
Appeal Decision

Site visit made on 2 February 2021

by Stephen Wilkinson BA BPI DIP LA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 March 2021

Appeal Ref: APP/C1570/W/20/3261493

Sellands Farm, Hempstead Road, Radwinter, CB10 2TH

- 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 and Mrs K. Sheridan against the decision of Uttlesford District Council.
 - The application Ref UTT/20/0635/OP, dated 11 March 2020, was refused by notice dated 18 August 2020.
 - The development proposed is construction of 1No. detached property off the existing access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is made in outline with all matters reserved apart from means of access. Accordingly, I am treating the submitted drawings as for illustrative purposes only.

Main Issues

3. The effect of the proposal:
 - on the character or appearance of a designated heritage asset, and
 - on highway access and safety.

Reasons

Designated heritage assets

4. Sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 place a statutory duty on decision makers, when considering whether to grant planning permission for development which affects a listed building or its setting, to have regard to the desirability of preserving the listed building or its setting.
5. The appeal site lies within the front garden of Sellands Farm, a Grade II listed timber framed and plastered farmhouse dating from the seventeenth century. The garden provides an essential part of the setting for the farmhouse and sweeps directly down from the front of the property towards Hempstead Road.
6. The proposed scheme includes illustrative drawings for a single dwelling comprising 1.5 storeys described by the appellant as a barn like structure. This

would occupy a large portion of the appeal site. Existing vegetation and the difference in levels across the garden would not mitigate for the harm which would arise from the location of the appeal scheme on this location.

7. The National Planning Policy Framework (the Framework) defines setting as the surroundings in which a heritage asset is experienced. As an area of private garden, the appeal site is an integral part of the setting of the listed farmhouse and its development would adversely impact on this.
8. Although, the appeal site may be partially obscured by existing vegetation and the site would lie around 50m from the farmhouse, the integrity and setting of this listed building would be adversely affected by the appeal scheme. Although part of the garden would be retained in the scheme this would be disproportionate in scale to the size and integrity of the listed farmhouse.
9. The appellant has made reference to what they regard as similar schemes in the local area for which planning permission has been granted by the local planning authority. However, it is not my role to comment on the decisions of the local planning authority. I am only required to address the issues before me in this appeal.
10. Policy ENV2 of the Uttlesford Local Plan 2005 is consistent with the Chapter 16 of the National Planning Policy Framework (the Framework) in seeking to protect the setting of designated heritage assets. To conclude on this issue, whilst I find that the appeal scheme would result in less than substantial harm to the designated heritage asset this level of harm is still sufficient to outweigh the public benefits arising from the provision of an additional dwelling.

Highway Safety

11. The appeal scheme would share the main drive serving both the main house and the adjacent converted barn. The location of the access onto Hempstead Road lies at a point where the speed limit changes. This necessitates a sight line to the existing access which would be broader in scope than existing and would necessitate alterations to the access within the appeal site for a length of 6m..
12. I accept that these measures are necessary to enable highway safety on Hempstead Road and for vehicles using the proposed access. Although access is not a reserved matter the scheme does not include full details demonstrating how this issue could be addressed.
13. On this main issue I conclude that the proposal conflicts with Policy GEN1 of the Uttlesford Local Plan 2005 which requires that the design of development does not compromise road safety.

Conclusions

14. Both parties acknowledge that the Council has an under supply of housing. Paragraph 11d)i Footnote 6, of the Framework prevails against the operation of the tilted balance in the operation of planning policy which involve policies designed to protect designated heritage assets.
15. I acknowledge that whilst an additional dwelling would be a public benefit through its contribution to housing supply, even with the less than substantial

harm resulting from the impacts of the appeal scheme on the designated heritage asset, this public benefit would be insufficient to weigh in its favour.

16. For the above reasons the appeal is dismissed.

Stephen Wilkinson

INSPECTOR