
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: 14th March 2022

Appeal Ref: APP/C1570/W/21/3284229

Land at Roothers Farm, Debden Green, Saffron Walden CB11 3LX

- 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 Lee Kirtland of S & L Plant against the decision of Uttlesford District Council.
 - The application Ref UT/21/2283/OP, dated 9 July 2021, was refused by notice dated 7 September 2021.
 - The development proposed is 2no dwellings (Class C3), parking, landscaping and all associated development.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Lee Kirtland of S & L Plant against Uttlesford District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. Notwithstanding the description of what was applied for, the planning application was submitted in outline with all matters reserved. Nonetheless, the appellant has provided an illustrative layout plan and the appellant's Design and Access Statement contains a 'Landscape Strategy', which has been assessed as part of the appellant's Landscape and Visual Appraisal (LVA). I have taken these into account, as they were similarly before the Local Planning Authority (LPA) when it made its decision. That said, it is fully recognised that detailed matters of design, layout, landscaping and access arrangements would be reserved for later consideration.
4. There is no dispute that the LPA cannot demonstrate a five year supply of deliverable housing land and as such paragraph 11 d) of the National Planning Policy Framework (NPPF) is relevant. There is common ground that the deliverable supply as of April 2020 is 3.11 years, which represents a very significant shortfall in meeting the identified housing need. I return to this in the final part of this decision.

Main Issues

5. The main issues in this appeal are the effect of the proposed dwellings on the character and appearance of the surrounding area and the effect on the setting of Roother's Farmhouse, a grade II listed building.

Reasons

Character and Appearance

6. The appeal site is located in open countryside between a small settlement in Debden Green to the east, close to the cross-roads on the Debden to Thaxted road, and a smaller satellite cluster of housing and farmsteads further to the west on Henham Road focused on the corner junction with Monks Lane. There is open, gently rolling farmland both to the north and south of the appeal site on either side of Henham Road at the appeal location.
7. In terms of the relationship to the existing pattern of settlement to the east, the main grouping of housing terminates at 'Hoopers' on the south side of Henham Road. This corresponds with housing currently under construction on the opposite side of Henham Road. This point provides a clear demarcation of the edge of the settlement before the discernible countryside gap to the smaller satellite cluster further to the west. The appeal site is located in this gap. There is development in this gap, but it is limited and sporadic, as exemplified by the appreciable undeveloped verdant parcel of scrubby trees between 'Hoopers' and Rother's Farmhouse, and the notable countryside gap, provided in part by the appeal site, between the Osborne vehicle workshop to the west of Rother's Farmhouse and Barnards Cottage at the eastern edge of the satellite cluster. The appeal site would be noticeably separated from the curtilage of Barnards Cottage by the field entrance and a further scrap of land. Accordingly, the appeal proposal would not form a logical extension of the built pattern of settlement or constitute sensitive infilling in this part of Debden Green.
8. The appeal site comprises of a small, thin, linear parcel of overgrown land wedged between Henham Road and a large open field to the south. The appellant's LVA identifies this as remnants of part of a pattern of linear corridors of unenclosed land (greens), an echo of being an area of ancient countryside¹ in the wider Debden Farmland Plateau landscape character area. The site has strong hedgerow boundaries currently providing containment. This hedging also provides a strong verdant roadside frontage, which makes a positive contribution to the rural character in this part of Henham Road, including in longer views, notably when approaching from the east. I note the appellant's landscape strategy contained in the LVA would retain much of the boundary hedging. Development would be further screened by scrub immediately to the west adjacent to a field entrance and public footpath and by scrub and vegetation between the appeal site and the commercial Osborne building. Nonetheless, this vegetation, even with further planting would not be effective in concealing the proposed development or significantly reducing the visual and perceptible impact of modern residential development eroding the palpable rural gap between settlements, notwithstanding the open countryside to the north.
9. Any proposed access arrangement would require conspicuous vegetation removal and management, including that necessary to maintain safe visibility splays. I have serious reservations that future occupiers of the appeal proposal would want to be closely hemmed in and overshadowed by retained 4 metres high hedging (on the south-facing aspect) as proposed in the appellant's landscape strategy, given the constrained size and layout of the appeal

¹ LVA paragraph 3.1.4

proposal. Furthermore, whilst I acknowledge layout would be a reserved matter, the narrow depth of the appeal site means that the two dwellings would be positioned very close to the highway, in notable contrast to both Rother's Farmhouse and the Osborne workshop, further harmfully eroding the prevailing open character at the appeal location. Accordingly, the appeal proposal would be highly visible from within Henham Road, which at this point is strongly characterised as a rural lane passing through countryside.

10. The harmful linear extension of development into the countryside would also be experienced from the rural public footpath to the south, with development visible through the southern boundary vegetation, particularly in winter months². In this perspective, the appeal proposal would appear as an incongruously detached projection of housing into the countryside. I am especially concerned that the proposed location of the appeal proposal would detrimentally lead to an unacceptable degree of consolidation between the two separate and distinct clusters of rural settlement through what would be an incongruously linear, sprawling pattern of development into what is a clearly identifiable countryside gap.
11. I therefore conclude the proposed dwellings would have a significantly harmful effect on the character and appearance of the surrounding area. The appeal proposal would be contrary to Policies S7 and GEN2 of the Uttlesford Local Plan 2005 (ULP) which seek to protect the countryside and only allow for development that requires or is appropriate in a rural area and to carefully management development to ensure it is compatible with the layout of surrounding buildings.
12. Given the housing land supply situation, Policy S7 as part of a generic approach to rural restraint within the spatial strategy, including for the delivery of housing, is out-of-date. Nonetheless, the policy does not impose a blanket ban on development in the countryside such that there a moderate level of consistency with NPPF paragraphs 79 and 80 in terms of rural housing and with paragraph 174 b) in terms of recognising the intrinsic character and beauty of the countryside. Given the appeal site location and the site-specific impacts of developing this parcel of countryside, I give the conflict with Policy S7 moderate weight. In terms of Policy GEN2 I find this to be consistent with the NPPF's objective of achieving well-designed places and the conflict with the policy should be given full weight. The appeal proposal would not meet national policy at NPPF paragraphs 126 and 130 a), b), c) and d), particularly in terms of adding to the overall quality of the area and being sympathetic to local character.

Setting of Rother's Farmhouse

13. Rother's Farmhouse³ is a two storey, timber framed building of principally Seventeenth Century origins. The site is very overgrown and the building in a somewhat moribund condition such that the building, which is slightly set back from the highway, is currently not prominent. Nonetheless the character and appearance of a traditional farmhouse building can still be appreciated. This is reinforced by the generally rural setting of the building, including those parcels of scrubby land immediately around the building but also a wider sense of the largely uninterrupted relationship to surrounding farmland to the west,

² Appellant LVA viewpoints D and E

³ Taken from the Listing Description, February 1980

including the appeal site. Due to the appreciable gap to the edge of the cross-roads settlement (defined by 'Hoopers' as the last property), Rooter's Farmhouse remains to be experienced as a stand-alone traditional farmhouse building within the countryside. The NPPF defines setting as the surroundings in which the heritage asset is experienced. Within this rural part of Henham Road the appeal site, which may be outside of the current and historic landholding of Rooter's Farm⁴, is nonetheless clearly experienced within agrarian surroundings within which the listed farmhouse building would have been conceived.

14. Between the listed building and the appeal site is the Osborne Motor Body Builds workshop. This is a relatively modern commercial building, set back from the highway and with an associated concrete yard/compound. It has a utilitarian character redolent of farm and other rural business buildings. Due to its setback position and character, I do not find the workshop building to set a pattern or character of development within the setting of Rooter's Farmhouse that lends support to the overt residential development of the rural appeal site.
15. The proposed location of the dwellings would detrimentally disrupt how the rural building is experienced within this rural part of Henham Road. This would harm its heritage significance as a stand-alone rural farmhouse by eroding the immediate rural setting, intrinsic to the heritage value of the listed farmhouse, and enveloping the building in a straggling ribbon of residential development.
16. I therefore conclude that the proposal would have a harmful effect on the setting of Rooter's Farmhouse, a Grade II listed building. Accordingly, 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.
17. 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 would be less than substantial and towards the lower end of any spectrum of less than substantial harm. Accordingly, NPPF paragraph 202 requires this harm to be weighed against the public benefits. I deal with this in the final section of this decision.

Other matters

18. Recent decision-making appears to consider that Debden Green has sufficient sustainability credentials to support further housing development in the context of the housing land supply shortfall. This is evidenced by numerous houses under construction at the time of my site visit and the appellant places some emphasis on Debden Green being a relatively sustainable location. This appears to primarily hinge on the availability of rural bus services, principally served from a bus shelter at the crossroads to the east. There is no continuous footway or lighting to this bus shelter from the appeal site such that it is

⁴ As set out in the Appellant's Appeal Heritage Assessment, October 2021

difficult to see that buses would provide a genuinely attractive alternative to the car in this very rural part of Essex.

19. Other than the bus stop, there appear to be no other meaningful services or community facilities in Debden Green. The appeal location is beyond a reasonable walking distance to both Debden and Thaxted. The road connections to both Debden and Thaxted involve a relatively busy country road which is largely within the national speed limit. The routes along this road to both Debden and Thaxted involve both sinuous and lonely stretches with no natural surveillance. In my view, only confident cyclists would attempt to regularly travel to these settlements. Accordingly, the appeal location would result in a reliance on the use of the car, contrary to objectives of the spatial strategy in the ULP. I accept that strategy is out-of-date due to the housing land supply situation, but the over-arching strategy of restraint articulated in ULP Policy S7 remains valid for very rural locations such as Debden Green and therefore of some weight. It is broadly consistent with NPPF paragraphs 11a, 79, 104 and 105 in terms of securing sustainable patterns of development, focusing rural housing where it will enhance and maintain the vitality of rural communities and promoting sustainable transport. I therefore find the appeal proposal would result in appreciable harm by virtue of not being sustainably located for the type of housing proposed. I recognise the LPA raises no objection or reason for refusal on sustainable location but as a separate decision maker I am not bound by the LPAs approach and have set out why I consider the appeal location does not benefit from the sustainable location credentials asserted.

Balances and Conclusion

20. Turning first to the heritage balance, the appeal proposal would result in less than substantial to the setting of a listed building, its heritage significance stemming in part from being a stand-alone traditional farmhouse, once part of the rich tapestry of agrarian existence this part of rural Essex. Balanced against this harm would be the social benefit of two additional dwellings. However, in the context of the overall scale of the shortfall of deliverable housing land, two dwellings would make only a very limited contribution towards meeting needs and as such the social benefit would be no more than modest. Similarly, two dwellings would make only a very limited contribution to the vitality of services in either Debden or Thaxted. The economic benefits during construction would be limited and no more than short term. Matters are finely balanced, but the limited public benefits in this case would not outweigh the less than substantial heritage harm.
21. As set out above, given the housing land supply situation, paragraph 11 d) of the NPPF is relevant. However, with reference to sub-part i) of paragraph d) the tilted balance is disengaged in this case by reference to footnote 7 to the paragraph, with harm to the setting of a designated heritage asset providing a clear reason for refusing the development. The heritage harm sits alongside the wider conflict with development plan policies, including the significant harm to the character and appearance of this rural gap between clusters of settlement at Debden Green and the appreciable harm arising from the conflict with the development plan spatial strategy and limited sustainability of the appeal location. Turning to whether there are other material considerations to indicate a decision other than in accordance with the development plan, I note that numerous housing developments have been approved elsewhere in

Debden Green. In contrast to the appeal site, most of these are well-related to the existing pattern of development and comprise logical infill sites. I have relatively few details on the basis on which these were approved, and I have assessed the appeal proposal on its own particular merits and the site specific harms that would arise. On a wider point, I cannot share an assessment that Debden Green is a sustainable location for housing for the reasons given above. The limited sustainability credential of a rural bus stop is not sufficient to approve dwellings in the countryside at the appeal site, notwithstanding the significant housing need. Overall, there are not the material considerations in this case, to indicate a decision other than in accordance with the development plan, and so the appeal is dismissed.

David Spencer

Inspector.