
Appeal Decision

Site visit made on 8 March 2022

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 April 2022

Appeal Ref: APP/C1570/D/21/3277444

3 Leaden Hall Barns, Stortford Road, Leaden Roding, CM6 1RA

- 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 R Lovell against the decision of Uttlesford District Council.
 - The application Ref UTT/21/0811/HHF, dated 9 March 2021, was refused by notice dated 7 May 2021.
 - The development proposed is erection of additional external storage building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The main parties have had opportunity to comment on the revised National Planning Policy Framework 2021 (the Framework) and I have had regard to it in this decision.
3. The appeal site is located within the Green Belt and the Council's Officer Report suggests that the proposed development would not respect the scale of the 'original building'. I have therefore sought additional representations on this matter, as it was not referred to in the Council's reason for refusal. In response, the Council has confirmed that the site is within the Green Belt and that it considers that the proposed development would therefore conflict with Local Plan Policy S6 and the relevant provisions of the Framework. The appellant was also provided with the opportunity to make representations and was given a final right of reply in relation to the Council's response. As such, neither party has been prejudiced by the consideration of this main issue in this appeal decision.

Main Issues

4. The main issues are as follow:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies.
 - The effect on the openness of the Green Belt.
 - The effect on the setting of the nearby listed buildings.
 - If the proposal is inappropriate development, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other

considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

5. Saved Local Plan¹ Policy S6 sets out that certain forms of development are acceptable in the Green Belt within villages and 'major developed sites'. The proposed development does not meet any of these criteria and would conflict with this policy. However, the policy is not consistent with the wider ranging approach to development in the Green Belt taken in the Framework.
6. Framework Paragraph 149 states that the construction of new buildings in the Green Belt should be regarded as inappropriate development, except in certain circumstances.
7. One such exception is set out under Framework Paragraph 149C, which relates to the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. However, the proposed building would be located more than 20 metres from the associated dwelling and therefore cannot be considered to be an extension of that building (incidentally, Saved Local Plan Policy H8 is not applicable for this reason). There are two existing outbuildings directly to the south east of the location of the proposed building. However, the proposed development is larger than each of these buildings. As such, even if the proposed development were considered to be an 'extension or alteration' of one of the existing outbuildings (despite the fact it would be detached from them) it would almost double the size of the 'original building' and would result in a disproportionate addition.
8. For these reasons the proposed development would not meet the requirements of Paragraph 149C. There is no evidence before me to indicate that any of the other exceptions within the Framework are applicable. As such, the proposed development would be inappropriate development in the Green Belt.

The effect on the openness of the Green Belt

9. Framework Paragraph 137 states that the essential characteristics of Green Belts are their openness and permanence. An assessment of openness requires a consideration of both spatial and visual aspects.
10. From a spatial perspective, the proposed development would introduce a detached building into an area of land which is currently free from any buildings (notwithstanding those located nearby). As such, there would clearly be a harmful spatial reduction in the openness of the Green Belt.
11. In terms of the visual aspect of openness, the building would be located towards the outer edge of the curtilage, such that it would not be completely visually screened from the surrounding open land to the north. However, given the relatively small scale of the development and the presence of existing outbuildings in close proximity, the visual reduction in openness would be minimal.

¹ Uttlesford Local Plan – Adopted January 2005

The effect on the setting of the nearby listed buildings

12. The appeal site is within the curtilage of 3 Leaden Hall Barns which is a grade II listed building comprising a 16th Century timber framed barn² which has been converted to a residential property. There are two other Grade II listed buildings nearby, including a 17th Century Barn to the south³ and a 14th Century Manor House⁴ to the south east. Together these buildings derive their significance from their historic agricultural function and their associated architectural detail.
13. Under section 66 (1) and section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I am obliged to have special regard to the desirability of preserving the building, its setting and any features of special architectural or historic interest. The National Planning Policy Framework (Framework) glossary advises that 'significance derives not only from the asset's physical presence but also from its setting'.
14. The setting of these buildings includes the courtyard which they front as well as the immediately surrounding curtilages and agricultural land further afield. The appeal site, whilst now a domestic garden, retains an open and rural character and therefore contributes towards the significance of these listed buildings. However, its main contribution is towards the significance of the nearest of the three, the 16th Century Grade II listed timber framed barn.
15. The proposed development would introduce an additional outbuilding adjacent to the two outbuildings which already exist within the garden of the host property. Whilst this building would be relatively small in comparison to the host property, it would increase the amount and mass of built form within the setting of the listed building. Indeed, in combination with the existing outbuildings, it would detract from the prominence of the listed building within its rural setting. I acknowledge that the appeal site has the appearance of a domestic garden, but at present it still makes a positive contribution to the open and rural character of the Listed Building. The fact that there are two existing outbuildings which would separate the proposed development from the listed building would not mitigate this harmful effect. This is because it would be the cumulative impact of all three structures (with the proposed development tipping the balance of harm) which would result in less than substantial harm to the setting of the 16th Century Grade II listed barn at 3 Leaden Hall Barns.
16. The proposed development would result in less than substantial harm to the listed building (in the parlance of Framework Paragraph 202). I attach great weight to this harm in accordance with Framework Paragraph 199. Framework Paragraph 202 outlines that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The appellant suggests that the benefit arising from this development is the further investment in the site to enhance the quality of the living environment for existing and future occupiers. However, this would be a private benefit and the reference to future occupiers does not in any way transfer this private benefit to the wider public.

² LB reference: 1063736

³ LB Reference: 1141255

⁴ LB Reference: 1141256

As such, this is not a consideration which outweighs the less than substantial harm.

17. I therefore find that the proposed development would fail to sustain or enhance the setting of the listed building. It would therefore conflict with saved Local Plan Policy ENV2, which states in part that development affecting a listed building should be in keeping with its character and surroundings.

Other Considerations

18. As alluded to above in relation to the heritage impact of the development, the benefits associated with the proposed development would be limited to the improvement of a private residence and as such these benefits only carry limited weight.

Conclusion

19. The proposed development would be inappropriate development, which is, by definition, harmful to the Green Belt. There would also be some limited harm to the openness of the Green Belt. I afford substantial weight to this harm, in accordance with the requirements of Framework Paragraph 148.
20. There would also be harm arising from the failure of the proposed development to sustain or enhance the setting of the Grade II listed building⁵, which weighs further against the proposal.
21. Given the substantial weight to be given to Green Belt harm, relative to the limited weight which I afford to the benefits of the proposed scheme, the harm is not clearly outweighed by the other considerations. Therefore, the very special circumstances necessary to justify the proposal do not exist.
22. I have found that Policy S6 is not wholly consistent with the Framework. However, even if I were to find that this policy was out-of-date that does not mean that Framework Paragraph 11dii is engaged. This is because Paragraph 11di indicates that where the most important policies are out of date, permission should be granted except where policies in the Framework provide a clear reason for refusing the development. This includes policies protecting the Green Belt as confirmed in Framework Footnote 7.
23. The development is therefore contrary to the development plan taken as a whole. It is also contrary to the Framework. As such, the appeal should be dismissed.

Luke Simpson

INSPECTOR

⁵ LB reference: 1063736