
Appeal Decision

Site visit made on 22 February 2022

by David Spencer BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9 March 2022

Appeal Ref: APP/C1570/W/21/3277585

Coach and Horses, Cambridge Road, Newport, Saffron Walden CB11 3TR

- 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 Cordage 9 Ltd against the decision of Uttlesford District Council.
 - The application Ref UTT/20/3370/FUL, dated 15 December 2020, was refused by notice dated 27 May 2021.
 - The development proposed is erection of 5 detached dwellings (C3) on land to the rear of the existing public house (Sui generis) utilising existing access off Cambridge Road, reconfiguration of public house car park, with associated hard and soft landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan for this appeal comprises of the adopted Uttlesford Local Plan 2005 (*the ULP*) and the Newport, Quendon and Rickling Neighbourhood Plan (*the NQRNP*). The latter plan was made on 28 June 2021, after the Local Planning Authority (LPA) issued its decision. The LPA, at a relatively late stage of the appeal confirmed those policies of the NQRNP it considers applicable, and Newport Parish Council has made detailed submissions on the NQRNP, amongst other things. The appellant has been given appropriate opportunity to comment on the NQRNP. I am therefore satisfied that no one would be prejudiced by my consideration of the appeal proposal against the relevant policies of the NQRNP.

Main Issues

3. The main issues in the appeal are as follows:
 - (i) the effect of the proposal on the setting of the Coach and Horses, a Grade II listed building;
 - (ii) the effect on the character and appearance of the locality; and
 - (iii) whether the proposed development would provide acceptable living conditions for future occupiers with regard to privacy and the effect of the proposed dwellings on the living conditions of the occupiers of Nos. 2 and 4 Granta Mead Close with particular reference to privacy.

Reasons

Heritage

4. The appeal site is located to north and east of the Coach and Horses public house, a Grade II listed building. The site comprises open land between the rear elevation of the listed building and the shallow valley floor of the River Cam (Granta) watercourse to the east. On the other side of the river is the wooded edge to the former Shortgrove Park, with filtered views to countryside on rising land on the opposite side of the valley.
5. The appeal site is visible in views from within Cambridge Road including between the Coach and Horses public house and an ancillary barn building to the north (which has planning permission to be converted to a dwelling) and in views further to north close to the entrance of Granta Mead Close. The National Planning Policy Framework (NPPF) defines 'setting of a heritage asset' as the surroundings in which a heritage asset is experienced. The appeal site, which may be beyond any immediate curtilage, clearly forms part of the setting in which the Coach and Horses building is experienced.
6. In terms of the heritage significance of the Coach and Horses this is a prominent building on the main Cambridge Road. The building is principally of Sixteenth Century origin comprising mainly of a substantial two storey timber framed element under a plain tiled roof, orientated to form a strong linear frontage to the highway. The first floor element fronting onto the main highway is uniformly jettied providing a strong feature in the street scene. The rear elevation of the building is more muddled, comprising of later, albeit subserviently scaled, additions. The evidence before me indicates that the building has been used as an Inn for some time, reflecting its conspicuous position adjacent to a main highway, at what would have been the northern approach into Newport. Land to the rear of the Coach and Horses appears to have always been open although not always within the immediate curtilage of the building. Nonetheless, this openness affirms in my mind that the building, including in its function as a highway hostelry, would have been conceived as a individual, largely rural, peripheral building. Accordingly, I find the heritage significance of the listed building to be both the intactness of its architectural qualities as a late Sixteenth Century timber framed building and its historic function as a stand-alone hostelry /coaching inn at the rural edge of Newport.
7. Whilst historic mapping shows a curtilage boundary close to the rear of the listed building, which appears to broadly correlate with the existing immediate enclosure to the rear of the pub, the openness of the appeal site extends close to the rear of the Coach and Horses building. Modern temporary security fencing has been erected to demarcate the appeal site but the clear relationship between the listed building and this parcel of open land extending down to the river and the original Shortgrove Park beyond remains discernible. The appellant's Heritage Statement acknowledges, and representations have been made, that the appeal site has, within living memory, been used for community activities requiring open land, including linked to the use of the pub. Furthermore, the openness of the appeal site is characteristic of the original largely rural setting of the building (exemplified by the curtilage listed barn building to the north of the pub). Accordingly, I cannot share the appellant's assessment that the appeal site makes only a low/medium contribution to the historical significance of the Coach and Horses building.

8. The appeal proposal would retain approximately half of the appeal site as open land immediately to the east and rear of the listed building. However, a significant proportion of the appeal site would be developed resulting in a tangible erosion of the sense of openness that makes an important, visible and positive contribution to the setting of the listed building. This openness also provides important visual relief between the pub building and nearby modern dwellings at Granta Mead Close. The concentration of development into the northern half of the appeal site would significantly encroach and visually compete with how the Coach and Horses building is experienced from the main highway, as an individual building seen against a backdrop of largely uninterrupted views through to the Cam valley and peripheral parkland beyond.
9. The appeal proposal would involve arranging the five houses in two closely arranged terraced blocks to the north-east of the listed building. The dwellings would be separated from the pub building by the proposed access road, which would utilise an existing gap used by vehicles between the pub and a barn outbuilding to the north of the pub. However, the degree of separation would be modest and largely interrupted by the intervening layout of the proposed vehicle parking for the dwellings and the pub. Whilst the dwellings have been designed to reflect a modest, one and a half storey vernacular cottage scale and appearance (as seen in nearby Bridge End), they would still nonetheless represent a dense cluster of backland development at odds with the prevailing pattern of development, detracting from the aesthetic and architectural value of the Coach and Horses building.
10. The proposed dwellings would be conspicuous from within views from Cambridge Road, including the view between the Coach and Horses and the ancillary barn. Whilst a degree of visual link from the road to the parkland landscape beyond would be retained, it would be very modest and significantly narrowed by the layout of the housing, notably plots 4 and 5 which have been positioned at an angle to avoid further harm to the amenities of neighbouring dwellings. In this view in particular, the historic relationship of the Coach and Horses as an individual, historic hostelry in a semi-rural setting, including to rolling parkland beyond, would be appreciably and permanently reduced due to the position, scale and proximate urbanising effects of the proposed housing.
11. The appellant asserts that there would be some heritage benefits including removing car parking to the front of the building to a formalised parking area to the rear of the building. In my assessment, this would result in a combined effect of both pub patron parking and appeal proposal parking significantly eroding the openness and semi-rural setting that the appeal site currently provides to the Coach and Horses building. The retention of an open area to the rear of the pub is also cited as a heritage benefit but the site is currently open and beyond identified development limits such that this element can be considered no more than neutral in any heritage balance.
12. As part of their final comments on the appeal, the appellant submitted evidence of pre-application advice on an alternative scheme at the appeal site, which has elicited a more favourable informal response from Essex County Council's (ECC) Built Heritage Consultant. From the plan provided, the scheme is materially different (position of the dwellings and layout of parking) to this appeal proposal, which limits the applicability of this late evidence. In any event, the Planning Inspectorate's Procedural Guidance on Appeals clearly states at Appendix D1 that no new evidence is allowed when appellants are

making final comments on the LPAs statement of case. Accordingly, I have not taken this late evidence into account.

13. I therefore conclude that the proposal would have a significantly harmful effect on the setting of the Coach and Horses, a Grade II listed building. Whilst it would not harm the architectural fabric of the building, it would detrimentally disrupt how the building is experienced, harming its heritage significance as a detached, hostelry conceived to be experienced at the rural periphery of Newport. As the appeal proposal would fail to preserve the setting of the listed building it would be contrary to ULP Policy ENV2 which requires that development should be in keeping with its scale, character and surroundings. It would also conflict with the objective of the NPPF to conserve heritage assets in a manner appropriate to their significance.
14. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to pay special regard to the desirability of preserving a listed building or its setting. This is a stern test and as such it is incumbent that I attach considerable importance and weight to the harm that has been identified. This is reflected at paragraph 199 of the NPPF. The harm to the setting of the listed buildings would be less than substantial and therefore paragraph 202 of the NPPF expects such harm to be weighed against the public benefits.
15. The appeal proposal would provide five additional residential properties in a sustainable location. This is in the context of a significant shortfall in required housing delivery in Uttlesford. However, in the grand scheme of things, five dwellings would make only a very limited contribution towards meeting the scale of the shortfall, thus comprising only a modest social benefit in my view. In coming to this weighting, I recognise it is different to the significant benefit ascribed by my colleague in the previous appeal decision¹, but this is a matter of judgement and in my assessment five dwellings, as a proportion of the total shortfall, can only make a small, limited contribution or benefit. There would also be limited economic benefits during the construction phase. This level of public benefit identified would not be sufficient to outweigh the harm to heritage asset, which the NPPF identifies are an irreplaceable resource.

Character and Appearance

16. The pattern of development along Cambridge Road and into Bridge End at the appeal location is generally linear, at a depth of one plot, fronting onto the highway. There are relatively few exceptions to this, which is perhaps understandable given the historic pattern of development in this part of Newport, including at the Coach and Horses site, has been to avoid lower lying land adjacent to the River Cam (Granta). Accordingly, the settlement boundary for Newport as identified on the ULP Policies Map and the 'Development Limits' identified in the NQRNP appropriately reflect the general openness and absence of development on land behind the established pattern of buildings in this part of Newport.
17. The exception to this pattern of development is the depth and layout of Granta Mead close, a relatively recent housing estate development, immediately to the north of the appeal site. The ULP inset map for Newport clearly shows some

¹ APP/C1570/W/20/3262290, paragraph 18

form of previous development² on this site (albeit largely outside of the settlement boundary). I have very little information on the circumstances that allowed for Granta Mead Close but as an exception its form and depth should not set the pattern for future development in this part of Newport.

18. The appeal proposal would consolidate the anomalous depth of development at Granta Mead Close and erode remaining intervisibility from within Cambridge Road to the openness provided by the verdant shallow valley of the River Cam and remnant parkland landscape at this edge of Newport. Notwithstanding the setback position of the proposed dwellings and the intervening residential barn conversion adjacent to the Coach and Horses, the harmful impact on the character and appearance on this part of Newport would be highly visible from within Cambridge Road at the viewpoints described in the first main issue.
19. I therefore conclude the appeal proposal would significantly harm the character and appearance of the locality. The harm identified would be contrary to ULP Policies GEN2 and H4. Moreover, the proposal, by virtue of being outside the development limits identified in the recently made NQRNP, the proposal would be contrary to Policy NQRHA1 which seeks to carefully manage new development beyond the identified limits. The appeal proposal would not constitute one of the exceptions identified in Policy NQRHA1. Given the existing pattern of development it would not represent small-scale infill within an existing cluster of development. I also agree with the Parish Council that the proposal would be contrary to Policies NQRHA2 and NQRHA3 in that it would unacceptably impinge on a rare visual connection to the countryside in this part of Newport and would not reflect or enhance the historic settlement pattern. It would also conflict with Policy NQRHD2 on housing design by failing to relate well to its surroundings, making a positive contribution to the distinctive character of the village and maintaining visual connections with the countryside. On this main issue I also find the appeal proposal would not accord with national planning policy objective of achieving well-designed places, including at NPPF paragraphs 126 and 130 a), b), c) and d).

Living Conditions

20. By positioning the proposed dwellings towards the northern boundary of the site the result would be a close relationship to existing houses on Granta Mead Close, particularly Nos. 2 and 4 and to a lesser degree No.6. The existing dwellings at Nos. 2 and 4 Granta Mead Close are positioned particularly close to this boundary.
21. Due to the layout and proximity of the proposed dwellings to the boundary of the site with Granta Mead Close, proposed first floor windows to bedroom accommodation and landings would directly overlook the private rear gardens of Nos. 2 and 4 Granta Mead Close. This would be at angle across and above the tall timber fence boundary. Consequently, there would be a significant and harmful loss of privacy to these quiet, modest garden areas and an uncomfortably oppressive perception of being overlooked at close quarters.
22. Respectively, there are first and second floor openings on Nos.2, 4 and 6 Granta Mead Close which would overlook the proposed rear private gardens of the appeal development with similarly harmful consequences for the enjoyment and usability of these spaces for future occupiers of the appeal proposal. I am

² Described as the "extensive Carnation Nursery complex" in the Appellant's Heritage Statement

especially concerned about the direct overlooking from the second floor gable end window of No.2 down into the proposed garden areas and the close intervisibility from this opening to bedroom windows in proposed plots 1-3. I recognise that in seeking to secure an efficient use of land in a sustainable location may require some flexibility on density, layout and living conditions. However, by seeking to focus the proposed houses into the north-east corner of the site, away from the listed building, the appeal proposal would result in an uncomfortable, and ultimately unacceptable, proximity to existing housing on Granta Mead Close.

23. I therefore conclude that the proposed development would result in significant harm to the living conditions of the occupiers of Nos. 2 and 4 Granta Mead Close with particular reference to privacy and would also fail to provide acceptable living conditions for future occupiers of the proposed plots 1-3 with regard to privacy. The appeal proposal would be contrary to ULP Policies GEN2 and H4 which seek to avoid developments that would have a materially adverse effect on the reasonable occupation and enjoyment of a residential property, including as a result of a loss of privacy. Furthermore, it would fail to accord with the NPPF at paragraph 130(f) which seeks as part of achieving well-designed places, a high standard of amenity for existing and future users.

Balancing and Conclusion

24. There is no dispute that the LPA cannot demonstrate the requisite supply of five years' worth of deliverable housing land. The LPA asserts the figure was 3.52 years as of April 2021 and I have no compelling reason to disagree. This is a considerable shortfall. Consequently paragraph 11(d) of the NPPF is relevant given that relevant policies of the ULP most important for housing proposals are out-of-date. That said, the tilted balance in favour of granting planning permission at paragraph 11 d) is disengaged in this case by part i) to paragraph 11 d) and footnote 7 given the identified heritage harm, which has not been outweighed by public benefits, provides a clear reason for refusing development.
25. Moreover, even were I to have reached a different conclusion on the impact to the setting of the listed building, I have also had regard to paragraphs 12 and 14 of the NPPF. Paragraph 12 advises that any tilted balance does not unseat the statutory status of the development plan as the starting point for decision-making. In respect of the impacts on character and appearance and living conditions (privacy) I find the policy framework in the ULP to be broadly consistent with the NPPF and therefore should carry significant weight in decision-making. The harms identified in main issues 2 and 3 of this decision would be significant and demonstrably sufficient to outweigh the modest social and economic benefits of the proposed housing.
26. Fundamentally, in the context of NPPF paragraph 14 the neighbourhood plan is less than 2 years old and contains policies and allocations³ to meet its housing requirement. Uttlesford is an authority where there is at least a 3 year supply and housing delivery has amounted to at least 45% of that required over the previous 3 years. As such the harm arising from the conflict with the development plan policies in the NQRNP attracts substantial weight. The benefits of the appeal proposal would not outweigh the significant and demonstrable harm arising from the conflict with the neighbourhood plan. This

³ Policy NQRHA4

harm would include the undermining of community effort and confidence in getting such plans into place to appropriately manage change and development within their area. This has included identifying development limits in Newport to provide valuable certainty to both developers and the community.

27. Overall, there are not the material considerations in this case to support a decision contrary to the development plan, including the recently made NQRNP. The appeal proposal would not amount to sustainable development, for which there is a presumption in favour of.
28. I have taken into account all other matters raised, including an absence of harm to the setting of the Conservation Area and registered park and garden established in the previous appeal decision⁴ and the appellant's submission that the appeal proposal would support the viability of the pub business, but nothing leads me to conclude other than the appeal be dismissed, on the main issues, for the reasons given.

David Spencer

Inspector.

⁴ APP/C1570/W/20/3262290, paragraph 10