



Appeal Decision

Site Visit made on 21 September 2021

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th October 2021

Appeal Ref: APP/C1570/W/21/3268302

Hyde Farm, Gallows Green Road, Great Easton CM6 3QS

- 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 Cantle against the decision of Uttlesford District Council.
 - The application Ref UTT/20/2272/OP, dated 21 August 2020, was refused by notice dated 2 November 2020.
 - The development proposed is application for outline planning permission to erect one detached dwelling, with associated private garden, car parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The original application was made in outline with only access to be determined at this stage. All other matters relating to siting, scale, layout and landscaping were reserved for future determination. I have had regard to the existing and proposed site plans and the indicative layout of the proposed development as shown in these drawings, but have regarded all elements of these drawings as indicative apart from the details of the access.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the Grade II listed building and its setting;
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the accessibility of the site is sustainable.

Reasons

Setting of a listed building

4. The appeal site comprises an enclosed area of open grassland and a driveway within the curtilage of Hyde Farm, a Grade II listed building. The site is enclosed on its road boundaries by tall mature hedgerows, a further hedge and fencing separate it from the paddocks and the garden to Hyde Farm.
5. Hyde Farm is an historic farmstead, dating back to the seventeenth century. It is a substantial building set back from the street within spacious grounds. Beyond its domestic garden, there are paddocks and stabling to the rear and

the appeal site to its east. It lies at the end of a small cluster of linear development forming the small hamlet of Gallows Green. Directly to the west of the listed building, there is an industrial estate. This extends back some distance beyond the surrounding housing development and the listed farm building into the open fields and surrounding countryside. The industrial estate comprises a number of relatively large modern buildings. However, these have the appearance of agricultural buildings and barns and the listed building's setting remains strongly rural and agrarian.

6. On the opposite side of the road, there is some loose housing development including a listed cottage and barn conversion. These are modest in scale, appearing subservient to Hyde Farm and associated with its historic role. These buildings have a traditional appearance and together with the surrounding open land, make a positive contribution to the setting of the listed building. In this context, Hyde Farm appears as an imposing and prominent building. Due to its position at the far end of the line of development, it appears remote but not isolated from the development further west along Gallows Green Road. As open land, the appeal site makes an important contribution to this setting, providing part of the farmland that would have historically been associated with the farm.
7. The development of the appeal site with a detached dwelling would significantly erode the open space around the listed building. The introduction of a domestic dwelling would erode its rural character and the sense of remoteness and importance of this building. The existing boundary hedges limit views into the site. Depending on the scale, siting and design of the proposed dwellings, these could provide some screening. However, the open and rural character of the site would nevertheless be lost. Furthermore, such hedges could be cut, replaced or removed in the future and there is nothing to secure their retention.
8. I appreciate that a farmhouse such as the listed building would have surrounding built development in the form of barns, outbuildings and dwellings which is evident within the existing setting of this building. However, the addition of a separate dwelling, to the side of the listed building, would enclose the farmhouse within a row of linear development. This would significantly detach it in visual terms from the agricultural land around it and from which it is experienced. Although such a house could be subordinate and traditionally designed, this would not overcome the harm that would arise.
9. The proposal would detract from the listed building and the experience of this within its rural setting. The harm that would arise from this would be significant but less than substantial. I have attached considerable importance and weight to the desirability of avoiding any such harmful effect on the listed building in accordance with Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Paragraph 202 of the National Planning Policy Framework (the Framework) states that such harm should be weighed against the public benefits of the proposal.
10. The Council cannot demonstrate a five year supply of housing land, with a stated land supply equating to 2.68 years. The provision of a single dwelling would make a very limited contribution to this. There would be some minor social and economic benefits to the surrounding towns and villages arising from both the construction and occupation of the dwelling and contribution to the local community. However, these would be very limited due to the small size of

the development. The minor public benefits of the proposal are very limited and do not outweigh the significant harm caused to the heritage asset which I have found and to which I attribute considerable weight.

11. This leads me to conclude the proposed development would significantly harm the listed building and its setting. It would therefore conflict with Policy ENV2 of the Uttlesford Local Plan 2005 (ULP) which sets out development proposals that adversely affect the setting of a listed building will not normally be permitted. It would also conflict with the conservation aims of the Framework in respect of the historic environment.

Character and appearance

12. The appeal site lies at the end of the linear development adjacent to the junction of Gallows Green Lane and a rural lane which extends north from the main road. Whilst it is enclosed on both road boundaries the open fields to the rear and beyond on the opposite side of the lane, gives the area a rural and open character.
13. The proposed dwelling would extend the small linear cluster of dispersed development along Gallows Green Lane. The addition of a dwelling in this location would have an urbanising effect, extending the built form into the undeveloped countryside and harming its open, rural and agricultural character.
14. The existing boundary vegetation and proposed landscaping could help screen the development. However, this would not fully overcome the change in character to a more urban and domestic form of development which would not only arise from physical features of a residential development but also from the comings and goings associated with such a use.
15. Policy S7 of the ULP sets out the Council's approach to development within the countryside. Whilst generally restrictive, amongst other things, it allows for development that is appropriate in a rural area including residential infilling. Such development is only permitted if its appearance protects or enhances the particular character of the part of the countryside in which it is set.
16. My attention has been drawn to examples of new dwellings permitted beyond the settlement limits which have been described as 'infill' developments. I have not been provided with the specific circumstances or full details of these cases. Nevertheless, I concur that they are in similar rural locations. I took the opportunity to view these as part of my site visit. Both the development at Colletia¹ and Breach House² appeared to be a form of infill with other properties on two sides. They are therefore not comparable to the scheme before me.
17. In the case of the development at Canfield House³, there is additional housing a short distance further along the lane on which it is located. There is no additional housing within the immediate vicinity to the east of the appeal site. I do not therefore find that the appeal scheme is either an infill scheme nor that it is directly comparable to the Canfield House scheme.

¹ Council Ref UTT/18/2868/FUL

² Council Ref UTT/17/2250/FUL

³ Council Ref UTT/18/0622/FUL

18. I conclude that the proposed development would adversely affect the character and appearance of the area. It would therefore conflict with Policy S7 as referred to above and Policy GEN2 of the ULP which requires development to safeguard important environmental features in its setting. It would also not accord with the Framework which requires development to be sympathetic to local character.

Location of development

19. The appeal site is adjacent to the small hamlet of Gallows Green. It lies outside any defined settlement boundary and is in the countryside. It is around 5 and 7 kilometres respectively from the nearest service centres of Thaxted and Dunmow.
20. Future occupants of the proposed dwelling would be reliant on the private car to meet their day-to-day requirements. I have been provided with limited evidence that this would not be the case although it has been suggested that the proposed development would provide a study for homeworking which may reduce the need to travel to work. However, whilst I accept that homeworking has become more common over the past 18 months this would be dependent on the nature of employment. I therefore give this limited weight. Nevertheless, I consider the number of trips and additional traffic associated with a single dwelling would be limited.
21. The Council has objected to the scheme due to reliance on the private car. However, I have been referred to other approved schemes in similar rural locations where future occupants would be reliant on the private car to access services. In particular I note from a recent appeal⁴ at 2 Brands View, Ongar Road, Great Dunmow for a similar development of a detached house in a countryside location, the Council confirmed in its assessment of that case that reliance on the car would not lead to a material increase in traffic in the area. I have been provided with no evidence as to why that would not be the case in the scheme before me.
22. Furthermore, the other schemes I have been referred to are developments of single properties some distance from larger settlements, not dissimilar to what is proposed here. It seems to me that future occupants of these developments would similarly be reliant on the private car to meet their day-to-day needs. These other schemes lend weight to my view that a limited development such as proposed here would be acceptable.
23. In coming to this view, I have had regard to paragraph 79 of the Framework which advises that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Whilst future occupants would be reliant on the private car, there would be some economic and social benefits to nearby settlements arising from the development.
24. I therefore conclude that the accessibility of the site would not be unsustainable. It would therefore not conflict with the Framework which recognises that opportunities for sustainable travel in rural areas will vary given the type of development and its location and that development should only be prevented if the residual impacts on the road network would be severe.

⁴ APP/C1570/W/19/3221623

25. The Council refused the scheme on the grounds that the development was outside a settlement boundary and future occupants would need to travel by car to most services. They found the proposal conflicted with Policy S7 of the ULP which restricts development in the countryside, only allowing development that is appropriate in a rural area. Whilst there would be some conflict with policy in respect of the location of the proposed development outside of settlement boundaries, I have given this only limited weight due to the lack of a five year housing land supply and because it does not specifically refer to sustainable travel.

Conclusion

26. The Council cannot demonstrate a five year supply of deliverable housing sites. This is not disputed. Paragraph 11 d) i) of the Framework states that where the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development, the presumption in favour of sustainable development does not apply. Footnote 7 identifies heritage assets as particularly important. Consequently, harm to the heritage asset is sufficient reason to reject the proposal.

27. For the reasons set out above, I conclude the appeal should be dismissed.

Rachael Pipkin

INSPECTOR