



Appeal Decision

Site Visit made on 20 September 2021

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th October 2021

Appeal Ref: APP/P1560/W/21/3267254

Lamberts, Chapel Lane, Ardleigh, CO7 7BJ

- 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 Mead against the decision of Tendring District Council.
 - The application Ref 20/00074/FUL, dated 6 December 2019, was refused by notice dated 31 July 2020.
 - The development proposed is erection of dwelling house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Section 1 of the emerging Local Plan, which includes designation of land surrounding the appeal site for a Garden Community, has been adopted. Section 2 has been submitted for examination, but there is no information regarding its potential date for adoption. Its policies therefore carry little weight.
3. My attention has been drawn to an earlier dismissal for a single dwellinghouse in a similar location, albeit closer to the listed building. That decision is a material consideration in the determination of this appeal, given the similarities between the proposals and as this proposal is intended to address the reason for refusal in that case.
4. The listed building is variously referred to as Lamberts and Lamberts Place in submissions. Lamberts is used by the appellants and is generally the more common term used, so I have used that name in this decision.

Main Issues

5. The main issue is whether the proposed development would preserve the setting of the Grade II listed Lamberts.

Reasons

6. The listing description for Lamberts describes it as a single storey building, timber framed and plastered with a hipped, thatched roof. The building is set well back from the road, and its relatively spacious setting contributes to its significance, with the surrounding land used for grazing animals in relation to its historic occupation by a cattle dealer and butcher and continuing to the present day. In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 I have had special regard to preserving the setting of the listed building.

7. Development on Chapel Lane to either side of Lamberts and the appeal site has reduced the sense of spaciousness around the listed building, but to its north there is still a significant separation to the next house in the street, The Paddocks.
8. There are several structures within the grounds of Lamberts. However, these appear to mainly be outbuildings of modest scale subordinate to the host dwelling and in any case are sited to its side and rear. They are therefore not prominent in its setting whereas the proposed development would create an independent dwelling with a separate curtilage in a more visible location. Those structures to the north of Lamberts, including The Paddocks, are arranged in a broadly linear pattern. The proposed house would lie between these structures and Lamberts, resulting in encroachment and a substantially reduced sense of openness, particularly as the proposed house would be much closer to the street than Lamberts.
9. The proposed development would therefore result in harm to the setting of the listed building. Given the relatively modest scale of the proposal, and as some separation would be retained between Lamberts and the appeal site, this would amount to less than substantial harm to the significance of this designated heritage asset.
10. The National Planning Policy Framework (the Framework) states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
11. The appeal proposal would deliver an additional house, supporting Government's objective of significantly boosting the supply of homes. While the Council can demonstrate a supply of deliverable housing land of more than five years, this does not diminish the value of new housing. Furthermore, there would be economic benefits from the construction of the house in the short-term, and in the longer term from its ongoing occupation, and the appeal site is an appropriate location for new residential development.
12. The appellants suggest that hedgerow planting of the boundary between Lamberts and the paddock to its north would lead to an enhancement of its setting, including directing attention to the listed building itself. However, as the spaciousness of the surrounding land contributes to the significance of the listed building I am not convinced that an increased sense of enclosure within its setting would be a benefit overall.
13. My attention has been drawn to the designation of surrounding land as part of the Garden Communities project, but I have little detailed information regarding this project. Any future development would, in any case, also be required to have special regard to preserving Lamberts and its setting.
14. The appellants state that the ongoing upkeep of Lamberts is difficult due to cost and their advancing age, and the smaller dwelling for which permission is sought would be easier to maintain. I see no reason to doubt these contentions, and they form part of the determination of this appeal. However, national guidance advises that, in general, planning is concerned with land use in the public interest, and they therefore only attract limited weight.

15. The Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The benefits of the proposed development are acknowledged but in this instance they would not be sufficient to outweigh that great weight.
16. The proposed development would therefore fail to preserve the setting of the Grade II listed Lamberts. It would conflict with Policies EN23, QL9 and EN1 of the Tendring District Local Plan 2007 which collectively require that development not adversely affect the setting of a Listed Building and that it protect or enhance local character.

Other Matters

17. The appellants have provided a unilateral undertaking regarding a payment towards the Council's recreational disturbance, avoidance and mitigation strategy. As I am dismissing the appeal on other grounds, it is not necessary to consider this matter further.

Conclusion

18. There are no material considerations to indicate that this appeal should be determined other than in accordance with the development plan. Therefore, for the reasons set out above, the appeal fails.

M Chalk

INSPECTOR