

Appeal Decision

Site visit made on 19 February 2021

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 09 March 2021

Appeal Ref: APP/C1570/W/20/3262213

Meadow Brook Mill Lane, Stebbing CM6 3SN

- 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 & Mrs Steve and Maxine Walker against the decision of Uttlesford District Council.
 - The application, ref. UTT/20/2127/FUL, dated 18 August 2020, was refused by notice dated 16 October 2020.
 - The development proposed is a detailed application for the proposed replacement of the existing dwelling with two new dwellings and garages.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is whether the proposed development would preserve or enhance the Stebbing Conservation Area (CA), as well as whether the proposed development would preserve the setting of surrounding listed buildings, with particular regard to the Grade II* listed 'Tan Farmhouse' and the Grade II listed 'Freers Cottage.'

Reasons

Legislation and policy considerations

3. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLCBA) prescribes a duty upon a decision maker to give special regard to the desirability of preserving a building or its setting or any features of special architectural or historic interest which it possesses. Additionally, s72(1) of the PLBCA seeks that in relation to CA's that special attention is paid to the desirability of preserving or enhancing the character or appearance of the CA.
4. The relevant development plan policies include the saved policies of the Uttlesford Local Plan 2005 (ULP) such as Policy GEN2 which sets a number of design principles which considers whether a development is compatible with the scale, form, layout and materials of surrounding buildings; Policy ENV1 which seeks to permit development where it enhances or preserves the character and appearance of essential features of the CA, including open areas, enclosure, grain and relationships between buildings; Policy ENV2 which seeks that development should be in keeping with the scale, character and surroundings of

a listed building and should not impair the special characteristics of the listed building or its setting.

5. Saved Policy S7 of the UDP seeks that development within the countryside protects or enhances the character of the area and would appear to take a more restrictive approach to development in the countryside than the National Planning Policy Framework (the Framework). I also note comments in the applicant's statement with regards to an appeal¹ where an Inspector assessed this policy against the Framework and found that components could not be afforded full weight due to its lack of compliance with the Framework. These comments from another Inspector are taken into account within this appeal decision.
6. According to paragraph 193 of the National Planning Policy Framework (the Framework), great weight should be given to an asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance. Paragraph 194 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 196 requires that, where a proposal would lead to 'less than substantial harm,' the harm should be weighed against the public benefits of the proposal.

Site Description and characteristics

7. The appeal site is a large residential plot containing a dwelling which appears to date from the early to mid twentieth century located towards the north of the site with undeveloped land to the south and east. The existing building consists of what appears to be a pre-fabricated structure, and whilst relatively makeshift and discordant in appearance compared to surrounding buildings, does reinforce the spacious qualities in and around dwellings which are characteristic of this particular location. The appeal site has a vehicular access to Mill Lane, a narrow rural laneway which leads from the High Street down towards the former village mill. At the point of the appeal site the laneway is enclosed with the road cut into the land so that earth bunding is to either side of the laneway with hedgerows above with the appeal site having an elevated position to the level of the road.

Significance

8. To the immediate north of the site is Freers Cottage, a sixteenth century building (Grade II) and to the opposite side of Mill Lane to the north-west is Tan Farmhouse, a 15th century building (Grade II*). Both buildings have medieval origins and reflect the former forms and functions of the area which relate back to agricultural production where the buildings would have had a relatively isolated positioning with agricultural fields surrounding. It is acknowledged that there has been some infill along Mill Lane, particularly towards the junction with the High Street which have interfered with the setting of both listed buildings; however there remains a spaciousness in and around the listed buildings which reflects their historic agricultural relationships and origins. Whilst the listed buildings are not isolated, there is a feeling of remoteness in this semi-rural aspect which contributes strongly to the experience of the listed buildings. The rather undeveloped nature of the appeal site which is within this semi-rural edge

¹ Appeal Ref: APP/C1570/W/15/3135166

and the spaces in and around the appeal site also contributes strongly to the listed building's location, relationships, historic identity and setting.

9. The significance of the CA flows from the significance of the listed buildings where there is an inherent relationship to the agricultural origins of the area. The spaces in and around the buildings displays a number of positive aspects to the CA of Stebbing which is focused upon the High Street, an area around the Stebbing Parish Church and Mill Lane. Mill Lane can be experienced in a different character as the remainder of the CA, with the local identity and distinctiveness related to development along Mill Lane which leads to the former Mill at the end of the lane.
10. The lane is very narrow and has no kerbs, footpaths or street lighting which informs its semi-rural experience. Whilst there is some historic infill towards the junction with the High Street, built form follows a similar form with development directly fronting Mill Lane with separate access points. As the lane progresses there is a fall in topography with plots becoming larger and more spacious the further from the High Street with an inherent looser grain in their positioning as a linear ribbon development of vernacular housing with a largely functional form along Mill Lane. There is an inherent relationship to the land and the agricultural origins, form and functions of the area with views opening up between built form particularly towards Tan Farmhouse and Freers Cottage to the surrounding landscape and the distant mill. There is also a well treed and vegetated character with hedgerows along property boundaries which assists in forming the local distinctiveness and character and appearance of the area, amongst other considerations.

Proposal

11. The proposal seeks to demolish the existing dwelling and construct two dwellings in its place, one situated roughly where the existing dwelling is and another within the undeveloped garden area to the south. Both dwellings would be accessed from a driveway connecting the existing shared driveway and be one and a half storeys tall with accommodation within the roof space. Plot 1 would have two forward projecting wings with a front facing courtyard, whilst Plot 2 would have a forward facing wing which creates a courtyard to the front of the dwelling with both dwellings containing a number of different roof forms and ridge heights. Additional planting would be provided.

Conservation Area considerations

12. The appeal site contains a number of positive attributes to the significance of the CA. Whilst the existing dwelling itself is not to the same standard as the surrounding historic buildings, the positioning of the appeal building reinforces the positive attributes that arise from the spacious qualities that land in and around dwellings contributes towards this rural edge. The creation of two dwellings in this location would intensify the development of the site along with a large driveway, surfacing and resultant residential paraphernalia which would detract from the spacious feeling which is experienced within this locality. I note there is some discussion in the appeal documents on plot widths where measurements have been utilised to justify that the appeal site would have similar dimensions and plot widths to the neighbouring site; however this assessment does not take into account the positive characteristics that the spaciousness of the existing appeal site contributes.

13. Whilst I appreciate there has been some attempt at reducing visual massing via the design and calculations with regards to various widths of plots along Mill Lane, the proposed development would almost extend the width of the site with a large amount of roof forms which has an uncharacteristic elongated form which over-complicates the proposed design, rather than reflect the functional and historic vernacular. Based on my analysis of the significance above, in developing two dwellings in the manner proposed, the development would encroach into the existing spacious character in and around the appeal site causing detriment to the established character and appearance of the locality.
14. I note comments within the applicant's statement which places a large emphasis on the visibility of the site and the screening of the site via hedgerows, proposed further planting and view points into the site from the public realm. The duty under S72 of the PLBCA is not restricted to the public realm or purely from what is visible. A wholistic approach to assessing the historic environment needs to consider the private realm and the intangible elements, spaces, relationships and experiences which make up the significance of the CA which is not dependent solely upon what can be seen.
15. The introduction of two dwellings along with a driveway and the associated residential paraphernalia would significantly change the well vegetated and spacious character of the appeal site. Consequently, the appeal site's positive aspects along Mill Lane would be diminished. In that respect, I find that the development would have an unacceptable impact on the character and appearance of the CA.
16. That said, the proposed development would not preserve or enhance the character and appearance of the CA, as required by s72 of the PLBCA. The harm caused, although serious, would be 'less than substantial,' within the meaning of the term in paragraph 196 of the Framework. Consequently the scheme would not be compliant with the development plan saved Policies GEN2; ENV1 and S7 as described previously. I turn to the assessment of harm in accordance with the Framework further below.

Listed Building Considerations

17. There are comments in the applicant's Joint Planning, Heritage, Design and Access Statement that it is not considered that the appeal site is within the setting of Freers Cottage. Evidence supporting this are quoted sections from a Heritage Statement² which forms the evidence base to the emerging Stebbing Neighbourhood Plan. Reasons for the appeal site not being within the setting of the listed buildings include: *'The visual relationship between the site and Tan Farmhouse which is restricted due to the dense frontage planting along this section of Mill Lane; that a sensitively designed scheme of, say, three dwellings, in scale and harmony with other dwellings along the south-east side of Mill Lane would be in keeping with the character of this part of the CA, provided the site frontage planting was substantially retained.'* Similar reasoning is also given to the impact upon setting of the Tan Farmhouse with emphasis placed purely upon the intervisibility of the appeal site to the surrounding listed buildings, whereby Tan Farmhouse is discounted because it 'cannot be readily seen from each other.'

² Grover Lewis Associates, 2017

<https://www.gov.uk/planning-inspectorate>

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18. As per the National Planning Practice Guidance³ the way in which we experience heritage assets (which can be from both private and public land) goes beyond intervisibility and views and that '*buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.*' Whilst I appreciate that the site contains a hedgerow to the front boundary which provides some screening of the appeal site, current components of the site including the spacious and undeveloped surrounds has an intrinsic historic linkage and relationship to the greater agricultural origins of the listed buildings, and based upon this historic relationship which is both tangible and intangible, that in my view the appeal site would be within the setting and these spaces contribute positively to the setting of these listed buildings.
19. Having visited the site I experienced the intrinsic relationship that the appeal site contributes to the setting, character and the historic development of the listed buildings. Whilst I agree with the applicant that the demolition of the existing prefabricated structure would be beneficial to the setting of the listed buildings, the proposal in its current form would not reinforce the qualities of local character and distinctiveness which are part of the significance and setting of Freers Cottage and Tan Farmhouse. The development of the appeal site would adversely affect the historic relationship and association of the listed buildings within their greater setting, and as such would be detrimental to the significance of the listed buildings via development within their setting.
20. Consequently, the proposed development would not preserve the setting of the listed buildings as required by s66 of the PLBCA and the relevant considerations of the Framework and the Development Plan saved Policies GEN2; ENV2; and S7 as outlined previously. I turn to the assessment of harm and the assessment of the Framework below.

Consideration of Harm and Public Benefits

21. In relation to the listed buildings of Freers Cottage and Tan Farmhouse, the proposal would fail to preserve the settings of these listed buildings, as required by s66 of the PLBCA. The proposal would also fail to preserve or enhance the character and appearance of the CA in accordance with s72 of the PLBCA.
22. The benefits of the scheme include the development of a small and deliverable site; the removal of a building which has a negative impact upon the historic environment; redevelopment of previously developed land; the delivery of an additional dwelling which would make a modest contribution to meeting housing need; the short term employment opportunities in the construction of the dwellings; the socio-economic contribution to local services and expenditure from future occupiers to the viability of surrounding villages which is promoted as part of paragraph 78 of the Framework; and increased landscaping as detailed within the appeal documents. These factors weigh moderately in favour of the development.
23. Overall, I therefore find that there would be insufficient public benefit to offset the identified harm and the development does not accord with the Framework. I therefore conclude that the proposal fails to preserve the special architectural and historic interest of the listed buildings which includes their setting; and the

³ Paragraph: 013 Reference ID: 18a-013-20190723, Dated 23 07 2019
<https://www.gov.uk/planning-inspectorate>

wider character and appearance of the CA, which I am required to have special regard and pay special attention by the PLBCA. The development would also conflict with saved RLP Policies GEN2; ENV1; ENV2; and S7 as described previously.

Other Matters

24. I note comments in the applicant's statement with regards to the principle of the number of dwellings on the site and the support given from an independent heritage statement previously discussed. Whilst I have not been presented with a copy of this heritage statement, based on the evidence before me which are based upon quoted paragraphs from this report; it would be conjecture to base any opinions as to the robustness of this report or the assessment of the acceptability of 3 dwellings on the site. I also note that the neighbourhood plan in question is emerging and not made and does not form part of the development plan. As such I do not give weight to these elements as part of my decision and have based my decision upon the evidence before me.
25. There are letters of support from surrounding neighbours to the development alongside a consultation response from the Parish Council expressing that there are no objections to the proposed development. The lack of objection or support from consultees or interested parties does not necessarily mean that an application is consistent with the policies of the development plan. Whilst I give the letters of support for the scheme limited weight, this does not override the great weight afforded to the historic assets in accordance with the Framework and the development plan.

Conclusion

26. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal be dismissed.

J Somers

INSPECTOR