



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/21/3286323

Sunnyside, Chelmsford Road, White Roding, Dunmow, CM6 1RG

- 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 J Virdee against the decision of Uttlesford District Council.
 - The application Ref UTT/21/1056/FUL, dated 25 March 2021, was refused by notice dated 13 October 2021.
 - The development proposed is demolition of existing sheds and erection of 1 no. new dwelling, with associated curtilage, off-street car parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development on the decision notice was amended from that given on the application form. However, the appellant accepts that is a correct description as it includes reference to the demolition of the existing sheds. I have therefore used this description of development.

Main Issues

3. The site is in the Green Belt, and the main issues are therefore:
 - Whether the development proposed would constitute inappropriate development in the Green Belt, including any effect on openness, having regard to the National Planning Policy Framework and any relevant development plan policies,
 - Whether it would preserve the significance of the Grade II listed building, Sunnyside; and,
 - 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

Whether inappropriate development and effect on openness

4. The National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt. It further states that the construction of new buildings should be regarded as inappropriate in the Green Belt, other than for certain exceptions which includes limited infilling in villages. Policy S6 of the Uttlesford Local Plan 2005

(the LP) states that infilling compatible with the character of the settlement will be permitted within the development boundaries of White Roding. However, while Sunnyside falls within the development boundary, most of the appeal site including the area where the proposed house would be sited does not. Policy S6 is otherwise silent on development such as that proposed in this appeal. It is therefore not consistent with national Green Belt policy, so I have assessed this main issue in accordance with the Framework.

5. As a matter of judgment, I consider that an infill site would be one that lies between existing development. The appeal site may be part of an existing residential curtilage, but it lies to the rear of existing development, at the edge of the settlement, with open land to two sides of the site. The appeal proposal would extend the settlement onto land that does not fall between existing development. It would not therefore constitute infilling, and so would be inappropriate development in the Green Belt.
6. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It recognises that the essential characteristics of Green Belts are their openness and their permanence. The appeal proposal would result in further harm to the Green Belt by the loss of openness resulting from the introduction of new built form on land with no existing structures on it. While the site benefits from screening from the properties along Chelmsford Road, it would be open to view from the properties on Marks Hill Lane. Furthermore, the openness of the Green Belt has both a spatial element as well as a visual element. Even if the new house could be screened from view there would be a loss of spatial openness due to its substantial footprint and volume.
7. The appeal proposal would therefore be inappropriate development and would cause harm to the openness of the Green Belt. Accordingly, it would conflict with national Green Belt policy as set out in the Framework.

Listed building

8. The appeal site falls within the setting of Sunnyside, which together with Rose Cottage is Grade II listed. The cottages date from the seventeenth century and are noted for their timber framed and plastered exterior with a red tiled roof. I find that the significance of Sunnyside derives in part from its relationship with the neighbouring properties, especially the attached Rose Cottage, and with the wider area, including the countryside which is visible across the parcel of land on which the proposed house would be built.
9. The proposed house would occupy a substantial footprint much larger than that of Sunnyside. It would be a sizable presence in its own right, and the extent of domestic curtilage associated with it would also be much larger than that left to Sunnyside. The size of the proposed house, together with the extent of land, would diminish the significance of Sunnyside as the new house would appear as the dominant property on the site, not in keeping with Sunnyside's position as the older, host property. The new planting to the boundary between the properties would also diminish the relationship between the listed building and the countryside beyond the appeal site.
10. The reduction of the curtilage associated with Sunnyside would also result in an imbalance in the relationship with the adjoining Rose Cottage. At present Sunnyside is both the larger of the two cottages and has the larger area of land

associated with it. The allocation of land to the proposed house including the formation of the access would result in Sunnyside's curtilage being substantially reduced in width and becoming much shallower to the rear than that of Rose Cottage. This would cause further harm to the significance of Sunnyside.

11. The proposal would involve the demolition of outbuildings within the garden of Sunnyside. These are modern structures of little or no heritage interest, and their removal would not be harmful to the significance of the listed building.
12. Overall, the proposed development would cause harm to the setting and significance of Sunnyside. As the development would mainly occur at some distance from the cottage and would not affect the relationship with the neighbouring houses as seen from the street, I consider that this would amount to less than substantial harm.
13. The Framework requires, where less than substantial harm would result to a designated heritage asset, that this be weighed against the public benefits of the proposal. In this instance, the appeal proposal would create 1 new house in a sustainable location, with its occupation providing ongoing support for local services and facilities. However, even allowing for the affording of additional weight given the Council's shortfall of deliverable housing land with around 3.5 years' supply, the benefits arising from a single dwelling are limited. The Framework requires that great weight be afforded the conservation of designated heritage assets, irrespective of whether any potential harm amounts to less than substantial harm to its significance. The public benefits arising from the proposed development would not outweigh that great weight in this instance.
14. The proposed development would therefore fail to preserve the significance of the Grade II listed Sunnyside. Consequently, it would conflict with Policy ENV2 of the LP, which amongst other criteria states that development proposals that adversely affect the setting of a listed building will not be permitted. It would also conflict with the Framework's aims of conserving and enhancing the historic environment.

Other considerations

15. The Framework requires that substantial weight is given to any harm to the Green Belt. The appeal proposal would be inappropriate development that would also cause a loss of openness within the Green Belt. In addition, it would cause less than substantial harm to the significance of Sunnyside, a Grade II listed building, and the Framework states that this attracts great weight.
16. The appellant does not consider that the appeal proposal is inappropriate development. However, they have identified benefits that they consider weigh in favour of the proposal. These include the addition of 1 new house in a sustainable location when the Council has a shortfall in its supply of deliverable housing land, and economic benefits arising from support for local services and facilities.
17. The appellant has drawn my attention to an approval by the Council on land to the east of the appeal site for a new house within the Green Belt. I do not have the full details of that development before me, so it is not clear what considerations led to permission being granted given that the site appears to lie

in the Green Belt outside of the development boundaries of White Roding. In the absence of that information I am only able to give it moderate weight in determining this appeal, as I have found that the appeal proposal conflicts with local and national policy.

18. The Council has not objected to the detailed design of the proposed house, and I agree that its appearance would not cause harm. However, the absence of harm is a neutral consideration so does not weigh in favour of the appeal proposal.
19. The benefits associated with a single dwelling are limited, and even allowing for shortfall in housing land supply and the earlier grant of permission on land to the east of the appeal site, would not clearly outweigh the harm to the Green Belt and the significance of Sunnyside arising from the appeal proposal. In this instance, therefore, very special circumstances do not exist to justify determining this appeal other than in accordance with the development plan and the Framework.

Conclusion

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

M Chalk

INSPECTOR