



Appeal Decision

Site visit made on 10 October 2022

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2022

Appeal Ref: APP/C1570/W/22/3294497

Wire Farm, Crawley End Road, Chrishall, SG8 8QN

- 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 Philip and Ian Rogers against the decision of Uttlesford District Council.
 - The application Ref UTT/21/3492/FUL, dated 24 November 2021, was refused by notice dated 24 January 2022.
 - The development proposed is described as "erection of 6 no. residential units on the land north of Wire Farm."
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the significance of the Grade II listed Faerie Cottage, and on the non-designated heritage asset Wire Farm,
 - The effect on the character and appearance of the area; and,
 - Whether the appeal site is in a suitable location for housing, having regard to local and national policies.

Reasons

Heritage

3. The appeal site is close to Faerie Cottage, a Grade II listed timber-framed and plastered cottage dating from the eighteenth century. Faerie Cottage is end-on to the road, with one long elevation facing towards the appeal site. The land in front of this elevation comprises open fields up to the appeal site, which is undeveloped land. There are no significant structures between Faerie Cottage and the host dwelling for the appeal site. Faerie Cottage is visible from within the appeal site, including windows at first floor level. The appeal site therefore falls within the setting of the listed building, and I have paid special regard to the desirability of preserving the building or its setting.
4. The appeal site has historically been undeveloped land. It makes a positive contribution to the significance of Faerie Cottage as it maintains the separation between it and Wire Farm that has been characteristic of the area since at least the late nineteenth century, and which is shown on Ordnance Survey maps referenced in the Heritage Statement submitted by the appellants. The appeal

proposal would substantially reduce this separation, with the appeal site occupying more than half of the frontage between Wire Farm and Faerie Cottage. This reduction would be harmful to the significance of the listed building as it would fail to respect the historic pattern of development within its setting. There would, however, be some separation retained between Faerie Cottage and the appeal site with the pond and land to its rear lying between the two. The loss of separation would therefore cause less than substantial harm to the significance of the heritage asset.

5. The farmhouse at Wire Farm is recognised by both main parties as a non-designated heritage asset due to its local historic interest. It marks the furthest northern extension of Chrishall with the appeal site forming part of the separation between that settlement and Crawley End. The reduction in separation between the two settlements would cause a loss of intervisibility between Wire Farm and Faerie Cottage, as well as causing the loss of Wire Farm's historic position at the edge of the settlement. This would be harmful to the significance of this non-designated heritage asset.
6. The appeal proposal would therefore cause harm to the significance of the listed building and to that of the non-designated heritage asset. It would conflict with Policy ENV2 of the Uttlesford Local Plan 2005 (the LP), which states that development adversely affecting the setting of a listed building will not be permitted. It would also conflict with the requirements of the National Planning Policy Framework (the Framework) that require development to conserve and enhance the historic environment.
7. It is necessary to weigh the heritage harm against the public benefits that the development would deliver. This will be addressed as part of the planning balance below.

Character and appearance

8. There is a clear visual break between Chrishall to the south and Crawley End to the north, although it appears that there are functional links between the settlements with Chrishall Village Hall being in Crawley End, for example. Notwithstanding this, the separation between the two settlements is an established characteristic of the area. The introduction of new housing on the appeal site would substantially reduce the clear separation between the settlements along one side of the road. This would cause harm to the character of the area, as the established hedgerow along the street frontage of the site would not be sufficient to wholly screen the new dwellings from view. The new dwellings, particularly the long terrace comprising Plots 1 to 4, would therefore be prominently visible in the street scene, and would be harmful to the open, rural character of the street scene and wider area.
9. The terraced dwellings would be out of keeping with the general pattern of development along the street, which is principally detached houses. The scale of development would result in Plots 1 and 2 having linked gardens rather than separate, private gardens. Plots 3 and 4 would also have relatively small gardens. These would be uncharacteristic of development in the area, where houses typically have large rear gardens. The overall scale of development would therefore result in harm to the character of the area.
10. However, the detailed appearance of the proposed dwellings would be in keeping with the general rural character of the area, so would not in itself

result in harm. The proposed parking and access would be sited to the rear, allowing the retention of the existing hedge to the street frontage and allowing space along the field frontage for landscaping. This element of the proposal would also not be harmful.

11. Nevertheless, the appeal proposal would overall cause harm to the character and appearance of the area due to the loss of separation between the settlements and as a result of the scale of the proposals. Consequently, it would conflict with Policies S7, GEN2 and ENV3 of the LP. Taken together these require that the countryside be protected for its own sake, that development be compatible with the scale, form and layout of surrounding buildings and that the loss of traditional open spaces will not be permitted.

Location

12. The appeal site is located on the edge of Chrishall. It is not isolated, having regard to the Braintree judgement, as it is close to other dwellings including Wire Farm. However, there are limited services including public transport in the local area. While there is local access to a school and pre-school, church, village hall and a community hub, there is no shop of any sort. Future occupiers of the proposed dwellings would therefore be dependent on private transport to access day-to-day services and facilities. In addition, the development would involve the loss of Very Good quality agricultural land, the highest quality present within the district. The proposed development would therefore conflict with Policies S7, GEN1 and ENV5 of the LP, which taken together seek to limit development in the countryside and where it would not encourage movement by means other than driving a car, and that where development of agricultural land is required, developers should seek to use areas of poorer quality.

Planning Balance

13. The Council recognises that it has a shortfall in its supply of deliverable housing land, with a figure of 3.52 years supply not disputed by the appellant.
14. In addition, the LP dates from 2005, and therefore significantly predates the Framework. The most important policies for the determination of this appeal are those set out in the Council's reasons for refusal. The conflict with Policy S7 attracts limited weight in my determination of the appeal, as its aim to protect the countryside for its own sake does not accord with the Framework.
15. Policy GEN1 addresses highway matters and, of most relevance to this proposal, seeks to encourage the use of sustainable transport. Policy GEN2 sets out design criteria for all new development. Policy ENV2 seeks to protect listed buildings and their settings. Policy ENV3 seeks to protect traditional open spaces and states that there development will not be permitted unless the need for the development outweighs the amenity value of the spaces. Policy ENV5 seeks to protect the best and most versatile agricultural land. I consider that these policies accord generally with the aims of the Framework. Overall, therefore, I attach substantial weight to the policies of the LP, but not full weight in light of Policy S7.
16. I have found that there would be harm to the significance of Faerie Cottage from the proposed development. The Framework requires that even less than

substantial harm be accorded great weight, and that harm must be outweighed by the public benefits associated with the development.

17. The public benefits of the development would amount to the provision of 6 new dwellings, supporting the Government's objective of significantly boosting the supply of homes. The dwellings would be of varied sizes to meet different local housing needs. Given the Council's shortfall in housing land, these benefits attract additional weight. Furthermore, the development would support local services, would secure the retention and reinforcement of hedging and trees on the appeal site, and would provide net biodiversity enhancements. However, the addition of 6 new dwellings would be a relatively small contribution to the District's housing need. Even allowing for the shortfall the public benefits arising from the development would not in this instance outweigh the great weight afforded to the heritage harm. Accordingly, the application of policies in the Framework that protect assets of particular importance would provide a clear reason for refusing the development proposed. There is therefore no presumption in favour of the appeal proposal.
18. I have also found that there would be harm to the character and appearance of the area from the proposed development, that there would be harm arising from the location of the appeal site, and that it would result in the loss of agricultural land that has not been shown to be of poorer quality. These carry additional weight against the appeal proposal, although as noted above the conflict with LP Policy S7 carries limited weight.
19. In addition to the public benefits, the appeal proposal would include the provision of electric vehicle charging points to help limit the impact of private vehicle use. It would also provide access to local services and facilities. These do carry some additional weight in favour of the appeal proposal. The appellants have suggested that the appeal proposal involves the redevelopment of previously developed land, but as part of the site is agricultural land this does not weigh in favour of the proposal.
20. Even accounting for these further private benefits for the future occupiers of the proposed development, the harm arising from it would outweigh the cumulative benefits. In this instance, therefore, there are no considerations to lead me to conclude that this appeal should be determined otherwise than in accordance with the development plan.

Conclusion

21. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR