of the countryside within which it is set. In this context whilst I note that both parties consider that policy S7 is only partly consistent with the Framework, the referred to element of the policy above is broadly consistent in my view with the core planning principle of the Framework that planning should take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside. In relation to paragraph 6.13 of the Local Plan, I do not consider that the proposal constitutes infilling; there is open countryside on 3 sides of the appeal site.

Other Matters

19. The application was also refused on the basis of a lack of an affordable housing contribution. In their statement the Council have conceded that changes to the Planning Practice Guidance since their decision was issued has changed their view on this matter and accordingly such a contribution would not be now sought. I also note that a subsequent proposal which was dismissed did not include this reason for refusal, or a highways reason for refusal. However, this does not alter my views on the overall proposal.
20. I am directed to two recent decisions which the appellant considers offer precedents to this case. One such decision relates to a different site within Radwinter. I visited this current building site on my visit, and noted that it was roughly the same distance from the central crossroads of the village that the appeal site is. However, this site differs from the one before in me several ways. Firstly, I noted that a footpath exists on the southern side of Walden Road all the way from the site to the centre of the village; secondly, the nearby listed building of Maple Cottage (described as Maypole Cottage on the listing) lies across the road and opposite existing more modern development, not adjacent to the site as in this case; and finally, that the plot appears superficially to constitute an infill plot.

² Uttlesford Local Plan January 2005

21. The recent appeal case noted³ relates to a site in Felsted. This site has existing development to its north and west, and also I note has a certificate of lawful use for Class B2 use. The Inspector notes that the site has a greater affinity with adjoining built development than with the open countryside and it does not appear that any heritage assets would be affected by the scheme. Effects on the character and appearance of the area are therefore significantly different to those in the case before me. Furthermore, each case must be considered on its own merits.
22. The appellant consider that the few conditions suggested by the Council in the event of an approval confirms their view that the site is not as sensitive as suggested. However, I note that such a range of conditions is not uncommon in an outline case such as this.

Conclusion

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

Jon Hockley

INSPECTOR

³ APP/C1570/W/16/3147801, Site south of Kinvara Business Park, Felsted.