The Planning Inspectorate

# Appeal Decision

Site visit made on 21 January 2020

**by G Pannell BSc (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10th February 2020**

**Appeal Ref: APP/C1570/W/19/3240628**
**Lower Barn House, Mill Road, Wimbish CB10 2XD**

- 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 Robert Wiseman against the decision of Uttlesford District Council.
- The application Ref UTT/19/1723/FUL, dated 16 July 2019, was refused by notice dated 5 September 2019.
- The development proposed is new detached 2 bed single storey dwelling.

## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is whether the site represents sustainable development in respect of its location.

## Reasons

3. The site comprises an area of land located to the rear of Pinkneys Manor, a Grade II Listed building. Close to the site are a number of converted buildings which are within the curtilage of Pinkneys Manor and together they form part of the historic farmstead. The site is outside of any defined settlement boundary and is therefore in the countryside for planning policy purposes. However, given its grouping with other dwellings the site is not isolated in the context of paragraph 79 of the National Planning Policy Framework (the Framework).

4. The village of Wimbish can be accessed from the site by walking along Mill Road, which has no footpath. Even if the occupants of the proposed development were to walk along Mill Road into Wimbish, the village has limited services and facilities and occupiers would have to travel onwards to services and facilities within Saffron Walden. However, distance is not the sole consideration. The route to Wimbish, to access the Primary School and recreation ground is without footpaths or streetlighting and these conditions would make it less attractive for people to walk, especially for small children going to school.

5. I have no substantive evidence before me to indicate that the site is well served by public transport. I therefore consider that occupiers of the proposed development would be likely to be reliant on the private car to access a full range of community facilities such as shopping, healthcare, leisure and entertainment, given the distance to the nearest sizeable town.

6. Policy S7 of the Uttlesford Local Plan 2005 (LP) is only partially consistent with the Framework as it is more restrictive in that it seeks to protect the countryside for its own sake. However, Policy S7 goes onto say that development will not be allowed unless it 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. Therefore I consider it should be afforded significant weight when considering development proposals in the countryside.

7. The proposal would introduce development into an area which is currently open and would further alter the character and appearance of this rural site. It would intrude into the countryside and be detrimental to its open nature.

8. I therefore conclude that the proposed development would not represent sustainable development in respect of its location. Consequently, it would not accord with Policy S7 of the LP which seeks to protect the character and appearance of the countryside.

**Other matters**

9. I agree with the appellant that the location should not be categorised as a built-up area and therefore could be considered to be previously developed land. I also accept that there is no evidence that highway safety would be compromised or that there would be any adverse impact on biodiversity. However, these factors do not outweigh the harm I have found to sustainability.

10. I have had regard to the desire of the appellant to provide more tourist accommodation. However, this would be of limited benefit to the rural economy having regard to the scale of development proposed.

*Setting of Listed buildings*

11. Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 ('the LBCA Act') requires special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses when dealing with planning applications. Paragraph 193 of the National Planning Policy Framework ('the Framework') states that when considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the asset's conservation; the more important the asset, the greater the weight should be.

12. The appeal site is within the setting of Pinkneys Manor, a Grade II listed farmhouse. The farmhouse is the principal dwelling on the site and together with the group of other historic buildings on the site they form a cohesive group. In my view, the significance of Pinkneys Manor is derived from its architectural quality and through forming part of the group of historic buildings which make up the original farmstead.

13. The appeal site lies towards the rear of Pinkneys Manor and whilst the evidence indicates that an existing outbuilding was positioned on the site, this had been demolished at the time of my visit.

14. The proposed dwelling would intrude into this setting and alter the function of the historic farmstead. The proposed dwelling by virtue of its overall scale and design would be in contrast with and lead to a diversion of attention from Pinkneys Manor, harmful to its significance.

15. Paragraph 193 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Given that the proposal would be of a relatively small scale, I find the harm to the setting of the listed building to be less than substantial in this instance but nevertheless of considerable importance and weight.

16. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The appellant submits that the proposal would enable further tourist accommodation to be provided as a result of freeing up the existing annexe. However, this would be of limited benefit to the economy having regard to the scale of development proposed. Therefore, I have identified no public benefit sufficient to outweigh the harm.

17. The proposal would, therefore, fail to preserve or enhance the setting, and thereby the significance of, the designated heritage asset of the Grade II Listed Pinkneys Manor. It would not accord with the policies of the Framework which seek to conserve and enhance the historic environment.

18. It is not disputed that the Council is currently unable to demonstrate a 5 year supply of deliverable housing sites, with the evidence putting current supply at 3.29 years. However, paragraph 11(d) of the Framework is not engaged, because the policies in the Framework relating to heritage assets prove a clear reason for refusing the development proposal[1].

**Conclusion**

19. I conclude that the appeal is dismissed.

*G.Pannell*

INSPECTOR

[1] National Planning Policy Framework Paragraph 11(d) Footnote 6