



Appeal Decision

Site visit made on 31 January 2022

by John Felgate BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 14 February 2022

Appeal Ref: APP/C1570/W/21/3277289

Land off The Street, High Roding, Essex CM6 1NN

- 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 & Mrs Paul Reed against the decision of Uttlesford District Council.
 - The application Ref UTT/20/2759/OP, dated 6 October 2020, was refused by notice dated 21 December 2020.
 - The development proposed is "the erection of 5no. dwellinghouses including associated infrastructure, access and landscaping".
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of five dwellinghouses including associated infrastructure, access and landscaping, on land off The Street, High Roding, Essex CM6 1NN, in accordance with the terms of the application, Ref UTT/20/2759/OP, dated 6 October 2020, subject to the conditions set out in the attached schedule.

Preliminary matters

2. For the avoidance of doubt, the appeal site comprises about 0.35 of open land, lying between the dwellings 'Pennyfeathers' to the south and Apple Tree Cottage to the north. To the west it is bounded by The Street, and the eastern boundary runs from the corner of Pennyfeathers' rear garden to a point close to the large bend in Rands Road, to the rear of Apple Tree Cottage.
3. The appeal proposal seeks outline planning permission with all details reserved. An indicative layout plan and street elevations have been submitted, and I have treated these as illustrative.

Local planning context

4. It is agreed by both main parties that Uttlesford District does not have a 5-year supply of deliverable sites for housing development, as required by the National Planning Policy Framework (the NPPF).
5. In the Uttlesford Local Plan (the ULP), adopted in January 2005, the appeal site lies outside the defined development limits for High Roding. Development in such areas is contrary to ULP Policy S7, which seeks to protect the countryside for its own sake. In the present case the Council's refusal reasons do not rely on that policy, and there is no dispute between the parties on this matter. But nevertheless, in reaching my decision I have had regard to all those development plan policies that seem to me to be relevant, as well as all other material considerations.

Main issue

6. The Council's decision notice cites two reasons for refusal. The second of these, relating to access and highway safety, has since been withdrawn, in the light of further details and discussions with the Highway Authority.
7. The sole remaining issue between the parties concerns the effect of the proposed development on the settings of the High Roding Conservation Area, and of other nearby heritage assets.

Reasons for decision

High Roding Conservation Area

8. High Roding is a small, mainly linear village, originating in the 16th century as an agricultural settlement, based around the former Roman road now designated as the B184, and known as Dunmow Road or The Street. Many of the older buildings from the 16th and 17th centuries survive, albeit that many have been altered and adapted over the years, and it is from these that the present-day village derives its character.
9. The Conservation Area (CA) boundary is drawn to include the whole of the largely intact western side of The Street, and the rather smaller number of older buildings that remain on the eastern side, together with the scattered dwellings and farmsteads along Rands Road. In the present appeal, there is no dispute that the CA's significance relates to the historical and architectural interest of its older buildings, which illustrate the evolution of building methods and styles in the area over the last few centuries.
10. The appeal site is excluded from the CA itself, but lies within its setting, as part of the surrounding agricultural landscape of mainly large, arable fields. In general terms, the appeal parties both agree that this setting contributes to an understanding of the CA's history, and therefore to its significance as a heritage asset, and I also agree with this analysis. In this regard however, it is important in my view to note that it is the setting as a whole that makes this contribution, rather than any individual part of the setting.

Listed buildings

11. A large number of the older buildings in The Street are listed. Of these, the closest to the appeal site are Apple Tree Cottage, and Nos 1-3 The Street (formerly Rosemary Cottage), which are both Grade II. Both properties date originally from the 16th century, and although they have undergone substantial extensions and alterations over the course of time, both have retained much of their original fabric, and their attractive visual character.
12. From the information available, it seems to me that the significance of both Apple Tree Cottage and Nos 1-3 The Street lies in their historic and architectural interest, as attractive examples of the local vernacular building style, each with some notable individual features, while also being representative of the predominant building types found in the wider CA.
13. In both cases, the setting of these listed buildings is made up of the village fringe, which encompasses the outer edge of the settlement core, together with the more scattered development just beyond, and also the edges of the surrounding farmland, including the appeal site. Again I agree that this setting contributes, to some degree, to the buildings' significance. As before,

however, it is the setting as a whole that makes that contribution, rather than any single component. And in addition, it seems to me that in this case the contribution made by the setting is more limited, because there is no apparent evidence of any functional relationship between the buildings themselves and any land outside their own curtilages; consequently, whilst the setting plays a visual role, it does not directly aid the understanding of the heritage assets' historical or architectural significance.

Non-designated heritage assets

14. Opposite the appeal site is the locally-listed Roding Hall, a 2-storey, red-brick and slate-roofed building, with its associated cottages and group of outbuildings, said to date from the late 19th or early 20th centuries. Whilst the Hall's design and materials are perhaps representative of that era, they are untypical of this part of rural Essex, and thus the building has a somewhat jarring appearance in this context.
15. I note that the building's significance is said to derive from this relative rarity, but this seems to me a fairly limited attribute, especially in the case of a building which is neither particularly old nor attractive. There is no evidence before me as to any other historical or architectural interest in the building.
16. Having regard to all the information before me, it seems to me that the Hall's value as a heritage asset appears to be quite low. In the light of this finding, it is not necessary for me to consider the contribution of its setting.

The appeal site

17. The appeal site lies at the edge of the village, between the main part of the village to the south, and an area of looser development to the north. With Roding Hall and its cottages opposite, the site is effectively surrounded by residential development on three sides. As such, it appears as a gap in the village's otherwise largely continuous built-up frontage.
18. The site itself comprises an area of rough grass paddock, separated from the larger field behind by wire fencing. Part of the site is currently surfaced with hardcore and used for car parking; this use does not appear to be contested by the Council. The parking area is demarcated with wooden fencing and signage. Elsewhere on the site, at the time of my visit, various items of agricultural machinery were stationed. The site is otherwise featureless. In my view, there is little about the site's appearance that could be described as attractive, and some elements that are clearly unsightly or discordant.
19. Looking east from the site frontage, there are open views across the site itself and the adjoining field to the rear, but these extend only as far as the existing tree belt at a distance of about 200 - 300m. The rear field is again flat and largely featureless, its main characteristic being simply its openness. In this direction there are no more distant views, and no sense of any visual connection to the wider landscape or countryside on this eastern side of the village.
20. Overall therefore, on balance, it seems to me that the appeal site's visual contribution to the area's character and appearance, in its existing condition, is no more than neutral.

The proposed development

21. The proposed development would introduce five dwellings, with associated parking, turning areas and gardens. Such development would alter the site's character, making it appear as part of the built-up area of the village. To this extent, the scheme would result in a change to this part of the setting of the CA, and that of the nearby listed buildings.
22. However, I see no reason why that change should be damaging. Although the submitted plans are illustrative, they demonstrate one way in which the site could be developed, with two pairs of semi-detached dwellings and one detached house, aligned to face The Street. In my view a layout of this nature would conform with High Roding's prevailing linear character. The single shared access required for highway purposes would not unduly detract from this aspect. The varied spacing of the buildings as shown would be broadly consistent with the existing development pattern, and would also allow glimpses through to the field behind. The elevational treatment and massing suggested appear to me well considered, and again generally compatible with the style of both the original and newer existing developments in the vicinity. But in any event, none of these details are for determination now, and it would be open to the Council to seek other alternatives.
23. Consequently, there seems no reason to doubt that a high-quality scheme, in keeping with the character of the village, could be achieved on the site. Having regard to the site's present merely neutral contribution to its surroundings, I consider that it would be eminently possible, within the terms of the permission now sought, to secure a net visual enhancement of the site, resulting in a positive contribution to the area's distinctiveness. In so far as the visual component of the settings of the relevant heritage assets is concerned therefore, I am satisfied that those settings would be preserved or enhanced.
24. The development would result in a loss of openness in this part of the village, and thus a reduction in the extent of the village's functional agricultural hinterland, which in the case of the CA is another aspect of that heritage asset's setting. But in this respect the appeal site is only a minor element, and the vast majority of the agricultural hinterland would remain. The settlement's existing character, as a historic farming community surrounded by arable fields, would therefore not be materially affected, and the functional element of the CA's setting would thus be preserved. For the reasons already explained, I do not find this functional element to be important to the settings of Apple Tree Cottage or 1-3 The Street, nor have I found the setting of the non-designated Roding Hall to be relevant to my decision.

Conclusion with regard to effects on heritage assets

25. In reaching my conclusion on this issue, I have had full regard to the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990, with regard to the desirability of preserving or enhancing the character or appearance of CAs, and preserving listed buildings and their settings. I have also borne in mind the NPPF's advice that great weight should be given to the conservation of heritage assets, and that any harm to, or loss of significance of designated assets requires clear and convincing justification.
26. However, for the reasons set out above, I conclude that the development now proposed would cause no material harm to the settings of any of the identified

heritage assets, and therefore no harm to their significance. The two listed buildings in question, and their settings, and the character and appearance of the High Roding CA, would thus all be preserved.

27. In the light of this conclusion, I also find no conflict with the aims of either of Policies ENV 1 or ENV2 of the ULP, which seek to protect CAs and listed buildings respectively.

Planning balance

28. As noted earlier, the proposed development would conflict with ULP Policy S7, because of its location outside the village boundary. However, in the light of the accepted shortfall against the 5-year housing land requirement, and having regard to NPPF Footnote 7, that policy is now out of date. Accordingly, it seems to me that it can carry only limited weight in this case.
29. For the reasons already explained, I have found that the development would cause no harm to the settings of any heritage assets. On this issue therefore, there would be no conflict with development plan policies, nor do any relevant NPPF policies provide a clear reason for refusal. The 'tilted balance' provisions of NPPF paragraph 11(d)(ii) are therefore engaged.
30. The development would provide five new dwellings in a District with an unmet need for deliverable sites. It would also boost the local economy and help to support the vitality of the local community in High Roding itself and other nearby villages. In the absence of any substantiated harm these benefits are not significantly or demonstrably outweighed; indeed, the reverse applies.
31. I conclude that the conflict with Policy S7 is outweighed by the combined weight of the other material considerations set out above. Planning permission should therefore be granted.

Conditions

32. I have considered the draft conditions submitted by the Council, having regard to the relevant advice in NPPF paragraph 56. Where necessary, I have edited the conditions that I intend to impose, in the interests of concision and clarity, and to avoid excessive prescriptiveness.
33. I agree that requirements relating to visibility splays and drainage are necessary, and I have combined these into a single condition which also secures the provision of a satisfactory access. A separate condition is needed to secure the closure of any redundant parts of the existing access. Both of these are needed for reasons of highway safety. I also agree that requirements relating to the protection of wildlife, and related enhancement measures, are reasonable, and I have combined these into a single condition. A further condition to control lighting is also justified, to avoid harmful impacts on the site's ecology. These latter two conditions are necessary in the interests of promoting biodiversity. A requirement for an archaeological investigation and recording is needed, to minimise damage to potentially important remains or other archaeological evidence.
34. Separate conditions relating to the width and surfacing of the access road, and the design of any gates, are unnecessary, as these elements can be controlled through the approval of the reserved matters. A requirement to reconstruct the existing highway footway has not been justified, and in my view would be

unduly onerous for the scale of the development. A requirement for a travel information pack, with bus vouchers, seems to me to exceed what is reasonably necessary to comply with ULP Policy GEN1; and in any event there is no evidence that such a measure would be effective in this location. A construction management plan seems unnecessary, given that the site has ample space for all construction-related parking, loading and storage, and in any event, other powers are available to prevent such activities spilling over onto the highway.

Conclusion

35. I have found that no harm would be caused to the settings or significance of any heritage assets, and in this respect no conflict would arise with development plan policies.
36. Whilst the proposed development would conflict with ULP Policy S7, due to being outside the village boundary, that conflict is outweighed by the scheme's benefits, including the benefit of providing housing in a District where the 5-year supply is lacking.
37. I have taken account of all the other matters raised, but none changes or outweighs my conclusions on these matters.
38. The appeal therefore succeeds, and outline permission is granted subject to the conditions set out in the attached schedule.

J Felgate

INSPECTOR

SCHEDULE OF CONDITIONS

The planning permission to which this decision relates is granted subject to the following conditions:

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") of the development shall be submitted to the local planning authority, and approved in writing, before any development takes place, and the development shall be carried out as thus approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development shall be commenced not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) No dwelling within the development shall be occupied until a vehicular access has been formed, in accordance with the details to be approved under Condition 1. These access details shall include details of visibility splays of 2.4m x 43m in both directions, and shall also provide for measures to avoid the discharge of surface water onto the highway. Thereafter, the access shall be retained in its approved form, and the visibility splays shall be kept free from obstruction at all times.
- 5) No dwelling within the development shall be occupied until any part of the existing site access which becomes redundant has been permanently closed, in accordance with details to be submitted to the local planning authority, and approved in writing.
- 6) No development, site preparation or groundworks shall take place until a biodiversity scheme has been submitted to the local planning authority, and approved in writing. The scheme shall be based on a detailed ecological impact assessment, and shall incorporate a range of habitat enhancement measures based on the recommendations contained in sections 6.2 and 6.3 of the preliminary ecological appraisal report by Castle Hill Ecology, dated October 2020. Thereafter, the development shall be carried out in accordance with the biodiversity scheme. No dwelling shall be occupied until the scheme has been implemented in full, and the enhancement measures forming part of the scheme shall be retained for the life of the development.
- 7) No external lighting shall be installed within the public or communal areas of the development, except in accordance with a lighting scheme to be submitted to the local planning authority and approved in writing.
- 8) No development, site preparation or groundworks shall take place until a programme of archaeological investigations has been secured, in accordance with a detailed scheme to be submitted to the local planning authority and approved in writing. The scheme shall include proposals for site assessment, field investigation, post-investigation analysis, reporting and publication or deposition, together with a timetable for each of these stages. Thereafter, the scheme shall be implemented in accordance with the details thus approved.

[END]