



Appeal Decision

Site visit made on 8 November 2022

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2022

Appeal Ref: APP/C1570/W/22/3290999

Land at School Lane, High Easter, CM1 4QP, 562044, 214864

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Keith Robinson against Uttlesford District Council.
 - The application Ref UTT/21/2338/FUL, is dated 14 July 2021.
 - The development proposed is construction of 5 new dwellings alongside ancillary access, landscaping, parking and associated development.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Preliminary Matters

2. The application the subject of this appeal was not determined within the prescribed period. However, the Council have indicated that they would have refused permission for the proposed development on the grounds of harm to the significance of heritage assets and to the character and appearance of the countryside.

Main Issues

3. The main issues are therefore:
 - The effect on the significance of nearby heritage assets, including the Parish Church of St Mary, Elm House and the High Easter Conservation Area; and,
 - The effect on the character and appearance of the area.

Reasons

Heritage assets

4. The appeal site is part of an open field and lies within the vicinity of several listed buildings, including the Grade I listed Parish Church of St Mary, as well as several Grade II listed buildings on The Street. In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 I have had special regard to the desirability of preserving the settings of these buildings in determining this appeal. The appeal site also lies next to the High Easter Conservation Area (the CA), and I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA.
5. The Parish Church of St Mary dates initially from the twelfth century, although modified over time. The church tower is clearly visible from the appeal site, and as the local place of worship for centuries the church has substantial historic significance as a focal point in the surrounding area. The appeal site lies within its setting and contributes to the rural character of that setting.

6. Elm House backs onto the appeal site. It is a Grade II listed seventeenth century two-storey house with a box frame and hipped peg tile roof. The appeal site forms part of the setting of Elm House and contributes to its significance due to the established historic relationship between Elm House and the countryside it looks onto.
7. The Cottage is close to the appeal site. It is a Grade II listed eighteenth century cottage with a thatched roof. It has windows facing onto and along School Lane, and there is intervisibility between the appeal site and The Cottage. The appeal site therefore contributes to the overall rural character of its setting.
8. There are other listed buildings in the village, including the Punch Bowl restaurant. However, these are more distant from the appeal site than Elm House and The Cottage, with less extensive settings than the church. The appeal proposal would have negligible impact on their settings and significance.
9. The Council's Conservation Area Appraisal (the Appraisal) identifies the village as having a tranquil rural setting with a linear form of development backing onto countryside and that predominantly hugs The Street. The Appraisal specifically notes that Elm House occupies a prominent location on the corner of The Street and School Lane. It also states that the church is the village's main landmark and provides the attractive focus for a variety of views within the village and from surrounding countryside, including glimpses between development and views over low-rise buildings. The Appraisal further notes that a key theme of the CA is the way its landscape setting feeds in to characterise the settlement area. I agree with this assessment of the general character of the village and the identified assets. I find that the significance of the CA derives primarily from its rural setting and historic buildings.
10. The Old School House is recognised as a non-designated heritage asset by the Council. Although set outside the village, its local significance appears to be reflected in the name of School Lane, which connects the building to the village. The Old School House lies next to the field of which the appeal site is a part, and there is intervisibility between the property and the appeal site.
11. The appellant's Heritage Statement and other submissions conclude that the appeal proposal would not be harmful to the significance of these heritage assets as they would follow the established settlement pattern and provide new dwellings that reflect the local vernacular. The appellant suggests that the extent of separation from the church and the degree to which it is enclosed would mean that its significance would not be affected. I note that the proposed development follows design principles set out in the Essex Design Guide, with features such as tiled roofs and brick, render and weatherboarded exteriors in keeping with local character. Such materials would be sympathetic to Elm House and The Cottage, the closest listed buildings. The development would be set back from School Lane, retaining much of the established planting along the field boundary with some new planting proposed.
12. Notwithstanding these considerations, the appeal proposal would result in harm to the setting and significance of heritage assets. It would be an intrusive development on a greenfield site, so would detract from the setting of the church and The Cottage. Due to its proximity to Elm House, it would be particularly harmful to its setting, occupying much of the outlook to its rear. This would substantially diminish Elm House's relationship with the countryside, which the historic maps in the Heritage Statement show has existed for over a

century. The development would affect views into the CA from School Lane, so would not preserve the rural setting that is one of its essential features.

13. Given the relatively small portion of the field that the appeal site comprises, the extent of harm to the significance of the church and The Cottage would be less than substantial. Similarly, as the appeal site is relatively small in comparison to the CA and would be screened in views from School Lane, the harm to its character would also be less than substantial. As the closest property to the appeal site, Elm House would be most affected by the development. However, as some views into the countryside would still exist this would amount to less than substantial harm to its significance.
14. With regards to the Old School House, that property is separated from the appeal site. A large proportion of the field would remain untouched between the two and given that there is a modern development of bungalows on the opposite side of School Lane that extends about as far along its length as the appeal site, I am satisfied that there would be no greater harm to the historic significance of Old School House from the appeal proposal.
15. Overall, therefore, I find that the proposed development would result in less than substantial harm to the significance of Elm House, the Parish Church of St Mary, The Cottage and the CA. The proposed development therefore conflicts with Policies ENV1 and ENV2 of the Uttlesford Local Plan (the LP). Taken together these require that development preserves or enhances the character and appearance of the essential features of the CA and state that proposals that adversely affect the setting of a listed building will not be permitted.
16. The National Planning Policy Framework (the Framework) requires that where a development leads 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. I shall address this further below.

Character and appearance

17. The appeal site is part of a field on the edge of the village. The appeal proposal would change its character, extending the village into the countryside. This would conflict with Policy S7 of the LP, which amongst other criteria states that the countryside will be protected for its own sake, and that planning permission will only be given for development that needs to take place there or is appropriate to a rural area. The houses would be large, and visible from School Lane and in the surrounding area. Even allowing for the screening effect of existing and new planting, the scale of development and location on a greenfield site would be harmful to the character of the area.
18. The detailed appearance of the houses would generally be in keeping with the rural location, and with properties in the village. The proposed houses would address School Lane in keeping with the linear pattern of development in the village. While they would be set back from the road, this would allow much of the existing planting along the site frontage to be retained and reinforced. The appearance of the houses and development would not therefore be harmful.
19. Nonetheless, the introduction of housing in this countryside location would be harmful to its rural character, so would conflict with Policy S7 of the LP.

Planning Balance

20. The Council acknowledges that it has a shortfall in its supply of deliverable housing land. Furthermore, the LP dates from 2005, so predates the

Framework by several years. The most important policies for the determination of this appeal are those set out in the Council's suggested reason for refusal. Policy S7 is significantly at odds with the Framework, as it seeks to protect the countryside for its own sake. Policies ENV1 and ENV2 seek to protect the historic significance of the CA and of listed buildings, and I find that these accord with the Framework. Overall, therefore, conflict with these policies attracts considerable weight, but not full weight considering Policy S7.

21. The appeal proposal would result in less than substantial harm to the significance of heritage assets. The Framework requires that this be weighed against the public benefits that would arise from it.
22. The appellant contends that there would be short-term and long-term economic benefits from the construction and occupation of the proposed houses. There would be benefits from the creation of 5 new houses, which would support the Government's objective of significantly boosting the supply of homes. This attracts additional weight given that the Council has a shortfall in its supply of deliverable housing land. The proposal is for development of a windfall site that is available for delivery now, and its occupation would help to support services nearby and in surrounding villages. New planting provided as part of the development would provide biodiversity net gains for the site. The appellant also suggests that the new planting would be a benefit in landscape terms, as it would screen the development. However, as the development would still be visible from School Lane and neighbouring properties, I consider that this does not weigh in favour of the appeal proposal.
23. Overall, the public benefits of the development attract considerable weight, given the shortfall in housing land. The Framework requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation irrespective of whether any potential harm amounts to less than substantial harm to its significance. In this instance, therefore, the public benefits that would arise from the appeal proposal would not outweigh the harm that it would cause to the significance of the designated heritage assets. Consequently, the application of policies in the Framework provide a clear reason for refusing the development proposed, and there is no presumption in favour of it.
24. In addition, there would be harm to the character and appearance of the area arising from the site's location in the countryside. As noted above, this conflict with Policy S7 carries limited additional weight, but does add to the overall harm that would result from the proposed development.
25. The harm arising from the appeal proposal would therefore outweigh the identified benefits in this instance. There are therefore no considerations to lead me to determine the appeal other than in accordance with the development plan.

Conclusion

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

M Chalk

INSPECTOR