



Appeal Decision

Site visit made on 14 October 2019 by S Watson BA(Hons) MSc

Decision by R C Kirby BA(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 30 October 2019

Appeal Ref: APP/J1915/D/19/3234655

Three Mile Pond Farm, The Farmhouse, Cambridge Road, Sawbridgeworth CM21 9BZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M Brace against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/0673/HH, dated 28 March 2019, was refused by notice dated 24 May 2019.
 - The development proposed is the erection of a new boundary wall to north of site to create a separate pedestrian access to Farm and Stable Cottages; and creation of a new vehicular access with new boundary walls and gates to the south of the site (amended application).
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The appeal property lies within the Metropolitan Green Belt. The Council acknowledges that the proposal would not result in harm to the Green Belt. On the basis of the evidence before me, I find that the alterations to the access and boundary treatments would not result in inappropriate development in the Green Belt.
4. The main issue in this case is the effect of the proposal on the settings of Three Mile Pond Farmhouse and Farm Cottage, which are Grade II Listed Buildings.

Reason for the Recommendation

5. The appeal site is situated on the east side of a layby serving Cambridge Road. The site contains Three Mile Pond Farmhouse, a detached Grade II listed building, which is perpendicular to Cambridge Road. To the north of the dwelling is a shared access serving the appeal site and Farm Cottage, a Grade II listed building, which is sited north of the access within a group of former agricultural buildings. The farmhouse is characterised by its traditional form at the edge of Sawbridgeworth within a rural area. The significance of the appeal

property and nearby buildings derives from their design, age and the legibility of their previous function.

6. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving the setting of a listed building. In this respect national policy on heritage assets, which includes listed buildings, is set out in the National Planning Policy Framework (Framework). At paragraph 192, it sets out matters which should be taken into account including sustaining and enhancing the significance of the heritage asset and the desirability of new development making a positive contribution to local character and distinctiveness.
7. The proposal is to create a new access to the south of the site and provide vehicular access through part of the rear garden of the property. A new wall would be erected along part of the courtyard. The existing vehicular access to the farmhouse would be closed off and 2 pedestrian gates and a fixed timber panel would be provided, which would provide pedestrian access to both the farmhouse, Farm Cottage and Stable Cottage.
8. The appellant has suggested that the main door to the farmhouse had originally been on the southern elevation. He has drawn my attention to the list description which refers to an 'older entrance' on this side of the property. While the residential main entrance may have once been on the southern side of the building it is clear that the former working-side of the farmhouse is orientated towards the north, and what would have been the associated farm buildings. The legibility of this connection is retained by the existing driveway and the shared access onto the courtyard serving Farm Cottage and Stable Cottage. The proposed wall and closing of this vehicular access would, by separating the appeal site from the cottages and other former farm buildings, erode the historic connection between them and the farmhouse.
9. Furthermore, the new access, with its splayed entrance and set back of the entrance gates would introduce an alien type of access which would unduly urbanise the rural setting of the farmhouse.
10. Although it is possible that some of the works before me may be carried out under development permitted by the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no substantive evidence has been provided to demonstrate the extent of such development. In any event, the appeal before me is for the works set out in the banner heading and I have considered the proposal accordingly.
11. In light of the above, I conclude that the proposal would not preserve the setting of either the host property or nearby listed buildings. Whilst the harm that would be caused to the significance of these heritage assets would be less than substantial, the Framework is clear that great weight should be given to an asset's conservation. In this case the harm that I have identified needs to be weighed against the public benefits of the proposal.
12. There is some anecdotal evidence submitted, by the appellant and other supporters, that there is an issue with pedestrian safety on and around the site due to the current vehicular access. It is claimed that by separating pedestrian and vehicular movements on site and improving visibility at the entrance, the new access would increase pedestrian safety. However, no substantive

evidence has been submitted to support these matters and so I can only give them little weight.

13. The appellant considers that the proposal would allow the creation of a quiet, private garden away from the main road, which would improve the living conditions of the property's occupiers. Whilst I have no doubt that this may be of benefit to the appellant, this matter does not amount to a public benefit in favour of the proposal.
14. While the separate accesses would also improve privacy between the neighbouring properties, the public benefit of this would be limited and would not outweigh the harm to the significance of the heritage assets identified above.
15. Overall, I consider the public benefits do not outweigh the harm to the significance of the heritage assets. Therefore, for the reasons above I conclude that the proposal fails to preserve the setting of the host property and nearby listed building, in conflict with Policy HA7 of the East Herts District Plan 2018 and Chapter 16 of the Framework which together, and amongst other issues, seek to sustain and enhance the significance of heritage assets and preserve the setting of listed buildings.

Other Matters

16. I note that letters of support were received by the Council when it considered the planning application. However, the presence of support from neighbours or other consultees does not outweigh the harm identified.

Conclusion and Recommendation

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

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that the appeal should be dismissed.

RC Kirby

INSPECTOR