
Appeal Decision

Site visit made on 8 October 2019

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2020

Appeal Ref: APP/C1570/W/19/3233695

Frenches Farm, Frenches Green, Felsted, CM6 3JU

- 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 and Mrs A Salter against the decision of Uttlesford District Council.
 - The application Ref UTT/19/0801/FUL, dated 3 April 2019, was refused by notice dated 14 June 2019.
 - The development proposed is erection of 1 no. detached dwelling with car parking and landscaping
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development is taken from the appeal form as it more accurately reflects the proposal.
3. The Council's reasons for refusal refer to Policy SP10 of the Regulation 19 Uttlesford Local Plan (eULP). Although the eULP has been submitted for examination the soundness of the plan has not been established. As it is not clear the extent to which any objections to its policies are unresolved or the extent to which its policies are consistent with the National Planning Policy Framework (the Framework), I give it limited weight in this appeal.

Main Issues

4. The main issues are; (i) whether the proposal would be an appropriate form of development in this location, with particular regard to its effect on the character and appearance of the area; (ii) whether the proposal would preserve or enhance the significance of nearby designated heritage assets and (iii) whether it would provide satisfactory access to services and facilities.

Reasons

Character and appearance

5. The appeal site is situated within the small hamlet of Frenches Green. A modest number of residential properties and farm buildings are situated around the outside of a long bend in the road. A small, triangular green forms a central focal point leading to Frenches Farm Barn and Frenches Farm House; grade II listed buildings. A number of other dwellings are also accessed from around

the green but are largely screened from public view. The site which has the appearance of a well-kept paddock, is situated behind the green. From the road there are largely unrestricted views across the green and the site to the open countryside and River Ter valley beyond. A narrow track runs along the southern boundary of the site leading to a residential property known as Brookfield. On the opposite side of the beginning of this track is a grade II listed dwelling, Thorpes (or Thorps).

6. Policy S7 of the Uttlesford Local Plan 2005 (LP) sets out that the countryside will be protected for its own sake unless special reasons apply. Whilst this is not a requirement contained in the National Planning Policy Framework (the Framework), Policy S7 also states that development will not be allowed unless its appearance would protect or enhance the particular character of the countryside. In this respect the Policy is consistent with paragraph 170 (b) of the Framework which seeks to recognise the intrinsic character and beauty of the countryside. I therefore consider Policy S7 should be afforded significant weight when considering matters of character and appearance in the countryside.
7. The proposal seeks the erection of a large U-shaped family house, positioned centrally within the site, with the courtyard facing toward Frenches Farm. The appellant considers that the proposal represents a sensitive form of infilling that would be entirely in keeping with the prevailing character, having regard to the height of adjoining properties, their position within their respective sites and by using materials that address the local vernacular. Notwithstanding the careful consideration given to the design of the building, the proposed development would introduce significant built form and other domestic paraphernalia onto a site which currently contributes to the natural surroundings of the hamlet.
8. Despite facing the narrowest elevation of the proposed dwelling toward the road in order to minimise its impact on the street scene, its size, scale and form would visually dominate the site. The development would irrevocably interrupt views across the green, through the site to the open countryside beyond, thus reducing openness. This would be unacceptably harmful to the character and appearance of the area.
9. I therefore conclude that the proposal would not be an appropriate form of development in this location and would be harmful to the character and appearance of the area, contrary to Policy S7.

Heritage Assets

10. To the north of the site is Frenches Farm Barn, a grade II listed building. This is a 17th/18th century timber framed, thatched roof agricultural building. Although recently converted to residential use it maintains its historic form. The appeal site plays an important role in the setting of this listed building because of its historic functional relationship with the land. Although this relationship has ceased, the visual connection to the appeal site and the agricultural land beyond, contributes to the understanding of the historic use of the barn. Development of the site would sever this connection and therefore would be harmful to the significance of this heritage asset.
11. To the south of the site is Thorpes, a grade II listed building. This is a prominent and striking 17th century dwelling, with later additions. It is timber

framed and thatched, incorporating both gabled and eyebrowed dormers. Despite the presence of a small number of 20th century housing to the south of its curtilage, the setting of this building is rural and open, in particular when viewed approaching along the road from the west. Whilst there are a number of other grade II listed buildings grouped around the green, Thorpes is separate from them. The proposal would result in the loss of the seclusion of Thorpes from the Frenches Farm complex and would reduce the prominence and effect of Thorpes in the street scene. Therefore, the proposal would also have a negative effect on the setting of this listed building, which forms a strong part of its significance.

12. I conclude that the appeal scheme would result in less than substantial harm to the settings of Frenches Farm Barn and Thorpes. This is contrary to Policy ENV2 of the LP which seeks to ensure the conservation and preservation of historic buildings and their settings. However, paragraph 196 of the Framework requires that this harm should be weighed against the public benefit of the proposal in such circumstances. I will return to this in the planning balance.

Access to services and facilities

13. The proposed development is located outside of a designated settlement boundary and within the countryside. The Council considers that the site would not be a sustainable form of development in relation to access to services and facilities contrary to Policy S7. However, Policy S7 concerns the effect of development proposals on the character of the countryside and whether there is a need for development in the countryside. Therefore, this policy has limited relevance to the question of the accessibility of the site to services and facilities.
14. Nevertheless, whilst it is clear that future occupants of the appeal building would be reliant on the use of private motor vehicles, the site is not functionally isolated, being only a short journey from settlements such as Felsted and Great Notley. Such journeys are to be expected in rural areas. Therefore, notwithstanding the likely reliance on a motor vehicle, similar to existing residents of this hamlet, future occupiers would be able to access day-to-day services within nearby rural communities. In this respect I find that the location of the appeal site does not conflict with the transport sustainability objectives of the LP or the Framework. Indeed, the Framework sets out in paragraph 103 that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account in decision making.

Other matters

15. My attention has been drawn to the granting of a recent planning permission for a new dwelling within the garden of Thorpes. However, whilst raising the same issues in respect of access to services and facilities, I do not consider the appeal scheme to be directly comparable in relation to impact on heritage assets or to the character and appearance of the area. In any case I have considered the appeal on its own merits.

Planning Balance

16. The Framework indicates that great weight should be given to the conservation of designated heritage assets. Whilst I have not found the harm in this case to

reach the high hurdle of substantial harm, the proposal would nonetheless result in harm that requires clear and convincing justification.

17. The proposal would provide an additional dwelling in a reasonably accessible location. However, the limited social and economic benefits to the area resulting from the construction of only one additional dwelling would be very modest. Accordingly, the conflict with LP Policy ENV2 attracts significant weight. Although it is undisputed that the Council cannot currently demonstrate a five-year supply of deliverable housing sites, the conflict with the Framework in terms of designated heritage assets provides a clear reason for refusing the development. Therefore, the tilted balance at paragraph 11 of the Framework does not apply in this case.
18. I also give significant weight to the conflict with LP Policy S7 as a result of the harm to the area's character and appearance. Taking all of this into account, there is no reason to take a decision other than in accordance with the development plan and for the reasons set out, the appeal must fail.

Conclusion

19. For the above reasons the appeal is dismissed.

S Tudhope
Inspector