
Appeal Decision

Site visit made on 26 May 2020

by M Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th June 2020

Appeal Ref: APP/C1570/W/20/3244552

Pledgdon Green Farm, Brick End Road, Henham CM22 6BN

- 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 Ricky Sharpe against the decision of Uttlesford District Council.
 - The application Ref UTT/19/2134/OP, dated 28 August 2019, was refused by notice dated 10 December 2019.
 - The development proposed is erection of 3 no. 3/4 bed detached dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Outline planning permission is sought with all matters reserved.
Notwithstanding this, I have taken into consideration the site plan submitted with the application, which includes access details.

Main Issues

3. The main issues are:
 - whether the site is an appropriate location for housing, having particular regard to its accessibility to services, facilities and sustainable transport options, and the effects of the proposal on the character and appearance of the area;
 - the effects of the proposal on the setting of Pledgdon Green Farmhouse, a grade II listed building;
 - whether the future occupiers would be likely to experience acceptable living conditions in respect of noise; and
 - the effects of the proposal on the biodiversity of the site and the surrounding area.

Reasons

4. Pledgdon Green is a hamlet which includes a limited number of residential properties located along a country lane. The main part of the appeal site is garden land to the rear of a cluster of properties that are set back significantly from the lane, behind an open space which the appellant states is designated common land. The properties form part of a former farm complex named

Pledgdon Green Farm. The properties are connected to the lane via a long driveway that is also within the site. The site includes part of a courtyard which is enclosed by buildings known as Pledgdon Green Farmhouse, The Old Coach House and The Cart Lodge. There are also properties to the south of the courtyard that are served by the driveway.

5. The main part of the site features an outbuilding, a structure described by the appellant as a chicken shed and several trees. It is separated from Pledgdon Green Farmhouse and The Old Coach House by hedges and fencing. The northern and western boundaries of this part of the site, and the immediate surrounding area, are highly vegetated. The common land extends around to the north of the complex. Beyond it, and to the west, are open fields that are in agricultural use. A public right of way is located to the west of the complex.

Location for housing

6. The main parties agree that the site is located outside of defined development limits and within a Countryside Protection Zone (CPZ). Uttlesford Local Plan (ULP) policy S7 defines areas outside settlement boundaries as the countryside. It states that the countryside will be protected for its own sake and development will only be permitted if there are special reasons for it being there and the character and appearance of the countryside would be protected or enhanced. The ULP explains that the CPZ maintains a local belt of countryside around Stansted Airport. ULP policy S8 seeks to prevent coalescing developments around the airport, and otherwise echoes the policy S7 criteria. The Council has confirmed that the proposal would not result in coalescence.
7. The National Planning Policy Framework (the Framework) does not indicate that development should be prohibited within the countryside. In addition, the appellant has furnished me with appeal decisions¹ and a high court judgement² to support their view that ULP policies S7 and S8 are inconsistent with the Framework and should be afforded limited weight. Notwithstanding this, I consider that the ULP policies are consistent with the Framework and should be afforded moderate weight, as they recognise the intrinsic character and beauty of the countryside in accordance with paragraph 170 of the Framework.
8. The site's location next to the complex indicates that the development would not be isolated for the purposes of paragraph 79 of the Framework. However, in order to promote sustainable development in rural areas, the Framework sets out at paragraph 78 that housing should be located where it will enhance and maintain the vitality of rural communities. It also indicates that growth should support its transport objectives, including the promotion of walking, cycling and public transport use at paragraph 103.
9. Pledgdon Green features very little in the way of services and facilities. The appellant confirms that a bus stop and public house are around 1.5km away; however, the country lane is narrow and winding, with only intermittent sections of verge and no footpaths or street lighting along it. I therefore consider that there is little prospect of the occupiers of the proposed properties making trips to meet their day to day needs by walking, cycling or public transport. Consequently, the future occupiers would be highly reliant on private

¹ APP/C1570/W/3233553; APP/C1570/W/19/3234837

² Wokingham Borough Council v Secretary of State for Housing, Communities and Local Government [2019] EWHC 3158 (Admin)

motor vehicles and are more likely to travel to larger settlements than contribute significantly to the vitality of rural communities.

10. In terms of the character and appearance of the area, the complex appears visually remote from the residential properties that are located along the country lane. The buildings within the complex, its remoteness from surrounding development, and the surrounding vegetation, common land and fields, provide the complex and the area around it with a verdant, open, spacious and agrarian character.
11. The proposal would increase the amount of buildings within the complex significantly. The development would be screened to an extent by Pledgdon Green Farmhouse and The Old Coach House and the vegetation within and around the site. However, The Old Coach House is a single storey building and thus the upper parts of the proposed dwellings may be visible behind it when viewed from the driveway. In addition, the development would be highly visible from the common land to the north of the site and from parts of the public right of way to the south-west, with the buildings within the complex visible alongside or behind it. From these perspectives the development would appear as a significant amount of built form that would have an urbanising effect on, and cause harm to, the character of the complex and the surrounding area.
12. Whilst details of the proposed dwellings have been reserved for future consideration, I do not consider that the harm that I have identified could be addressed at a later stage. Although there may be opportunities for additional landscaping along the boundaries of the site, this would not be able to screen the development to an extent that it would no longer have harmful effects.
13. I therefore consider that the site is not an appropriate location for housing, having regard to its accessibility to services, facilities and sustainable transport options, and the proposal's significantly harmful effects on the character and appearance of the area. The proposal is contrary to ULP policies S7 and S8, which seek to protect the countryside, including its character and appearance. The proposal is also contrary to the Framework, which seeks to ensure that the character and beauty of the countryside is recognised, the vitality of rural communities are enhanced and maintained, and sustainable transport options are maximised.
14. The Council's decision notice also refers to ULP policy H4, which requires development to make effective use of land. As a result of the harm I have identified, the proposal would not make more effective use of the site than the existing use of the site and, as such, it is also contrary to this policy.

Setting of listed building

15. Pledgdon Green Farmhouse is a grade II listed building and hence constitutes a designated heritage asset. Paragraph 193 of the Framework advises that when considering the impacts on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The Framework also explains that the significance of an asset can be harmed from development within its setting.
16. In addition, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires decision makers to have special regard to the

desirability of preserving listed buildings or their setting or any features of special architectural or historic interest.

17. The description from the List of Buildings of Special Architectural or Historic Interest indicates that Pledgdon Green Farmhouse primarily derives its significance from its physical fabric. Based on the evidence I have been provided and what I observed during my site visit, some of the buildings within the complex appear to have been historically associated with farming practices in connection with the listed building. I consider that the complex and the land surrounding it, including the appeal site, contribute positively to the agrarian setting of the listed building.
18. The proposal would introduce 3 residential properties to the rear of the complex, which would appear close to the listed building, particularly when viewed from the common land to the north. I consider that, as a result of the amount of development proposed and its proximity to the listed building, the development would compete with and detract from the listed building and the nearby buildings within the complex, encroaching into and eroding the listed building's agrarian setting. Whilst there are hedges and fencing between the site and the listed building, and demarcation between them may have been present for a significant length of time, the development would nevertheless be visible near to the listed building and harm its setting. Planning conditions would not be able to satisfactorily address this issue.
19. I conclude that the setting of the listed building would be harmed by the development. The proposal is contrary to ULP policy ENV2 and the Framework, which seek to protect heritage assets. As the development would not result in the total loss of the listed building, the harm caused would be less than substantial. Paragraph 196 of the Framework therefore directs that the harm to the designated heritage asset should be weighed against the public benefits of the development. This is a matter to which I return in the overall planning balance.

Living conditions

20. The Council's Environmental Health Officer has identified that the future occupiers of the proposed development may be subject to noise impacts from air traffic from Stansted Airport and, more significantly, Elsenham Sand Quarry to the west of the site. I have been provided with little information in respect of either the quarry or air traffic, and no assessment of their potential impacts on the future occupiers has been submitted. Although the appellant has stated that no noise from the quarry is audible within the site, to the extent that the appellant was unaware of its existence, I cannot rely on this anecdotal evidence to determine the acceptability of the proposal.
21. Clearly there are established residential properties within the immediate area and, having regard to the reported separation distance between the quarry and the site, it seems likely that mitigation measures could overcome any significant noise impacts. However, in the context of my findings above, I cannot be certain that any measures which may be necessary would have acceptable effects on the character and appearance of the area or the setting of the listed building. In this context I do not consider that it would be appropriate to impose conditions to require noise assessments or mitigation measures to be undertaken.

22. I therefore conclude that the proposal fails to demonstrate that the future occupiers would be likely to experience acceptable living conditions in respect of noise. The proposal is contrary to ULP policy ENV10 and the Framework, which seek to ensure that residential properties do not experience significant noise disturbance.

Biodiversity

23. The area within and around the site features an abundance of vegetation of various sizes and varieties and water sources are nearby. It has also been reported that there is an adjacent local wildlife site. I consider that features of biodiversity value, including habitats supporting protected species, may be present on the site or nearby.
24. The appellant suggests that conditions could be used to require ecological surveys and mitigation measures to be undertaken to ensure that any impacts on biodiversity would be acceptable. However, Circular 06/2005³ states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by development, is established before planning permission is granted. There is currently no certainty as to whether protected species are present on site or nearby, or whether mitigation could address the effects of the proposal on protected species. Therefore, I do not consider that conditions can be used to address the potential harm to biodiversity.
25. I conclude that the proposal fails to demonstrate that its effects on the biodiversity of the site and the surrounding area would be acceptable. The proposal is contrary to ULP policy GEN7 and the Framework, which seek to conserve and enhance biodiversity.

Other Considerations

26. In addition to the appeal decisions I have already mentioned, the appellant has directed me to other schemes which share similarities with the one before me⁴. I do not have full details of any of the schemes to which I have been referred; however, it appears that they differ in terms of their planning history, context or location, or raise different issues in respect of character and appearance or heritage matters. Therefore, I am not satisfied that the circumstances of each case are sufficiently similar to the appeal scheme such that it would warrant me reaching a different conclusion on the main issues I have identified. In any event, I have determined the appeal case on its own merits, whilst having regard to the evidence submitted.
27. I have been referred to comments by the Country Land and Business Association who purportedly seek new homes within the countryside. In addition, the appellant has stated that further development in the area is unlikely as the common land is protected and the fields are in use for agriculture. However, I do not consider that these matters address the harm that I have identified.
28. I acknowledge that assessments relating to noise and biodiversity were not prepared as the Council informed the appellant that the application would nevertheless be refused. Be that as it may, I am required to reach a view on

³ Office of the Deputy Prime Minister Circular 06/2005: Biodiversity and Geological Conservation - Statutory Obligations and their Impacts within the Planning System

⁴ UTT/18/0956/OP; UTT/19/2013/FUL

the main issues in dispute and without such assessments, I cannot be satisfied that the development is acceptable in respect of noise and biodiversity matters.

Planning Balance

29. The Council has confirmed that it is unable to demonstrate a 5 year supply of deliverable housing sites. The most important policies for determining the appeal are therefore out-of-date and paragraph 11 of the Framework is engaged. It states that planning permission should be granted unless the application of policies in the Framework that protect assets of particular importance provide a clear reason for refusing the development proposed. Footnote 6 of the Framework confirms that policies relating to designated heritage assets are applicable in this regard.
30. In terms of public benefits, the proposal would provide family sized housing which would make a modest contribution towards addressing the shortfall in housing supply. In addition, the construction of the development would provide some short term local economic benefits and, notwithstanding the site's lack of accessibility, the future occupiers of the dwellings would contribute to the local economy and community. The appellant has also indicated that there would be benefits to biodiversity and from the use of land which is currently under used; however, I am of the opinion that these do not constitute public benefits as a result of my findings in respect of the main issues.
31. I consider that the public benefits of the proposal provide it with some support. However, taking into account the great importance and weight that I must give to the harm to the setting of the listed building, the public benefits do not outweigh my concerns. I therefore consider that the policies in respect of heritage assets provide a clear reason for refusing permission and the presumption in favour of granting planning permission does not apply.

Conclusions

32. For the reasons given above, I conclude that the proposal is in conflict with the development plan. There are no material considerations which indicate that a decision should be taken other than in accordance with the development plan. Accordingly, the appeal is dismissed.

Mark Philpott

INSPECTOR