
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: 10th March 2022

Appeal Ref: APP/C1570/W/21/3279793

Quendon White House, Cambridge Road, Quendon CB11 3XJ

- 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 D White against the decision of Uttlesford District Council.
 - The application Ref UTT/20/3120/FUL, dated 30 November 2020, was refused by notice dated 16 May 2021.
 - The development proposed is erection of one dwelling and associated development.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Local Planning Authority's (LPA) decision notice contained two reasons for refusal related to the lack of a legal mechanism to rescind an extant planning consent at the appeal site. During the appeal the appellant submitted a Unilateral Undertaking (UU) to this effect, upon which the LPA has commented. Accordingly, I have taken the UU into account and deal with its provisions in the decision below.
3. As set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration. For the purposes of this appeal the development plan comprises the Uttlesford Local Plan 2005 (ULP). Following the LPA's decision, the Newport, Quendon and Rickling Neighbourhood Plan (NQRNP) was 'made' on 28 June 2021. I am satisfied all parties have had sufficient opportunity to comment on the NQRNP, which is now part of the development plan.
4. In terms of decision-making, the LPA accepts that it cannot demonstrate a required five-year supply of deliverable housing land and puts the figure at 3.52 years as of April 2021. The appellant submits that the figure is lower at 3.11 years. On either measure, there is a substantial unmet housing need, but as set out at NPPF paragraph 12, this does not change the statutory status of the development plan as the starting point for decision-making.

Main Issues

5. The main issues in this appeal are firstly, the effect of the proposal on the setting of Quendon White House, a Grade II listed building, and secondly, the effect of the proposed dwelling on the character and appearance of the

Quendon and Rickling Conservation Area and on this part of Quendon more generally.

Reasons

Quendon White House

6. The appeal site comprises garden land to the rear (north/north-west) of Quendon White House. Whether the appeal site has been within the established curtilage of Quendon White House is debatable but applying the NPPF definition of 'setting', the appeal site clearly forms part of the surroundings within which the Grade II listed building is experienced.
7. Quendon White House is a substantial two storey timber framed building of principally mid to late Sixteenth Century origins. It has been altered including refacing in brick in the Eighteenth or Nineteenth Century and a sizeable Twentieth Century extension to form a rear wing to the north-west of the original building. Nonetheless, its extensive and prominent linear form fronting onto the former Cambridge to London main road remains discernible. This linear relationship to the highway is echoed in the distribution and orientation of other historic buildings in this part of Quendon. There is negligible development either behind or directly opposite the building reaffirming its rural origins. The property was converted into a dwelling in the late 1990s but echoes of its former function as a roadside Inn remain. Accordingly, the heritage significance of Quendon White House is its architectural and aesthetic value and its former function as a rural Inn serving the historic Cambridge to London highway in this part of rural Essex.
8. The appeal site is situated on higher land to the rear of Quendon White House. It would comprise of a single storey dwelling largely orientated in an 'L' shape such that when viewed from Cambridge Road through the gap between the southern side of Quendon White House and the nearby Aster House it would conspicuously introduce development at depth. The sense of openness and rurality immediately to the rear of the listed building would be appreciably eroded. Due to its elevated position the proposed dwelling would visually compete with, and detract from, the clear linear arrangement and stand-alone nature of the listed building. I note from historic 1897 mapping that a small 'L' shape cluster of buildings were positioned to the rear of Quendon White House, but closer to it and on slightly lower land than the appeal proposal. There are few details of these buildings but the appellant's historic aerial photo¹ shows a simple, modest utilitarian outbuilding on part of this historic 'L' arrangement. The appeal proposal due to its set-back location, elevation, character and appearance would be materially different. It would be visually introduce modern residential development into the rural backdrop to the listed building. Accordingly, the appeal proposal would not preserve the setting of the listed building with attendant harm to its heritage significance.
9. The appellant submits that an extant historic planning permission (UTT/1105/82/LB/CA) is a material consideration in that its implementation would be of a potentially greater harm to the heritage significance of Quendon White House compared to the appeal proposal. To this end, the submitted UU (signed and dated 11 January 2022) would provide that beyond the cellar works already implemented under this consent no further development would

¹ Appellant Statement of Case, Appendix 3

be carried out pursuant to this previous permission. Whilst I have some reservations regarding the ability to implement what is now a near 40 years old planning permission, I nonetheless accept the appellant's evidence² that it remains extant and in theory capable of being completed on the basis of the approved plans. In examining the UU I am satisfied that it would annul the extant permission and suitably covenant this obligation in the event of any transfer of ownership.

10. In terms of the impact of the impact of the 1983 permission I share the assessment of Essex County Council's (ECCs) Historic Environment Team that it would result in harm to the listed building. It would substantially consolidate the form of the building, diminishing its linear form and significantly altering its rear and flank elevations, creating a building of a different scale and massing. This would be highly apparent from within Cambridge Road, when approaching the building from the south. Accordingly, the provisions of the UU would bring heritage benefits that would offset and neutralise the harm identified by the appeal proposal to the setting of the listed building. As such the provisions in the UU would meet the necessary tests for planning obligations set out at paragraph 57 of the NPPF.
11. On this basis, I conclude that, on balance, the appeal proposal when taken as a whole, including the provisions in the UU, would preserve the setting of the listed building. On this basis there would be no conflict with ULP Policy ENV2. In respect of the setting of the listed building, the proposal, would on balance, accord with the NPPF paragraphs 197 and 199 in terms of conserving assets appropriate to their significance.

Character and Appearance of the Quendon and Rickling Conservation Area and the locality more generally

12. There is a clear and strong linear pattern to development in Quendon, which has evolved alongside and in close proximity to the historic main road in this part of the parish. In this part of the Quendon and Rickling Conservation Area (QRCA) the linear pattern of development follows the route of the road as it traverses the bottom of a shallow fold within the gently undulating countryside. Consequently, development rarely extends back from the highway onto the higher land, with much of this sloping land remaining as an intimate, green patchwork of small fields and parcels of garden land. On the limited occasions where development does extend back from the highway, this relates only to long-established buildings including the parish church and sizeable, grander dwellings, generally set within landscaped grounds (Rickling House, Quendon Court, Hill House and Orchard House). The verdant, spacious setting of these dwellings, set back from the highway with little or no intervening development, is part of the prevailing rural settlement character in this part of the QRCA.
13. In contrast to this historic pattern of development, the appeal proposal would introduce a conspicuously positioned modern dwelling on elevated land within one of the pockets of undeveloped land which characterise this part of the QRCA. Due to intervening land to the south it would not be well-related to Orchard House. Additionally, it would not be of comparable historical status or within a spacious setting as found with the occasional larger established dwellings described above. The proposed dwelling, notwithstanding its set back position and single storey scale and massing, would appear from within

² Uttlesford District Correspondence dated 23 June 1999

Cambridge Road as an incongruously positioned dwelling, palpably at odds with the distinctive and historic linear pattern of development. Furthermore, it would erode the prevailing verdant character and rural setting, as the land gently slopes up from the arrangement of settlement along the highway.

14. The LPAs first reason for refusal states that harm to the QRCA could be avoided through a mechanism to revoke the extant 1983 planning permission. Whilst I have found that to be the case in terms of the setting of the listed building the same does not apply in terms of the wider conservation area. In coming to this view the harmful consolidation of Quendon White House as a result of the extant permission does not necessarily translate or broaden into harm to the heritage significance of the QRCA. The extant permission would not harm the linear settlement pattern or erode the verdant qualities of the intimate patchwork of undeveloped countryside and garden land either side of the shallow valley containing the historic highway and the long-established linear arrangement of settlement along it. The submitted UU would not effectively mitigate the harm from the appeal proposal in terms of the incongruous jarring with the distinctive pattern of development and the visible diminution of the rural setting, both of which are key components of the heritage significance of the QRCA.
15. In addition to the harm to the appearance of the QRCA, it is important to identify that the appeal site is well beyond the development limits for Quendon and Rickling set out in the recent NQRNP. This establishes the appeal location in development plan terms as countryside where new development proposals are to be carefully managed. As the proposed dwelling would not comprise a logical infilling within a cluster of development it would not form one of the exceptions for which NRQNP policy allows for. The appeal proposal would harm the coherence of historic settlement pattern in this part of Quendon.
16. I therefore conclude that the appeal proposal, when taken as a whole including the provisions contained in the submitted UU, would not enhance the appearance of the QRCA. Consequently, the proposal would be contrary to ULP Policy ENV1. Section 72(1) of the Act³ requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. 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, recognising that heritage assets are an irreplaceable resource. In considering the potential impacts the harm identified would be less than substantial in the terms at NPPF paragraph 202 and so should be weighed against any public benefits. I deal with the required heritage balance in the overall concluding section below.
17. More widely, but for similar reasons of harm to the established pattern of settlement and for its countryside location, the appeal proposal would not be a suitable location for a new dwelling and would fail to appropriately respond to its local context. It would be contrary to ULP Policies S7 and GEN2 which seek to protect the countryside from inappropriate development and to ensure that development by reason of its siting, design and layout is compatible with its surroundings. It would also be contrary to NQRNP Policies NQRHA1, NQRHA3 and NQRHD2. It would be located well beyond the more up-to-date development limits identified in the NQRNP and would not comprise of a type or

³ Planning (Listed Buildings and Conservation Areas) Act 1990

form of residential development allowed for in the countryside. Moreover, it would fail to relate well to its surroundings, make a positive contribution towards the distinctive character of the village, be appropriate to the historic context (the QRCA) and historic settlement pattern or contribute to local character by creating a sense of place appropriate to its location. In wider character and appearance terms, the proposal would not accord with NPPF objectives to achieve well-designed places, notably at paragraph 130 a), c) and d).

Other Matters

18. I note that there has been a protracted timeline to developing the appeal proposal and significant engagement with the LPA and ECC Historic Environment Team (summarised at paragraph 2.4 of the appellant's statement of case). I recognise the appellant may have had some encouragement from the pre-application advice, but the LPA has provided cogent reasons for its decision. These reasons have withheld independent scrutiny as part of this appeal and have only been partially addressed by the submitted UU.

Balances and Conclusion

19. As set out above, I have found no harm to the setting of listed building subject to the provisions contained within the UU. On the issue of the wider QRCA I have found there would be harm to its heritage significance because rescinding the extant permission would not have a similar benefit in relation to preserving the appearance of the QRCA in my view. The residual harm to the QRCA would be less than substantial in the terms set out at paragraph 202 of the NPPF. I find the degree of heritage harm would not be outweighed by the public benefits including the modest social benefit of one dwelling to meet the identified housing shortfall in a questionably sustainable location, the negligible benefit of re-developing rurally located garden land as 'previously-developed land' and the limited economic benefits during its construction.
20. As the LPA cannot demonstrate a required supply of deliverable housing land, paragraph 11 d) of the NPPF is relevant. However, the heritage harm identified provides a clear reason for refusing the development proposed as set out in part i. to paragraph 11d) and footnote 7. As such the tilted balance is disengaged. In addition to the heritage harm, the appeal proposal would conflict with development plan policies by virtue of its location, both in terms of character and appearance and being located beyond identified development limits in the countryside where new housing development is to be carefully controlled. I recognise the weight to be given to the ULP Policy S7 is diminished by the housing land supply situation⁴, however the design objectives in ULP Policy GEN2 remain broadly consistent with the NPPF and so the harm arising from the conflict with this policy attracts significant weight. Moreover, the recently made NQRNP policies are up-to-date and are to be given full weight. The conflict with the very recently made neighbourhood plan, notwithstanding the need in Uttlesford for additional housing, would result in a significant and demonstrable harm, including undermining local community confidence in the effort and value of neighbourhood planning.
21. I have taken into account the benefit of annulling the implementation of the extant planning permission, but this is not a material consideration sufficient,

⁴ Noting the Elsenham appeal decision provided by the appellant (APP/C1570/W/19/3242550)

on its own, or in combination with the other modest benefits of the appeal proposal, to indicate a decision other than in accordance with the development plan. For the reasons given above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

David Spencer

Inspector.