



Appeal Decision

Site visit made on 15 March 2021

by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 April 2021

Appeal Ref: APP/C1570/W/20/3262290

Land to rear of the Coach and Horses Public House, Cambridge Road, Newport, Essex CB11 3TR

- 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 Cordage 9 Limited against the decision of Uttlesford District Council.
 - The application Ref UTT/20/0803/FUL, dated 18 May 2020, was refused by notice dated 24 August 2020.
 - The development proposed is erection of five detached dwellings on land to the rear of the Coach and Horses Public House, with associated access, parking and landscaping, and reconfigured public house car park and beer garden.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The ownership of the appeal site changed prior to the Council issuing its decision and the planning application was revised accordingly. I am therefore satisfied that Cordage 9 Limited is afforded the right to appeal against the Council's decision.
3. Although a new Local Plan is being prepared, this has not yet reached a stage where weight can be attributed to it.
4. Since the appeal was lodged the national Housing Delivery Test results have been published. This shows that housing delivery is in excess of the requirement. However, there is no dispute between main parties that the housing land supply falls significantly short of the in the 5 year requirement for the area. Consequently, paragraph 11(d) of the National Planning Policy Framework (the Framework) is relevant and I have examined this appeal on that basis.

Main Issue

5. The main issue is the effect of the proposed form of development, in terms of its scale, layout and design on the setting of nearby designated heritage assets.

Reasons

6. The appeal site falls on the outskirts of a predominantly residential area. It is well contained by existing dwellings to either side and mature planting to the rear. It forms part of the parking area and wider grassed grounds of an existing Grade II listed public house and outbuilding, known as the Coach and Horses Public House. As such, the appeal site falls within this designated heritage asset's setting. The site also falls within proximity to the Newport Conservation Area. The Grade II Listed Registered Park and Garden of Shortgrove Hall is located to the rear of the site.
7. The appeal site is served directly off Cambridge Road, a main pedestrian and vehicular route through Newport. Therefore, despite its recessed position relative to the public house, it has a visible verdant presence that creates a sense of space and independence between this listed building and the neighbouring recently constructed dwellings in Granta Mead Close.
8. The significance of the Newport Conservation Area is of historical and architectural value. Due to the lack of intervisibility and co-visibility, the appeal site makes no contribution to the significance of this Area.
9. The submitted evidence confirms that the significance of Shortgrove Registered park and garden is aesthetic, illustrative and associative, given the links to the landscape design developed by Capability Brown. There is a planted screen on the boundary between the Registered park and garden and the appeal site. Although forming part of its wider context, the appeal site makes no tangible contribution to the significance of that particular designated heritage asset.
10. Consequently, the appeal proposal would not impose harm on these 2 important designated heritage assets and the affects would be neutral.
11. The appeal proposal would therefore not conflict with Policy ENV1 or Policy ENV9 of the Uttlesford Local Plan (the ULP) which respectively seek to preserve and enhance conservation areas and prevent harm to significant local historic landscapes, parks and gardens.
12. The significance of the public house has been shown to arise from its historic and architectural aesthetic value, in particular through its timber framing and its illustrative value as an historic coaching inn. The extent of the historical association between the appeal site and the public house is unclear. Neither has evidence been submitted that would indicate that the appeal site has previously been occupied by other buildings or structures.
13. The largest contribution of the public house's setting to its significance is experienced from vantage points to the front and sides upon approach into Newport. The appeal site clearly contributes positively to this designated asset's ongoing stature and independence from surrounding uses. These credentials are of value to appreciating the significance attached to this asset's historic origins and use.
14. The resulting density of development would be reflective of that found in the wider surrounding area. The layout, design, scale, massing of the proposed dwellings would represent an urban estate form. This would be reflective of wider area including that found in the neighbouring Granta Mead Close and the 2 developments would be read together.

15. However, the appeal site itself currently provides important visual relief between the listed public house and these neighbouring dwellings. By virtue of the proposed positioning and scale of development in terms of dwelling numbers, combined with the proposed estate form of development that would arise, this particular scheme would unduly encroach on this and overly compete with the dominant aesthetic and illustrative historic and architectural value of this listed coaching inn.
16. This would intrude on the way in which the significance of this important designated heritage asset is experienced within its setting and its significance understood. The harm to the listed public house which would arise from the appeal proposal would be less than substantial.
17. Paragraph 194 of the Framework states that a clear and convincing justification is required to be provided for any level of harm that would result, including that arising from development within the setting of a Listed Building. In the context of paragraph 196 of the Framework, the identified harm to the setting of this Listed Building must be weighed against the public benefits that would arise from the appeal scheme.
18. Indeed, the appeal scheme would contribute to reducing the shortfall in the area's housing land supply. Given the extent of the housing land supply shortfall, despite the limited level of contribution that would result, this would be a significant public benefit.
19. The scale of the development would limit the potential short and longer term economic benefits of the appeal proposal which have been advanced. Furthermore, the evidence does not quantify these. Therefore, these would be of limited public benefit. Furthermore, my assessment has indicated that there would be no specific heritage benefits.
20. The Framework states that great weight should be given to the asset's conservation, irrespective of whether any potential harm is substantial, total loss or less than substantial. The adverse impact on the significance of the designated heritage asset that would arise commands considerable importance and weight. Consequently, in this case the identified harm would not be out-weighed by these public benefits. Therefore, this harm would not be clearly and convincingly justified.
21. In the context of paragraph 11 d) (i) of the Framework, my assessment of this matter, insofar as it relates to footnote 6, provides a clear reason for dismissing the appeal proposal. This weighs considerably against it. Moreover, this does not necessitate me to employ the test set out in paragraph 11 d) (ii) of the Framework in this instance.
22. For these reasons, the appeal proposal would not impose harm on the setting of the Newport Conservation Area or the Grade II Listed Shortgrove Hall Registered Park and Garden. However, the appeal proposal would be an inappropriate form of development, with particular regard to scale, layout and design, imposing less than substantial harm on the setting of the Grade II listed Coach and Horses Public House. This harm is not clearly and convincingly justified.
23. Policy GEN2 of the ULP states that development will not be permitted unless its design meets criteria which includes that the proposal is compatible with the

scale, form, layout, appearance and materials of surrounding buildings. This policy is consistent with the Framework and attracts weight.

24. Policy ENV2 of the ULP states that development proposals which adversely affect the setting of a Listed Building will not be permitted. Favourable consideration may be accorded to schemes which represent the most practical way of preserving its setting. Although this policy does not include the balancing assessment set out in the Framework, this policy sufficiently aligns with its overall heritage aims to be relevant and to attract weight.
25. In view of the identified harm that would arise to the listed public house, the appeal proposal would conflict with both of these policies. These conflicts weigh against the appeal proposal.
26. My assessment confirms that the appeal proposal would not harm the character or appearance of the Newport Conservation Area and would therefore meet the requirements of section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
27. In the absence of harm to the Registered Park and Garden the appeal proposal would meet the requirements of this Act.
28. However, in view of the identified harm, the appeal proposal would fail to preserve the setting of the Grade II listed Coach and Horses Public House. This would not meet the requirements of section 66(1) of the Act. This weighs considerably against the appeal proposal as the desirability of preserving the setting of the listed building commands considerable importance and weight.

Other Matters

29. The submitted evidence indicates that necessarily appropriate odour attenuation measures could be secured by way of a planning condition. However, whether or not this would necessitate prior Listed Building Consent and the merits of that falls beyond the scope of this particular appeal. Nonetheless, the appeal proposal would have potential to accord with Policy GEN2, Policy GEN4 and Policy H4 of the ULP in this regard.
30. The submitted evidence confirms that there would be no reduction in the level of formal car parking to serve the public house. Furthermore, the level of car parking to serve the proposed dwellings would meet the Council's current parking standards. The appeal proposal would accord with Policy GEN1, Policy GEN2 and Policy GEN8 of the ULP in this regard. Consequently, the Council's pursuit of a planning obligation to secure a Traffic Regulation Order has not been justified in this instance.

Conclusion

31. This proposal must be determined in accordance with the development plan unless material considerations indicate otherwise. The starting point is therefore the development plan.
32. The appeal proposal conflicts with the development plan in terms of the harm that would be imposed on the setting of the Grade II Listed Coach and Horses Inn. Policy ENV2 which seeks to manage such an impact continues to have relevance and weight. This conflict weighs against the appeal proposal. In view of my findings regarding the form of development relative to this important

historic context, the appeal proposal would also conflict with Policy GEN2 of the ULP. This policy also continues to have relevance and weight. This conflict also weighs against the appeal proposal.

33. As to whether material considerations indicate that the appeal should be allowed, the Framework is pertinent here. In light of the current housing land supply position, those policies that are the most important for determining the application are to be considered out of date. Notwithstanding my findings in relation to consistency with the Framework, this reduces the weight I attach to the conflict with Policy ENV2 and Policy GEN2 of the Local Plan. It also engages paragraph 11(d) of the Framework.
34. However, for the reasons set out earlier, when assessed against paragraph 11 d) (i) of the Framework, the appeal proposal is not clearly and convincingly justified to qualify for the presumption in favour of sustainable development. This indicates that the appeal should not succeed. This weighs considerably against the appeal proposal.
35. Moreover, the appeal proposal would not meet the requirements of section 66 (1) of the Act in terms of its heritage impact and this weighs considerably against the appeal proposal.
36. None of the public benefits and other matters weighing in favour of the appeal proposal out-weigh the conflicts with the development plan when taken as a whole.
37. Accordingly, for these reasons the appeal should be dismissed.

C Dillon

INSPECTOR