



Appeal Decisions

Hearing held on 8 December 2021

Site visit made on 9 December 2021

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th January 2022

Appeal A Ref: APP/C1570/W/21/3269796

Brook End Stables, Park Road, Little Easton CM6 2BD

- 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 Will Oakes (Landsec) against the decision of Uttlesford District Council.
 - The application Ref UTT/19/3124/FUL, dated 18 December 2019, was refused by notice dated 26 August 2020.
 - The development proposed is Conversion of stables including alterations to the existing residential accommodation, with associated works of demolition and extensions, to form 9 homes along with associated parking and amenity space.
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Appeal B Ref: APP/C1570/Y/21/3269797

Brook End Stables, Park Road, Little Easton CM6 2BD

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Will Oakes (Landsec) against the decision of Uttlesford District Council.
 - The application Ref UTT/19/3125/LB, dated 18 December 2019, was refused by notice dated 26 August 2020.
 - The works proposed are Conversion of stables including alterations to the existing residential accommodation, with associated works of demolition and extensions, to form 9 homes along with associated parking and amenity space.
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Decision

Appeal A

1. The appeal is dismissed.

Appeal B

2. No action, for the reasons set out in the first main issue below.

Procedural Matters

3. At the Hearing, the Council conceded that it would no longer seek to defend the majority of the second reason for refusal listed on the Decision Notice relevant to Appeal A, except for the final sentence, which refers to the harm caused by the proposed conversion works to the building and conflict with Policy H6 of the Uttlesford Local Plan¹ (ULP). My decision therefore centres on the remaining reasons for refusal on the Decision Notices, including the interrelationship between that sentence and the other reasons for refusal relevant to Appeal A.

¹ Adopted January 2005.

4. The National Planning Policy Framework was revised on 20 July 2021 (the Framework). The main parties referred to the revised Framework at the Hearing and I am satisfied that the revisions do not significantly alter the policies upon which this appeal turns.

Main Issues

The main issues are: -

- whether Brook End Stables are within the curtilage of the Grade II listed building, Brookend Farmhouse, and thereby should be considered as part of the listed building;
- if Brook End Stables are within the curtilage of the listed building, whether the proposal would preserve the listed building, and any features of special historic interest that it possesses, including its setting, and the effect of the proposed development on the character and appearance of the Countryside setting of the Stables, including its consistency with policies relating to housing in rural areas, with regard to the protection of the countryside;
- if Brook End Stables are not within the curtilage of the listed building, the effect of the proposed development on their significance, as a Non-Designated Heritage Asset, including the character and appearance of the Stables and their countryside setting, whether the proposal is consistent with policies relating to housing in rural areas, with regard to the protection of the countryside, and the effect of the proposed development on the setting of the listed building; and
- whether the proposal would be accessible to services and facilities, having regard to national policies.

Reasons

Curtilage of the listed building

5. Section 1(5)(b) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act) states that any object or structure within the curtilage of the listed building which, although not fixed to the building, forms part of the land and has done so since before 1 July 1948 shall be treated as part of the listed building.
6. Case law has established a number of tests which should be taken into account by a decision taker in defining the extent of curtilage. These comprise the physical layout of the listed building and the building in question, their ownership past and present, and their use or function past and present specifically whether the building was ancillary, i.e. subordinate to and dependent on, the purposes of the listed building at the date of listing. These tests are also included in Historic England Advice Note 10² (HEAN10).
7. In light of case law, HEAN10 advises that the facts in each case will always need to be carefully considered. Brookend Farmhouse was listed on 26 September 1984 and Brook End Stables are not expressly identified in the list description of the Farmhouse. This factor is not determinative as to whether they are 'curtilage listed' as per Section 1(5)(b) of the Act, as it is a matter of

² Listed Buildings and Curtilage, published in February 2018.

fact and degree based on the site-specific circumstances involving the listed building and the evidence before me. Nevertheless, HEAN10 suggests that a closer physical relationship (such as around a courtyard) or a closer relationship in use may be a 'steading' and outbuildings of that type and in that arrangement may well fall within the curtilage of a farmhouse.

8. There are various hypothetical examples included in HEAN10 to assist in understanding curtilages, including farms. It also refers to the Jews Farm Judgement³, in which Justice Sullivan found that barns at that farm were in use for the purposes of the general farming enterprise carried out at the farm and so were not in use for purposes that were ancillary to the use of the farmhouse as a dwelling house. Accordingly, in that instance, while the farmhouse was listed, the farm as a whole could not sensibly be regarded as being within its curtilage. As I understand it there were a number of significant factors in the judgement, that the farmyard was separately enclosed by a wall, visually separated from the farmhouse, the farming function formed a minor part of the farmhouse, the farmhouse was sold very shortly after it was listed and the farm operations continued from another dwelling.
9. Historical maps of the site and its surroundings indicate that the Farmhouse and Stables have long been in the same ownership. The Tithe Apportionment of 1839 confirms that the farmhouse, its buildings, and yard were owned by Lord Maynard, who resided at Easton Lodge. However, the stables were not yet present at that time, as an elongated building oriented on a northwest-southeast axis was present. The OS Map of 1876 illustrates a new u-shaped stable building with wings more closely spaced. It was not until the 1897 OS Map that a form more closely resembling the current stables was recorded, at which point the separate access solely serving the stables is shown to have been provided.
10. Since the applications relevant to the appeals were determined, the Stables have been added to the Council's Local Heritage List⁴, so they are a Non-Designated Heritage Asset (NDHA). The possibility of their construction for the 4th Earl of Rosslyn as a racing stud is a historical association recognised in the text of the List. They were later inherited by Frances Maynard, who became the Countess of Warwick and had a notable collection of horses. The Stables therefore seem likely to have been purposely built for the horses of the Easton Lodge Estate. However, there is insufficient evidence before me to confirm the involvement of Thomas Hopper, the chief architect for the rebuilt Easton Lodge, in either their design or construction. They could even have been constructed following his death in 1856.
11. It is likely that both the Stables and Farmhouse were only in the same ownership of the Estate at a wider level and they did not function together as a separate farmstead or agricultural holding. The evidence before me suggests that any previous management function of the Stables operated from the Farmhouse would likely have been an ancillary function, as an Estate tenant. There is no clear evidence that the Farmhouse and Stables were owned or operated separately together from the point the Farmhouse was listed or at any point thereafter. They were both sold by the Maynard family in 2004 and are now owned by the appellants. Furthermore, conversion of parts of the Stables to provide residential accommodation to run the recent livery business,

³ R (on the application of Egerton) v Taunton Deane Borough Council [2008] EWHC 2752 (Admin).

⁴ Uttlesford Local Heritage List, April 2021.

suggests they have been in separate use and self-headquartered since the end of the 20th Century.

12. While they are sited opposite one another across an access and a paddock, it is evident from historic maps, that the Farmhouse has been set within its own domestic curtilage for some time. This reflects the primary domestic function of the Farmhouse and distinguishes it from a house within a farmyard. Moreover, the structures that have a clearer association with the Farmhouse are sited much closer to it.
13. In light of the evidence before me, the ownership, physical layout and the use and function of Brook End Stables is as such that they do not fall within the curtilage of Brookend Farmhouse. In particular, there was not a clear functional and spatial relationship between them as a steading at the time of listing or since. The circumstances are therefore somewhat comparable with the Jews Farm Judgement, as the Farmhouse was separated from the Stables by its domestic garden prior to its listing, so the Stables were not within its curtilage at that time.
14. At the Hearing, the appellants confirmed that they had submitted the application for listed building consent largely on the basis of officer support for their proposal. Their submissions indicate that they cast some doubt over the curtilage listing of the Stables, a point also reflected in the Officer Report. Nonetheless, I have made my own determination, as set out above.
15. For the above reasons, I conclude that listed building consent is not required because Brook End Stables cannot be considered as part of the listed building known as Brookend Farmhouse, as per section 1(5)(b) of the Act. However, the Stables are of architectural and historic interest, as they are included on the Council's Local Heritage List, so they are a NDHA, which I discuss in further detail in the next main issue.

Site and surroundings, significance and setting

16. Based on my findings above it is not necessary to consider the second main issue, set out above, including the effect of the proposal on Brook End Stables, as a curtilage listed building. I need therefore only consider the effect on the proposal as identified in the third main issue. However, I first set out here the characteristics of the site and its surroundings, the significance of the Stables and the significance and setting of the listed Farmhouse.
17. The appeal site is located to the southwest of Great Easton and west of Little Easton. It concerns Stables last used by a livery operation, which are sited immediately opposite is the listed Farmhouse. These are a small linear group of houses a short distance further east. The houses and buildings in the locality are set within their own grounds but they abruptly transition to the surrounding generally flat, open, and undeveloped tree-lined paddocks and fields, with woodland interspersed between.
18. There are some hard landscaped areas to the front, side and rear of the Stables, the neatly maintained paddock in the foreground of which is enclosed by post and rail fencing. Despite this, the site shares some similarities with the surrounding rural context. This gives rise to a clear and distinct pattern of development, which makes a significantly positive contribution to the character and appearance of the area, including its countryside setting.

19. I have already referred to the historical associations of the stables with the 4th Earl of Rosslyn and Frances Maynard, but they were also identified as a NDHA for their rarity, aesthetic value, group value, and archival interest.
20. The Stables are a large u-shaped range with shorter projecting gabled wings and originate from the mid- to late-19th Century. They are primary single storey, but three hipped-roof pavilions project above to the centre and at either end. The central pavilion is taller, at two storeys and incorporates a vented copula with a weathervane. The Stables are constructed of red brick, laid in Flemish bond, beneath a Roman tiled roof regularly punctuated by raised ventilation hoods. The inward-facing façades include alternating pairs of doors and windows, predominantly still serving stables, but four were incorporated into the residential accommodation in the pavilions.
21. Internally, a number of historic architectural features remain that illustrate the use of the building, including a 19th Century horse trough, feed boxes, floor setts and drainage runs. Ironmongery remains in situ across the building through, amongst other things, ventilation and hinges.
22. There have also been ad hoc repairs and replacement of doors and windows across the building, but openings for these are still generally found on the inward-facing façades of the building, except in those parts already converted to residential use. Several outbuildings including sheds, hay stores and storage containers, associated with the previous use as a livery, have also been added over time. These all intervene in the space around the Stables, but structures of this nature are commonplace within farmyard and equine settings and they do not have a great deal of prominence. Despite these alterations, the significance of the stables today lies in its architectural and historic interest as a fine example of purposeful equine architecture, designed with symmetry on a relatively grand scale for the riding and hunting interests of the Easton Lodge Estate, and to illustrate its wealth. Survival of stables in this plan form is also rare and the composition of the stables remains balanced and its uniformity uninterrupted. It is also highly visible so has a great presence within the locality.
23. Brookend Farmhouse, which has its origins in the 16th Century, is a two-storey, timber-framed house with rooms in the attic space, arranged on a U-shaped plan. The exterior is plastered, beneath a plain tile roof. The listing description confirms that the gable to the cross wing, which projects forward of the front façade, previously jettied out like that found to the rear. The gable also features a letter 'M' which probably highlights the association of the building with the Maynard family. The front also has varied form to its fenestration, including a full-height canted bay with a hipped roof to the right side and a gabled dormer to the roof. There are also prominent chimney stacks to the cross wing and to the rear. Despite later alterations, as far as it is relevant to this appeal, its significance today lies in its architectural and historic interest as a good example of a 16th Century farmhouse constructed in vernacular architecture and materials.
24. I am mindful of the definition of 'setting' in the Framework as being the surroundings in which a heritage asset is experienced and that this is not fixed and may change as the asset and its surroundings evolve. I have also had

regard to the content of Historic England's Good Practice Advice in Planning Notes 2 and 3⁵, as far as they are relevant to this appeal.

25. The generally flat, open and undeveloped character of the surrounding agrarian landscape has remained largely unaltered and well-preserved since at least the late 19th Century. The characteristics of the site and the remainder of the land surrounding therefore provide a rural context which forms an integral part of the historic setting of the listed building, including a significant contribution to its appreciation within the former Easton Lodge Estate and understanding of its role in its layout and development.
26. The historical association of the Farmhouse and the Stables with the Estate also makes a positive contribution, which reinforces the inclusion of the Stables as a NDHA. Notwithstanding the presence of extensions and outbuildings, the Farmhouse and Stables also make a positive contribution to the character and appearance of the surrounding area. Given these characteristics, the site would be highly sensitive to change.

Effect of the proposal

27. The extensions to the wings of the Stables would only incorporate windows to serve the residential accommodation within. These would contrast with and disrupt the rhythm created by the existing paired groupings of doors and windows and the symmetry across the building. The harmful effect of these changes to the Stables is perhaps best illustrated by the photo visuals in the appellants' Heritage Hearing Statement and this would be very apparent within, and harmful to, the setting of the listed Farmhouse. By contrast, the scale and materiality of the extensions would match that of the existing wings, as they would be around the width of two stables. The shape and form of the stable range would therefore be retained and the wings would remain subservient to the northern range. The eastern wing would bring the Stables closer to the listed Farmhouse but there would continue to be a reasonable degree of separation between them, so these aspects would not be harmful to the Stables or the setting of the Farmhouse.
28. The aforementioned visuals also show the impact of the alterations to existing doors and windows, including to doors with glazing. These would appear domestic in character but, over time, there have already been changes to many of the doors and windows. Furthermore, along with details of a scheme of lighting and the approach to post boxes and door numbering, it would be possible to reduce their visual impact through planning conditions.
29. The two rear extensions would be of a simple modern design and lightweight appearance, incorporating large areas of glass. The proposed roof would be close to the eaves and the extension would be subdivided in alignment with the existing stable compartments. Nevertheless, these extensions would project significantly beyond the rear façade of the northern range of the building and harmfully disrupt its linear plan form.
30. It is likely that the Stables were oriented to provide better environmental conditions, including shelter from the prevailing wind, the colder north side therefore has fewer openings. The provision of gardens for the proposed dwellings would inevitably result in the need for means of access, but a

⁵ Managing Significance in Decision Taking in the Historic Environment (2015); and The Setting of Heritage Assets (second Edition, 2017).

significant number of door and window openings are proposed to the outward-facing elevations of the building. These are likely to be as a consequence of the proposed internal layout. Nonetheless, together these aspects of the appeal scheme would result in a significant departure from the equine character of the building to create an overtly domestic appearance. While the harm caused by these alterations to the rear façade would be less prominent from within the setting of the listed Farmhouse, those undertaken to the eastern wing would be far more evident and appear harmful within the setting.

31. From the exterior, the proposed changes to the internal layout of the building would not be evident and, bearing in mind my finding in the first main issue, they would not fall within the scope of this appeal. However, important historical features can be documented through the use of a programme of archaeological building recording, secured by a planning condition.
32. The private garden spaces would result in the subdivision of the space around the Stables, which would wholly contrast with the existing open characteristics of the land. However, there is a certain inevitability that dwellings will require garden spaces and it is unlikely that they could be accommodated here in another way which would not have a degree of visibility. It would also be possible to control certain aspects of domestic occupation through the use of planning conditions to limit the visual effect of the use of such spaces.
33. The proposed parking and bin and cycle stores would be sited away from the frontage of the Stables and new planting would be added around the perimeter of the parking area and to an existing circular hardstanding area closer to the Stables. However, there would be very little space between the roadside and parked vehicles and stores for a scheme of planting to soften the effect of their presence within such a prominent and generally open part of the immediate landscape. These aspects of the proposal would therefore have a particularly harmful urbanising effect, which would detrimentally impact the way in which the Stables and Farmhouse are appreciated within their context.
34. Clear views of the appeal site and its relationship with the listed Farmhouse are available from Park Road and the Public Right of Way which passes between them. Therefore, in general terms, the proposed landscaping would be unlikely to have matured enough in its initial years of development to mitigate the visual effect of the physical presence of the proposed alterations, extensions, parking and stores. It would also take a significant amount of time for the planting to reflect the established field boundary planting in the vicinity.
35. At the Hearing, the Council accepted that repairs are required to the Stables and the cost of these is likely to be significant. Without repairs there is therefore the possibility that the integrity of the building would be at greater risk. Continued viable use of the building following such repairs would therefore ensure the long-term future of the building. While the appellants make a compelling case for the proposal on this basis, retention of the Stables should not be at any price, particularly at the expense of the very aspects of its character and appearance that contribute to its significance and the setting of the listed Farmhouse.
36. The effect of the proposal on the countryside setting of the Stables and Farmhouse would only be likely to be experienced within their immediate context. Nevertheless, given the open nature of their surroundings, the Stables are highly prominent and within close proximity of the listed Farmhouse.

Therefore, with the above in mind, the design and layout of the proposal would have a significantly harmful effect on the character and appearance and countryside setting of the Stables, which contributes to their significance as a NDHA and to the setting of the listed Farmhouse.

Protection of the countryside

37. The appeal site is beyond a recognised settlement boundary so it is situated within the countryside, as defined by Policy S7 of the ULP. This suggests that the countryside will be protected for its own sake and that planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Consideration of Policy S7 in isolation of Policy H6 of the ULP would undermine the intentions of both policies, as the Stables could not be located elsewhere. However, the development in the form proposed would not protect or enhance the character of the part of the countryside within which it is set.

Public benefits

38. The statutory duty in Section 66(1) of the Act is a matter of considerable importance and weight. Paragraph 197 of the Framework states that the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation should be taken into account in determining applications. Paragraph 199 of the Framework also advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation.
39. The proposal would be harmful to the setting of the Grade II listed building, which would have a harmful effect on its significance as a designated heritage asset. The harm that I have identified would equate to less than substantial harm to its significance. I note that the appellants arrived at a similar conclusion. In such circumstances, paragraph 202 of the Framework identifies that this harm should be weighed against the public benefits of proposals. In assessing the benefits, I have had regard to the appeal decision at Elsenham⁶ but note that this differs to the appeal scheme before me, as it relates to a scheme on the edge of a settlement.
40. The supply of housing land in the District has been agreed by the main parties to stand at 3.11 years, which represents a significant shortfall. The Council's Emerging Plan is some way from being adopted, so it does not have an adopted strategy for the delivery of housing to meet the needs of the District and the means to address this situation are far from being ratified. The appeal scheme would boost the supply of homes in the district and help to address the acute deficit in supply. The current housing land supply difficulties in the area are likely to be temporary. Nevertheless, despite the proposal only being for a relatively small number of homes, it could be built out relatively quickly, as it primarily involves conversion works. I therefore afford this benefit considerable weight.
41. The proposal would utilise previously developed land and buildings. As such benefits are afforded significant weight by the Framework, I do the same.
42. I have already referred to the beneficial outcome of ensuring the long-term future of the Stables. However, such a benefit should come in the form of a

⁶ Appeal Ref: APP/C1570/W/19/3243744.

development that is of high quality and responsive to its context. With this in mind, as this would only be achieved through harm to the setting of the listed building, I disagree with the appellants that the proposal as a means to achieve this aim should qualify as a heritage benefit.

43. The proposal would see removal of the existing lean-to and outbuildings and I have already suggested that these do not harm the significance of the Stables. Similar to the above, of itself, while their removal would improve visibility of the façades of the building, the outcome would be prior to any other elements of the proposed alterations, which I have found to be harmful. I therefore afford limited weight to their removal as a heritage benefit.
44. There would be short-term benefits to the local and wider economy from direct and indirect employment associated with construction works. Future occupants would be likely to support local shops, services, and facilities, particularly through expenditure. These would all constitute benefits in social and economic terms. However, given the magnitude of the proposed development, these contributions would likely be minor, which would be afforded limited weight.
45. The provision of electric vehicle charging points and cycle parking would make a modest contribution to providing the means to reduce emissions created through travel to and from the site. This would represent an environmental benefit, which I afford limited weight.
46. In the fourth main issue, I found that facilities and services required by occupants of the development can be reached by various means of transport, but I ascribe negligible additional benefit in respect of this matter, as I consider it to be an absence of harm.
47. Taking the above together, while collectively there would be some significant public benefits associated with the proposal, the harm that would be caused by allowing development, to the setting of the Grade II listed building, would be of greater significance. Moreover, in accordance with paragraphs 199 and 202 of the Framework, considered together, I conclude that the public benefits do not outweigh the great weight to be given to the less than substantial harm I have identified.

Conclusions on the third main issue

48. In light of the above, I conclude that the proposed development would have a considerably harmful effect on the significance of Brook End Stables, as a Non-Designated Heritage Asset, including their character and appearance and countryside setting, it would have a harmful effect on the setting of the Grade II listed Farmhouse, and it would not be consistent with policies relating to housing in rural areas, with regard to the protection of the countryside. Hence, the appeal proposal would fail to satisfy the requirements of the Act, paragraphs 197, 199 and 203 of the Framework and conflicts with the aims in respect of the protection of the countryside, design, and heritage of Policies ENV2, H6 and S7 of the ULP.

Accessibility

49. The Framework seeks to restrict housing in rural areas to locations where it will enhance or maintain the vitality of rural communities. The Stables already include residential accommodation courtesy of an earlier conversion and the proposed homes would be located fairly close to others nearby. The main

parties agree that the site is not considered to be isolated. Nevertheless, it would do little more than add to existing development in the open countryside, some distance away from Little Easton, which includes a limited range of services and facilities. The reality is therefore that future residents would be obliged to travel further to other settlements, including Great Dunmow, Stansted Mountfitchet and Thaxted, where a greater range of facilities and services are available.

50. The local road network lacks street lighting and dedicated footways and, although there is a bridleway which leads to Little Easton, this is some distance along the road. Accordingly, the opportunities to walk or cycle to the services and facilities available nearby would not be convenient or realistic ones, particularly after dark or during inclement weather. The bus service available from Little Easton is also infrequent. Future occupants of the proposed development would therefore be likely to be required to travel regularly by private motorised transport to access education, retail, employment and healthcare.
51. The Framework suggests that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. At the Hearing, the appellant referred to traffic data that filtered into the assessment of alternative uses for the Stables⁷. This confirmed that a greater number of vehicle movements would be created by the existing use of the Stables in comparison to the appeal scheme. Neither the Council, nor any other interested parties produced any substantive evidence through the application or appeal to dispute this position.
52. The proposal would therefore be likely to lead to a reduction in vehicular traffic from the site and thereby emissions associated with such travel. While there would be no means to ensure future occupants would be obliged to utilise them, the proposal would also include electric vehicle recharging points and cycle storage for all homes, both of which are deemed to be sustainable modes of transport by the Framework. The scale of the proposal could also not be said to be significant in the context of Paragraph 105 of the Framework.
53. With the above in mind, the proposal would be unlikely to increase the amount of unsustainable journeys made from this particular site. I therefore conclude that the appeal site would be accessible to services and facilities. Hence, the proposal would accord with paragraphs 79 and 105 of the Framework.

Other Matters

54. The Framework stresses the benefits of early engagement and of good quality pre-application discussion and the appellants submitted the proposal following advice received from the Council. There were also positive discussions between the Council's officers and the appellants during the application process, but I have considered the entirety of the proposal, as determined by the Council, afresh in light of the evidence before me.

Planning Balance

55. The Council cannot currently demonstrate a five-year supply of deliverable housing sites, as required by the Framework. In these circumstances the so-call tilted balance approach to decision making would normally be engaged

⁷ Assessment of Potential Re-Uses of Brook End Stables (Strutt & Parker, 19 November 2018).

but, given my findings in the third main issue, the conventional untilted planning balance applies.

56. The development plan for the area includes the ULP. While this predates the current Framework, it is clear that existing policies should not be considered out-of-date simply because they were adopted or made prior to its publication. Due weight should be given to policies according to their consistency with the Framework.
57. Despite the absence of a balancing exercise in relation to heritage harms in Policy ENV2, this policy is generally consistent with the heritage aims of the Framework, particularly the statutory duties of the Act reflected within it. Nevertheless, I only afford moderate weight to the conflict of the proposal with this policy given that it does not include any such balancing exercise.
58. Policy S7 refers to development outside of settlement boundaries. In isolation of other considerations, this would not be wholly aligned with the more flexible and balanced approach implicit in the objectives outlined in the Framework. However, this does not fundamentally undermine the continued relevance of such an approach, particularly as its aim is to protect or enhance the character of the countryside from development that does not need to be there. This differs only slightly from the aim in the Framework to recognise the intrinsic character and beauty of the countryside. There is therefore still a clear rationale for development boundaries in order to protect the countryside while focusing growth within designated settlements. In light of this I have regarded the underlying objectives of the policy, as being partially consistent with the current Framework.
59. The ULP is of some age and Policy H1 has time expired, as it only plans for development to 2011, the settlement boundaries in the District are therefore out of date. In order to meet current and future housing needs, the Council accepts that development will therefore have to take place beyond existing settlement boundaries, until such time as it has a new adopted local plan with redrawn boundaries and allocated sites. Policy S7 is therefore predicated on settlement boundaries that are out of date and I have referred to the acute shortage in the supply of housing in the District. With these points in mind, I afford limited weight to the conflict of the proposal with this policy.
60. For the above reasons, Policy H6 is also time expired, but it is generally otherwise consistent with the objectives of the Framework, particularly in relation to the rural economy. I therefore afford considerable weight to the conflict of the proposal with this policy.
61. The Statement of Common Ground outlines agreement between the main parties that the proposal would not be vulnerable to any flooding issues; there would not be any concerns with regard to access considerations or parking standards, or in respect of harm to protected and priority species. The proposed housing mix would also be compliant with the requirements of the ULP for two and three bedroom homes. These matters would therefore neither weigh in favour or against the appeal scheme. I have also found that the site would be accessible to services and facilities. In terms of harm, the proposed development would not comply with development plan policy in respect of its effect on the character and appearance and countryside setting of Brook End Stables, the setting of the Grade II listed Brookend Farmhouse, and the approach to housing in rural areas, regarding the protection of the countryside.

62. This leads me to an overall conclusion that the appeal scheme would not accord with the development plan, when considered as a whole, and I find that the adverse impacts of the proposal are matters of great weight against the grant of planning permission that outweigh the claimed benefits.

Conclusion

63. Due to my findings in the first main issue, no further action is required with regard to Appeal B. In terms of Appeal A, the proposed development would be contrary to the development plan and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Accordingly, for the reasons given, I conclude that Appeal A should not succeed.

Paul Thompson

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Miss Anjoli Foster	Counsel, Landmark Chambers
Mr Lee Melin	Director, Planning, Strutt and Parker
Mr Laurie Handcock	Director, Heritage, Icen Projects
Mr Ed Mansel Lewis	Director, Head of Diversification, Strutt and Parker
Mr Alex Naraian	Senior Associate Director, Head of Architecture, Strutt and Parker

FOR THE LOCAL PLANNING AUTHORITY:

Mr Clive Theobald	Senior Planning Officer, Development Management
Mr William Allwood	Team Leader, Development Management
Ms Paulette McAllister	Built Heritage Consultant, Place Services

DOCUMENTS SUBMITTED AT THE HEARING:

- Uttlesford District Council Local Heritage List (full document and relevant extract) and a letter from the appellants supporting the inclusion of the appeal building on the list.