
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: 18 February 2020

Appeal Ref: APP/C1570/W/19/3233508

Land opposite Monk Street Farmhouse, Monk Street, Thaxted CM6 2NR

- 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 Mr Taylor against the decision of Uttlesford District Council.
 - The application Ref UTT/18/3090/OP, dated 5 November 2018, was refused by notice dated 22 January 2019.
 - The development proposed is outline application with all matters reserved to construct 4no. detached dwellings with garages.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is made in outline with all matters reserved. I have had regard to the submitted plans but have considered all elements of these drawings as illustrative.
3. Since the original determination of the planning application the Thaxted Neighbourhood Plan 2017-2033 (NP) has been made. This now forms part of the Development Plan on which this decision is based. Both main parties have had the opportunity to comment on the implications of this for the appeal and I am satisfied that no interested party has been prejudiced by this approach.
4. During the course of this appeal the Council's demonstrable supply of deliverable housing sites has reduced to less than three years. Both parties are in agreement in respect of the level of deficit and have had the opportunity to comment on this matter. Consequently, no party is prejudiced by my taking it into account.

Main Issues

5. The main issues are; (i) whether the proposal would preserve or enhance the significance of nearby designated heritage assets; (ii) 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 and (iii) whether it would provide satisfactory access to services and facilities.

Reasons

Heritage assets

6. The Council has not raised direct concern whether the proposal would preserve or enhance the significance of nearby designated heritage assets. It considered that this would be a matter for determination at reserved matters stage. However, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires the decision maker, in considering whether to grant planning permission 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.
7. Opposite the site are Monk Street Farmhouse and Barn, grade II listed buildings. The house dates from the early 17th century with 18th century alterations and additions. It is timber framed and plastered with a red plain tiled roof. It is set back from the road in an elevated position and is prominent and attractive in the street scene. The barn is situated to the north of the house and is in close proximity to the highway. It is timber clad and thatched. The significance of these buildings is derived primarily from their physical form and fabric and their location within the landscape.
8. The appeal site is not within the curtilage of the listed buildings and is separated from them by the highway. However, the Framework defines the setting of a heritage asset as the surroundings in which it is experienced and confirms that its setting may contribute to the significance of a heritage asset.
9. Despite the number of dwellings present to the north of the listed buildings, their setting is one of seclusion from other development. This is the case when viewed approaching from either direction along Monk Street. There is an openness and sense of isolation to the frontage of the farmhouse due to its sizeable garden and the presence of the appeal site opposite. From the road in front of the farmhouse there are pleasant views across the site which are not diminished by the equestrian use. The farmhouse has its primary elevation facing the site and, being in an elevated position like the site itself, means that views into and across the site would be more pronounced than from the lower level of the road. I consider that the site has an important visual relationship with the heritage assets and forms part of their setting.
10. Although at this outline stage all matters are reserved, taking into consideration the possibility of additional landscape screening and a single storey development, the proposal is, nevertheless, for the erection of four dwellings. I am not satisfied that a successful scheme could be produced through a reserved matters submission which would avoid harm to the setting of the listed buildings. In this location such development would visually compete with and distract from the listed buildings and their historic context within the landscape. The proposal would result in the loss of seclusion of these heritage assets, negatively affecting their setting which forms a strong part of their significance.
11. I conclude that the appeal scheme would result in less than substantial harm to the settings of Monk Street Farmhouse and Barn. This is contrary to Policy ENV2 of the LP and Policies TX LSC4, TX HD1 and TX HD10 of the NP which together, amongst other matters, seek to ensure the conservation and preservation of historic buildings and their settings. However, paragraph 196 of

the National Planning Policy Framework (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.

Location and character and appearance

12. The appeal site lies outside of any settlement boundary as defined within the Uttlesford Local Plan 2005 (LP). For the purposes of planning policy, it is therefore within the countryside. Policy S7 of the LP sets out that the countryside will be protected for its own sake unless special reasons apply. Whilst this is not a requirement contained within 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.
13. Monk Street is identified in Policy TX LSC4 of the NP as one of a number of outlying settlements where some incremental growth of a scale suitable for a rural area may be supported. The policy sets out that appropriate development includes undeveloped infill sites between existing dwellings. Such development must also have regard to the character and appearance of the landscape.
14. The site is situated at the southern end of Monk Street where the land is at a higher level than the road and rises toward the north east. It is in equestrian use with recently erected stables situated within the site toward the northern boundary. This building is low key in its appearance and impact on the site and its surroundings. The site's western boundary is separated from Monk Street by a small bank of mature trees. Established hedgerows, interspersed with trees, make up the majority of the site's boundaries. The south western corner of the site is more open with a small number of mature trees situated within and along the grassed bank. Post and rail fencing contain the paddocks and afford views into and across the site. The use of the land for equestrian purposes forms part of the rural character of the area and is a use which is common in the countryside. The approach to the site from Dunmow Road is green and leafy and distinctly rural in character.
15. Whilst the proposal is for outline permission only, the effect of erecting dwellings on this site, and the associated domestic paraphernalia that would accompany them, can still be determined. The illustrative site plan shows four dwellings with garages arranged around a cul-de-sac road, somewhat disconnected from Monk Street itself. This would introduce a stand-alone development of suburban appearance and character which would be at odds with the area's rural nature. The site is not a logical infill plot and its development would affect the character and appearance of the area by extending the built form beyond its current confines. This is in direct conflict with NP Policy TX LSC4.
16. The appellant has advised that the proposal could be conditioned to restrict development to single storey dwellings only and that these buildings could be set into the ground to further reduce their impact. Additional boundary planting could also be provided to increase the screening of the site. However, even taking these matters into consideration, the development would still appear

obvious in its surroundings because of the access to the highway and the site's elevated position in relation to Monk Street. Screening of the site would be less effective in the winter months when foliage would be reduced. Whilst the development would not intrude into any identified key views of Thaxted, I consider that the addition of housing on the site would introduce a formal domestic appearance to a space which currently positively contributes to the pastoral surroundings of the hamlet. This would be unacceptably harmful to the rural character and appearance of the area.

17. I 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. Thus, it would conflict with NP Policy TX LSC4 which defines infill development as that between existing dwellings and requires development to have regard to the character and appearance of the landscape. It would also be contrary to LP Policy S7 and NP Policies TX LSC1, TX HD1 and TX HD10 of the NP which together and amongst other matters, seek to protect or enhance the character and appearance of the landscape. Further, it would conflict with the Framework in this regard.

Access to services and facilities

18. The site is located approximately 1.5 miles from the services and facilities within Thaxted village. Whilst this is not a significant distance, access would be via unlit roads with no footpaths, the use of which would not be attractive to pedestrians or cyclists. Whilst some public transport may be available, I am not satisfied from the evidence before me that the level of provision would offer a realistic alternative to the use of the private car. I therefore consider that future occupiers would be likely to be reliant on the private car to access a full range of community facilities. The number of dwellings proposed would result in a significant number of such journeys. The proposed development would not provide a suitable location for housing in respect of accessibility to services and facilities.
19. I therefore conclude that the proposal would conflict with LP Policy GEN1 which seeks to promote sustainable transport modes. The development would also conflict with paragraph 103 of the Framework which seeks to maximise sustainable transport solutions whilst recognising that solutions will vary between urban and rural areas.

Other Matters

20. The appellant sought to rely on a number of other policies of the NP in support of the proposal. However, as the appellant acknowledges, the appeal site is not located within the defined 'rural setting' of Thaxted. I therefore consider that Policy TX LSC2 and the second part of Policy TX LSC1 are not relevant to the proposal. Policy TX LSC3 is also not relevant in this instance as no concern has been raised by the Council in respect of matters of wildlife importance. I have no reason to disagree.
21. In addition, that the proposal could comply with the requirements of NP Policies TX HD2 and TX IFS4 does not negate the harm I have identified above.

Planning Balance

22. 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 level of substantial harm, the proposal would nonetheless result in harm that requires clear and convincing justification.

23. The proposal would make a small contribution to the supply of housing. The amount of social and economic benefits to the area that would arise from the construction of four dwellings would be modest. Accordingly, the conflict with LP Policy ENV2 and Policies TX HD1, TX HD10 and TX LSC4 of the NP in relation to the conservation and preservation of heritage assets attracts significant weight. Although it is undisputed that the Council is only able to demonstrate a 2.68 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.
24. In addition, the proposal would be harmful to the character and appearance of the countryside and would not provide a suitable location for housing in relation to access to services and facilities in conflict with LP Policies S7 and GEN1 and Policies TX LSC1, TX HD1 and TX HD10 of the NP. I give significant weight to this conflict. The appeal scheme would not therefore comply with the policies of the Framework, which taken as a whole seek to secure delivery of sustainable development. Consequently, no material considerations justify a decision other than in accordance with the development plan and for the reasons set out, the appeal must fail.
25. The appellant has drawn my attention to several planning permissions granted by the Council for developments which they consider offer support to the acceptability of the appeal scheme. I have also been referred to a number of appeal decisions concerned with similar matters to the appeal scheme. However, I do not consider the appeal scheme to be directly comparable and in any case have considered the appeal on its own merits. Although it is clear from the examples provided that housing developments of varying scale have been permitted within the designated countryside following the application of paragraph 11(d) of the Framework, in this case, the presumption in favour of sustainable development does not apply, as set out above.
26. However, even if paragraph 11(d) of the Framework was engaged, the identified adverse impacts of the development in respect of character and appearance and accessibility considerations would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

27. For the above reasons the appeal is dismissed.

S Tudhope
Inspector