
Appeal Decision

Site visit made on 9 August 2022

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2022

Appeal Ref: APP/C1570/W/21/3282684

The Old Forge, Woodside Green, Great Hallingbury CM22 7UL

- 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 Ray Connolly against the decision of Uttlesford District Council.
 - The application Ref UTT/21/1846/FUL, dated 1 June 2021, was refused by notice dated 6 August 2021.
 - The development proposed is a new dwelling replacing an existing outbuilding.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would be in an appropriate location for new housing,
 - the effect of the proposed development on the character and appearance of the appeal site and the surrounding area, and
 - the effect of the proposed development on the setting of the grade II listed building, The Old Forge.

Reasons

Appropriate Location for New Housing

3. The appeal site is occupied by a two-storey detached dwelling along with a number of outbuildings. It is located within a rural area surrounded by a small group of dwellings and is within the countryside.
4. The reasons for refusal cite conflict with Policy S7 of the Uttlesford Local Plan 2005 (the LP), which addresses development within the countryside. However, the policy is highlighted as taking a more protective rather than the positive approach to appropriate development being taken within the Framework. Nevertheless, the protection and enhancement of the natural environment remains an important part of the environmental dimension of sustainable development set out in the Framework.
5. The Council acknowledges, and I agree, that this is not an isolated site. It is within Woodside Green and there are other dwellings in close proximity. Therefore, paragraph 80 of the Framework is not therefore applicable. However, paragraph 79 of the Framework highlights that to promote

sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. This should include consideration of providing support for local services even in a village nearby. There are no local services or facilities for the future occupiers of the dwelling within Woodside Green and due to the scale of the development, as a single dwelling, the benefit to services within villages nearby would be limited.

6. Furthermore, there is little evidence to show alternative transport options, such as public transport, within close proximity to the appeal site. As such, the occupiers of the proposed dwelling would be reliant on the use of a car to access nearby amenities in neighbouring towns and villages. Policy GEN1 of the LP states that development will only be permitted where the development encourages movement by means other than driving a car. Whilst the vehicle movements generated from a single dwelling would be limited, the proposed development would still be contrary to the requirements of this policy.
7. In conclusion, although the appeal site is not isolated, it would be remote from the necessary services and facilities which would be required by the future occupiers. The occupiers would therefore be reliant on the use of a car to serve their day to day needs. Consequently, the proposed dwelling would not be located within a socially or an environmentally sustainable location and would not be in an appropriate location for new housing.
8. Therefore, the proposed development would conflict with Policies S7 and GEN1 of the LP. These policies seek to ensure new development protects the countryside and encourages movement by means other than driving a car. It would also be contrary to the relevant sections of the Framework.

Character and Appearance

9. The existing outbuilding, which is to be demolished, is currently set back within the appeal site, located to the rear of the host dwelling. Whilst it is a large building, its single storey nature and simple design is in keeping with other outbuildings on the site and appears subsidiary to the main dwelling. Although the proposed dwelling would only have a slightly larger footprint than the existing outbuilding, the additional storey would result in a building which is much larger and more prominent than the existing structure. The design of the proposed development, with a modern appearance and a high level of glazing, would be out of keeping with the rural nature of the appeal site, adding to the prominence of the proposed building and its incongruous nature.
10. Furthermore, the host dwelling and the neighbouring properties face the main road and follow a similar building line which separates open countryside to the rear from the more domestic and built up parts of the site to the front. The proposed dwelling would be located significantly further back than any of the existing dwellings within the vicinity of the appeal site, encroaching into the open countryside to the rear of these properties. This encroachment, along with the prominence of the proposed dwelling, would have a harmful impact on the open and rural character of the countryside setting.
11. Consequently, the proposed development would harm the character and appearance of the appeal site and the surrounding area and would conflict with Policies S7 and GEN2 of the LP. These policies collectively seek to ensure that new appearance of new development protects or enhances the particular character of the part of the countryside within which it is set and is compatible

with the scale, form, layout, appearance and materials of surrounding buildings. The proposed development would also be contrary to the general design objectives of the National Planning Policy Framework.

Setting of the Listed Building

12. The host dwelling, a seventeenth century house known as The Old Forge, is a grade II listed building. The area of open land surrounding the dwelling, both under the ownership of the appellant and outside of this, currently provides a positive contribution to the setting of the listed building. Its significance is derived from the historic nature of the dwelling and the wealth of buildings of historic and architectural interest in Woodside Green. The proposed development would be located within the setting of this listed building.
13. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for the development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest.
14. Whilst the proposed dwelling would be located some 80 metres from the listed building, the new dwelling would be highly visible from it. Along with its increase in scale when compared to the existing outbuilding, there would be an increased use of the site from additional comings and goings on the existing driveway, additional vehicle parking and other domestic paraphernalia within the area surrounding the property. Therefore, the proposed development would not appear as a subservient outbuilding to The Old Forge, but as a separate and prominent dwelling in its own right.
15. This prominence would be exacerbated by the modern design of the proposed dwelling which would not be in keeping with the historic nature of the listed building or its rural setting. Therefore, whilst the proposed development would replace an existing outbuilding and would not occupy a significantly greater footprint, it would have a greater prominence on the appeal site which would be harmful to the current peaceful and rural setting of the listed building.
16. For the reasons above I consider that the proposed development would have a materially harmful impact upon the setting of the listed building. Therefore it would be contrary to Policy ENV2 of the LP which states that development affecting a listed building should be in keeping with its scale, character and surroundings. It would also be contrary to the objectives of the National Planning Policy Framework which seek to conserve and enhance the historic environment. Although included within the reason for refusal, policies GEN2 and H8 of the LP are not relevant to this main issue as they relate to general design and home extensions respectively.
17. Although the proposed development causes harm to the setting of the heritage asset, due to the distance from the listed building, I consider that the harm is less than substantial. Paragraph 202 of the Framework requires that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
18. The main public benefit from the proposed development would be the provision of an additional market dwelling at a time when the Council agree there is a significant shortfall in the 5-year housing land supply within the District. With

only a 3.11 year supply recorded in January 2021 and no further updates provided to suggest this has recently changed. However, as the proposed scheme is limited to one dwelling, this is given minimal weight. Moreover, while the framework advocates granting planning permission where there are relevant out of date policies, this is unless, in accordance with paragraph 11(d)(i), the application of policies in this Framework that protect areas or assets of particular importance provide a clear reason for refusing the development. I consider that the 'less than substantial harm' identified to the listed building's setting is such that the policies in the Framework relating to heritage assets provide that clear reason for refusing the development. Therefore, this would not weigh in favour of the proposed development.

19. It is noted that in an appeal decision¹¹ highlighted by the appellant grants planning permission for a dwelling within the same district, due to the lack of a five year housing land supply. However, no evidence has been provided to suggest that this development is within the setting of a listed building, where should harm be found, grants a clear reason for refusing the development. Therefore, this appeal decision is not directly comparable to the appeal before me.

Other Matters

20. It is noted that the proposed development would not result in any overlooking or overshadowing of nearby properties, as required by Policy H4 of the LP which relates to backland development. The proposal would also make effective use of land, in accordance with Policy H4. However, in this instance, the compliance with Policy H4 would not outweigh the conflict I have found with other policies within the development plan and the Framework.
21. The appellant also indicates that a bat survey undertaken on the existing outbuilding shows that it has negligible potential as a roosting place for bats. However, this is a neutral factor which would not outweigh my previous findings.

Conclusion

22. I have found that this is not an appropriate location for new housing, there would be harm to the character and appearance of the surrounding area and to the setting of the listed building and other factors and benefits do not outweigh that harm. Therefore, for the reasons given above and having had regard to all other matters raised, the proposal would conflict with the development plan taken as a whole, and the appeal should be dismissed

E Grierson

INSPECTOR

¹¹ APP/C1570/W/19/3243727