



Appeal Decision

Site Visit made on 27 July 2021

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 07 September 2021

Appeal Ref: APP/C1570/W/21/3267056

Plot 5, Wood Hall, Arkesden CB11 4HA

- 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 Roger Sparkes (Merlin Real Estate Ltd) against the decision of Uttlesford District Council.
 - The application Ref UTT/20/2714, dated 20 October 2020, was refused by notice dated 11 December 2020.
 - The development proposed is Erection of detached one and a half storey dwelling and carport.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Following the submission of this appeal, a revised version of the National Planning Policy Framework (the Framework) has been published. I have considered the proposals in the light of this revised document, having first given the parties an opportunity to comment on its content.

Main Issue

3. The main issues are:
 - the effect of the development upon the character and appearance of the surrounding area; and
 - the effect of the development upon the setting of South Barn and Wood Hall.

Reasons

Character and appearance

4. The appeal site is located outside of settlement boundaries and comprises an undeveloped site close to several dwellings of varying designs. Beyond the appeal site is open countryside. Therefore, the appeal site acts as a transitionary space between the more built form of the existing dwellings and countryside beyond.
5. The proposed development would therefore result in an increase in the overall level of built form within the vicinity of the appeal site. In consequence, this would conflict with its more open character. In addition, the development would be particularly prominent given that it would be visible from the

countryside beyond the appeal site. Therefore, the increase in built form and loss of the more open character would be particularly noticeable.

6. Given that the appeal site is currently an open area, the proposed development would result in a more urbanised character. In addition, as a domestic dwelling, the future residents would benefit from permitted development rights to erect items such as extensions and outbuildings, which would result in a larger dwelling than currently proposed.
7. In addition, there is a likelihood that occupiers may place items within the garden that, whilst falling outside of the definition of development, would have a greater urbanising effect and would further erode the character of the site.
8. The development would also include areas of hard standing for car parking, which would add to the overall level of built form and would also result in the loss of the appeal site's current verdant character. This would render the proposed development incongruous within the surrounding area.
9. These matters are of concern given the prominence of the appeal site. Views would be possible from several different viewpoints within the estate, including existing dwellings. Furthermore, some views would be possible from the field to the rear of the appeal site which contains a footpath. Whilst some screening is provided by planting, some views of the proposal would still be possible.
10. In addition, the screening effect would be likely to vary depending on the season and the health of the trees. Therefore, I do not consider that the presence of planting would adequately screen the development. I therefore find that the proposal would be a strident addition to the surrounding area.
11. My attention has been drawn to a previous approval at Plot 4. I do not have the full information regarding the planning circumstances of this which lessens the weight that I can attribute to it. Nonetheless, Plot 4 is less prominent owing to the screening effect of other buildings and denser woodland nearby. I therefore do not find that this approval is sufficient to overcome my previous concerns.
12. Amongst other policies, I have been directed towards Policy S7 of the Uttlesford Local Plan (2005 (the Local Plan)). Amongst other matters, this seeks to ensure that development protect and enhance the character and appearance of the countryside. Whilst the amount of weight that this policy may have reduced, it remains at least, partially compliant with the National Planning Policy Framework (the Framework). Therefore, it can be given some weight in for it seeks to maintain the character of the countryside.
13. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The proposal would therefore conflict with the requirements of Local Plan Policy S7.

Setting of South Barn and Wood Hall

14. The appeal site is near to a Grade II Listed Barn (referred to on the Council's Decision Notice as South Barn). For the purposes of this appeal, the significance of the Listed Building is, derived from the presence of open space within its surroundings. This is indicative of the building's original use. Therefore, the significance of the building is derived from its setting.

15. The proposed development would therefore result in building works taking place close to the rear elevation of the Listed Building. This would mean that the proposal would erode the more open character that is a feature of the Listed Building's setting.
16. Furthermore, the proposed development would be of a different form to the Listed Building and would be constructed from materials of a different palette to the Listed Building. Therefore, the proposed development would appear discordant when viewed alongside the historic form of the Listed Building. This would further erode the setting of the Listed Building.
17. The proposed development would have smaller proportions than South Barn. However, South Barn and the proposed development would be viewable alongside one another from certain vantage points within the vicinity. In consequence, the erosion of the open character surrounding the Listed Building would lead to an adverse effect upon its setting, albeit less than substantial.
18. I understand that part of the site formerly contained a piggery. However, this has been removed. In any event, the proposed development before me has a domestic appearance in contrast to the style of architecture utilised on South Barn. Therefore, the fact that this part of the site may previously have included a building is not sufficient to overcome my previous concerns.
19. The appeal site is within the grounds of Wood Hall, which is a non-designated heritage asset. The significance of Wood Hall is derived from the presence of a large, traditionally designed building with a number of buildings with an agricultural style of architecture nearby. Such buildings are likely to have supported the use of Wood Hall. Furthermore, the presence of areas of open space contributes to the significance of Wood Hall.
20. The development would result in the creation of an additional more modern dwelling that would have a domestic appearance within this area, whilst also reducing the area of open space. In consequence, the proposal would also have an adverse effect, albeit small, upon the setting of Wood Hall.
21. I acknowledge that the type of buildings in the vicinity of Wood Hall is likely to have changed over time. However, Wood Hall, in its current form retains its historic character that would be eroded by the proposed development. In consequence, this change does not overcome my previous concerns.
22. The proposed development could be constructed from an appropriate palette of materials. However, this would not overcome the effects arising from the form and positioning of the proposed development. In addition, landscaping would take time to become established and the screening effect may vary depending on health. Therefore, these points do not outweigh the preceding issues.
23. I therefore conclude that the proposed development would have an adverse effect upon the setting of South Barn and Wood Hall. The development, in this regard, would conflict with Policy ENV2 of the Local Plan and the Framework. Amongst other matters these require that development affecting a listed building should be in keeping with its scale, character and surroundings.

Other Matters

24. I note concerns raised by the appellant regarding the manner in which the Council considered the planning application. However, in assessing this appeal, I have limited my considerations to the planning matters before me.

Planning Balance

25. The harm that would occur to the setting of the Listed Building would not be severe and therefore it would be 'less than substantial' within the meaning of the Framework. Paragraph 202 of the Framework requires such harm to be weighed against the public benefits of the proposal.
26. The proposed development would generate some economic benefits due to the construction process and support of businesses of occupiers of the dwelling. However, such benefits, by reason of the size of the development would be small scale and limited in impact. In addition, any benefit to the local housing supply would be small owing to the scale of the development. In consequence, I can give only these benefits a limited amount of weight.
27. Therefore, when giving significant importance and weight to the special attention I must pay to the desirability of preserving or enhancing the setting of the Listed Building, I find that the harm that would arise from the proposal would not be outweighed by its limited public benefits. Accordingly, there would be a conflict with Paragraph 200 of the Framework as harm to designated heritage assets would not have clear and convincing justification.
28. The evidence before me indicates that the Council cannot currently demonstrate a five-year housing land supply. However, as there would be harm to the setting of the Listed Building the provisions of Paragraph 11(d) of the Framework are not invoked.
29. Therefore, whilst the scheme would offer a limited benefit arising from the increase in the local housing supply, this is outweighed by the previously identified harm.

Conclusion

30. The proposal would therefore have an adverse effect upon the character and appearance of the surrounding area and the setting of South Barn and Wood Hall. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the National Planning Policy Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR