



Appeal Decision

Site visit made on 23 January 2023

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th February 2023

Appeal A: APP/C1570/W/21/3283656

Manor Lodge, High Street, Little Chesterford, Essex CB10 1TS

- 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 and Mrs Howard Hughes against the decision of Uttlesford District Council.
 - The application Ref UTT/20/3465/FUL, dated 26 January 2021, was refused by notice dated 25 March 2021.
 - The development proposed is conversion of rural building to create single dwelling (in lieu of approved scheme).
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Appeal B: APP/C1570/W/22/3305727

Manor Lodge High Street, Little Chesterford, Essex CB10 1TS

- 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 and Mrs Howard Hughes against the decision of Uttlesford District Council.
 - The application Ref UTT/22/1124/FUL, dated 20 April 2022, was refused by notice dated 14 June 2022.
 - The development proposed is conversion of rural building to create single dwelling (amended scheme to that approved under planning permission UTT/17/3314/FUL).
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Decision

1. Appeals A and B are dismissed.

Procedural Matters

2. In its Statement of Case for Appeal A, the Council has confirmed it no longer seeks to defend its fourth reason refusal regarding the ecological impact of that proposal. My decision for Appeal A therefore centres on the remaining reasons for refusal on the Decision Notice. There is a similar reason for refusal for the scheme covered by Appeal B, but the Council has sought to defend it and relies on its Officer Report.
3. The National Planning Policy Framework was revised on 20 July 2021 (the Framework), after the determination of the application relevant to Appeal A but before that relevant to Appeal B was made. I have had regard to the Framework in my decision and I am satisfied this has not prejudiced any party, particularly as the revisions do not alter the policies upon which Appeal A turns.
4. The two appeals concern similar schemes. I have therefore dealt with both appeals together in my reasoning, except where indicated in the main issues.

Main Issues

5. The main issues are:

- whether the proposed development would preserve the special interest of the Grade I listed 'The Manor', the Grade II* listed 'Church of St Mary the Virgin' and the Grade II listed 'Dovecote to north of the Manor', specifically their settings, and the effect on the rural character and appearance of the area;
- whether the proposal would comply with local and national planning policy which seeks to steer new development away from areas at higher or increased risk of flooding (Appeal A Only);
- whether the proposed development would result in a reduction to parking spaces available for neighbouring dwellings (Appeal A Only); and
- the effect of the proposal on protected and priority species within the site and its surroundings (Appeal B Only).

Reasons

Special Interest, Setting, and Site and Surroundings

6. The principal listed building within close proximity of the appeal site is The Manor, a Grade I listed house of exceptional interest as a rare example of an early domestic building. It likely originates as a manor house from the early 13th Century, but was partly rebuilt and altered in subsequent phases in the 14th and 16th Centuries. It is arranged on a half 'H-shaped' plan with gabled cross wings at the northeast and southwest ends projecting on the northwest side facing over its driveway and lawn. There are remains of 13th and 16th Century windows and the roof is tiled, with a central square chimney stack to its main range. The appellants' *Heritage Statements*¹ (HS) evidence key historic associations of The Manor with Queen Edeva in the 13th Century and other notable figures to the Audley's Chesterford Park Estate up until it was sold in 1916. Nevertheless, as far as it is relevant to the appeals before me, the special interest of the property is to be found in its architectural and historic interest as a 13th Century home with later alterations. In particular, its architecture provides evidence of early domestic construction techniques, along with medieval alterations as building techniques evolved.
7. Immediately north of The Manor is the *Dovecote to north of the Manor*, a Grade II listed building. This lies at the southwest corner of a courtyard of outbuildings and is one of the surviving original timber-framed outbuildings constructed in the 17th to 18th Century. It is weatherboarded beneath a tiled gambrel roof, which the HS suggest are typical of such buildings in East Anglia. As far as it is relevant to the appeals before me, its special interest is to be found in its architectural and historic interest, as a former 17th to 18th Century timber-framed dovecote and a surviving building from an original courtyard previously associated with The Manor. The HS indicates it denotes the status and power of the estate and thereby highlights its importance.
8. Southeast of the courtyard, beyond the access track serving The Manor, is the *Church of St Mary the Virgin*, a Grade II* listed building. Like The Manor, it

¹ December 2020 and February 2022.

likely originates from the 13th Century but has been subject of later significant alterations in the 14th Century, when the Chancel was rebuilt; the 15th Century, when a porch was added; and in the 19th Century, when the vestry and bellcote were added. As far as it is relevant to the appeals before me, its special interest lies in its architectural interest as a pleasantly proportioned and detailed small church, which provides evidence of the early construction of churches in England. As identified in the HS, it also holds considerable historic interest to Little Chesterford, due to associations with locally notorious former occupants of The Manor and, thus, evidence of the development of the village.

9. The setting of each of the listed buildings also contributes to their special interest. I am mindful of the Framework's definition of 'setting' as being the surroundings in which a heritage asset is experienced. In so far as is relevant to this appeal, due to the nature of planting and presence of other intervening buildings, The Manor is largely screened from public viewpoints. Nevertheless, its setting includes, but is not limited to its large gardens surrounding it, and its relationship with the neighbouring listed buildings and courtyard, views out to which can all be experienced from one another. This aspect of the setting is therefore shared between the listed buildings, including views over, around, and through the northern entrance of the courtyard buildings. The access drive serving The Manor also enables the buildings to be experienced together.
10. The churchyard is marked by a low stone, brick and flint wall, which enable the building to be experienced for some distance from footpaths leading south and east away from it. However, its principal setting is derived from its position to the west of the village and the shared setting referred to above.
11. The Dovecote projects furthest south from the courtyard toward The Manor and its setting takes in the courtyard and land within its immediate vicinity where it can be seen, including the lawn and drive to The Manor, and the churchyard.
12. The settings of the three listed buildings therefore overlap and have undoubtedly changed over time, primarily as a result of the domestic focus of land surrounding The Manor. This saw reintroduction of the courtyard buildings and planting in the coppice known as Hunts Piece by the appellants. Moreover, the majority of the buildings in the courtyard were constructed in the 1990s, including the northern half of the eastern and western ranges and the entirety of the northern range. Much of the original courtyard is understood to have perished in the 1914 fire, which destroyed many buildings to the west of the village. These were left largely unreplaced until the new buildings were constructed, as shown on maps in the HS and *Design and Access Statements*².
13. The replacement buildings in the courtyard were arranged to a similar plan form to the original courtyard and designed and constructed in a vernacular style reflecting properties of the remaining buildings, including the Dovecote. Immediately north of the courtyard, is a further salvaged barn. Despite later proposals approved in 2018 to convert the buildings to residential use³ and to add extensions to the eastern range⁴, the courtyard buildings would continue to contribute positively to the historic setting of the listed buildings, as they would still better reveal their significance and understanding as heritage assets. Moreover, they would provide evidence of the historic functional relationship

² Dated December 2020 and December 2021.

³ Planning Reference: UTT/17/3314/FUL.

⁴ Planning References: UTT/21/1576/CLP and UTT/21/3026/PDE.

that existed between the courtyard and the heritage assets. In light of this, I concur with Historic England's assessment that the courtyard is situated within a highly sensitive location.

14. Little Chesterton is a predominantly linear village with houses situated either side of High Street and facing east in Walden Road. The appeal site is part of the extensive former estate of The Manor, which lies between the western extent of the village, the River Cam and the bridge over it to the north. The large open spaces and landscaped grounds with buildings interspersed are in contrast to the dense configuration of buildings set close to the High Street and provide a more expansive transition to the open and undeveloped fields enveloping the village, at this western extent. Taken together these stated features, give rise to a clear and distinct pattern of development. This makes a significantly positive contribution to the rural character and appearance of the area. Moreover, the listed and other buildings positively reinforce the character of the western edge of the village.

Effect of the Proposals to Heritage Assets and Rural Character and Appearance

15. The appeal site is situated within the countryside, as defined by Policy S7 of the Uttlesford Local Plan⁵ (ULP), which suggests it 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 policy goes on to state that development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.
16. Both of the appeal schemes concern buildings situated to the north and east of the courtyard of former outbuildings to The Manor. The eastern range is predominantly residential, with associated garages, while the northern range is used for storage and stabling.

Appeal A

17. While the proposal would be opposite the salvaged barn that could, theoretically form one side of a further courtyard, the kink in its layout would offset it from the traditional orthogonal arrangement of buildings in the existing courtyard. Moreover, the palette of external materials would be complimentary to the replacement buildings in the courtyard but the form and architectural composition of the proposal would be overtly complicated and domestic in appearance, including the nature and extent of window openings. It would be insensitive to its context, particularly the traditional configuration, scale, and appearance of the courtyard buildings and would dominate, rather than appear subservient to, The Manor, to which it was an ancillary outbuilding, and the Dovecote.
18. The proposal would also result in the domestic presence of occupation of the building bleeding significantly out into the surrounding countryside, particularly through domestic paraphernalia and the configuration of the building with its entrance outside the courtyard.

⁵ Adopted January 2005.

19. The evidence before me includes a Landscape Visual Impact Appraisal (LVIA)⁶. Although this strikes me to be a well-reasoned and proportionate document for the appeal scheme, I cannot agree with its findings, as it is likely that elements of the proposal would be visible from High Street, including from the houses opposite, through the new access formed to serve the courtyard buildings, and over hedges further south at the roadside. I accept that it is likely that a threshing barn once stood further east of the courtyard, but this would have only affected how the heritage assets were appreciated from High Street. Accordingly, it is of little relevance to how the proposal relates to the immediate shared settings of the listed buildings. Moreover, the proposal would appear discordant when viewed in relation to the established courtyard of buildings and would have a significantly detrimental effect on the rural setting of the listed buildings and their surroundings, therefore, the rural character and appearance of the area.
20. While existing mature trees and hedgerows could be supplemented by further planting, this would be likely to take some time to reflect the extent of existing planting to make a meaningful effect in softening the appearance of the proposal. I am also mindful that vegetation is subject to seasonal changes and is, in any event, ephemeral.
21. I have been referred to the potential fallback positions that exist through two single-storey extensions⁷ to the appeal building that the Council determined could be erected without planning permission. They would both incorporate crown roofs and be erected to the northern end and east of the existing range.
22. The proposal would be, for the most part, two-storeys in height, so it would not be comparable with the fallback position. For the reasons outlined above, this would have a considerably greater effect than the approved schemes on the form and appearance of the existing courtyard of buildings and the setting of the listed buildings. It would therefore amount to a fallback position that I could only afford limited weight in this context.
23. In addition, the approved scheme for the development of the courtyard buildings demonstrates that they can be converted to residential use without harming the character or appearance of the countryside. With this in mind, there do not appear to be any special reasons why the development in the form proposed needs to take place, particularly as it would be harmful to the rural character and appearance of the area.

Appeal B

24. The proposed extension to the northern end of the eastern range would continue the traditional orthogonal arrangement of buildings in the existing courtyard and be opposite the salvaged barn that could, theoretically, form the other side of a further courtyard. The palette of external materials would also be complimentary to the replacement buildings in the courtyard. Nevertheless, the form and architectural composition of these extensions would be overtly complicated. In particular, the incorporation of crown roofs and the extent and nature of window openings would be domestic in appearance and insensitive to the traditional configuration, scale, and appearance of the courtyard buildings.

⁶ Dated December 2020.

⁷ Planning References: UTT/21/1576/CLP and UTT/21/3026/PDE.

25. The proposal would also result in the domestic presence of occupation of the building bleeding further out into the surrounding countryside, particularly through domestic paraphernalia and the reconfiguration of the building to enable the entrance to be from outside the courtyard.
26. The appellants have provided a Landscape Visual Impact Appraisal (LVIA)⁸ as part of the appeal. Although this strikes me to be a well-reasoned and proportionate document for the appeal scheme, I cannot agree with its findings, as it is likely that elements of the proposal would be visible from High Street, including from the houses opposite, through the new access formed to serve the courtyard buildings, and over hedges further south at the roadside.
27. While existing mature trees and hedgerows could be supplemented by further planting, this would be likely to take some time to reflect the extent of existing planting to make a meaningful effect in softening the appearance of the proposal. I am also mindful that vegetation is subject to seasonal changes and is, in any event, ephemeral.
28. The proposal would therefore appear discordant when viewed in relation to the established courtyard of buildings, so would have a significantly detrimental effect on the rural character and appearance of the area, and the setting of the listed buildings.
29. I have been referred to the potential fallback positions that exist through two single-storey extensions⁹ to the appeal building that the Council determined could be erected without planning permission. They would both incorporate crown roofs and be erected to the northern end and east of the existing range.
30. While the single-storey parts of the proposal mirror those on the approved extensions and the domestic form of both would extend out beyond the courtyard in either direction, the proposal would incorporate second storeys above each single-storey element below. For the reasons outlined above, this would have a considerably greater effect than the approved schemes on the form and appearance of the existing courtyard of buildings and the setting of the listed buildings. It would therefore amount to a fallback position that I could only afford limited weight in this context.
31. In addition, the approved scheme for the development of the courtyard buildings demonstrates that they can be converted to residential use without harming the character or appearance of the countryside. With this in mind, there do not appear to be any special reasons why the development in the form proposed needs to take place, particularly as it would be harmful to the rural character and appearance of the area.

Public Benefits of the Proposals

32. The statutory duty in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) is a matter of considerable importance and weight, as are the aims of paragraphs 197, 199 and 200 of the Framework
33. The proposals would fundamentally alter and be harmful to the settings of the listed buildings and the understanding and appreciation of their special interest, which would have a harmful effect on their significance as designated heritage

⁸ Dated February 2022.

⁹ Planning References: UTT/21/1576/CLP and UTT/21/3026/PDE.

assets. In my view the harm that I have identified would equate to less than substantial harm to their significance. In such circumstances, paragraph 202 of the Framework identifies that this harm should be weighed against the public benefits of proposals.

34. The Council has confirmed through its *5-Year Land Supply Statement and Housing Trajectory Status at 1 April 2022*¹⁰ it is able to demonstrate a housing supply of 4.89 years. This still falls below the five-years required by the Framework. While the appeal schemes would each deliver a single dwelling, they would be amended schemes to that already approved. As such, there would be no additional benefit to the supply of homes in Uttlesford. I accept that the schemes would lead to larger dwellings capable of being adapted in accordance with Lifetime Homes, so would add to the choice of homes available within the district. However, given the number of dwellings proposed, it would only amount to a social benefit of limited weight.
35. There would be short-term benefits to the local and wider economy from employment associated with construction works and the procurement of materials. Occupants of the proposed dwelling would also be likely to contribute to supporting local services and facilities. These would all constitute benefits in social and economic terms but, given the magnitude of the proposed schemes, they would be afforded limited weight.
36. The proposals relate to previously developed land and could therefore be said to make more effective use of the site and are designed to utilise less energy. Nevertheless, they would not safeguard and improve this particular environment, a key component of the Framework's objective of making effective use of land. Seeking to make a more optimal use of land should also not be at the expense of design quality or the creation of development that is of high quality and responsive to its context.
37. The facilities and services in nearby settlements can be reached by various means of transport, but I ascribe negligible additional benefit in respect of this matter, as I consider it to be an absence of harm.
38. The proposals would also provide additional floor space, which would improve their internal living environment, which would better meet the needs of the appellants or other future occupiers. Such benefits would be largely private.
39. Taking the above together, the public benefits I have outlined would not justify allowing either of the proposed developments, as these would fail to preserve the setting and, thereby, the special interest of the listed buildings. In accordance with paragraphs 197 and 199 of the Framework, considered together, I am therefore not persuaded that there would be wider public benefits of sufficient magnitude to outweigh the great weight to be given to the less than substantial harm that I have identified to the significance of the heritage assets.

Conclusions on the First Main Issue

40. In light of the above, I conclude that the appeal schemes would have a harmful effect on the setting of the Grade I listed building, The Manor; the Grade II* listed Church of St Mary the Virgin; and the Grade II listed Dovecote to north of the Manor; and the rural character and appearance of the area. Hence,

¹⁰ Published December 2022.

the appeal proposals would fail to satisfy the requirements of the Act, paragraphs 130, 174, 197 and 199 of the Framework and conflict with the design and heritage aims of ULP Policies ENV2, GEN2, H6 and S7; and the Essex Design Guide 2018.

Flood Risk (Appeal A Only)

41. Together the Design and Access Statement and the Flood Risk Assessment (FRA), referred to as part of the appeal, demonstrate that a large portion of the proposed building that would project northeast would be within Flood Zone 2.
42. The alteration of the scale, height, and footprint of the building upwards and to its side and rear would be so considerable that they would amount to a new building. The Framework classifies buildings used for dwellinghouses as 'More Vulnerable' uses. While guidance in Planning Practice Guidance has historically indicated such uses are appropriate within Flood Zone 2, this does not absolve the need to apply the Sequential Test in accordance with the Framework.
43. The building can only be altered in the location of the appeal site, but it has been shown by the scheme for Appeal B in the FRA, that it is possible for the existing building to be extended to provide a dwelling by not straying into Flood Zone 2 to the extent proposed by the scheme for Appeal A. The proposed development would therefore fail to pass the Sequential Test and would be at an increased risk.
44. For these reasons, I conclude that the proposal would not comply with local and national planning policy which seeks to steer new development away from areas at a higher or increased risk of flooding. Hence, it would conflict with the aims of ULP Policy GEN3 and the Framework.

Parking Provision (Appeal A Only)

45. The approved plan from the original planning permission to convert the courtyard buildings to dwellings included the salvaged barn and two parking spaces would be provided in its foreground. The Decision Notice also included a planning condition that these, and parking spaces for the other dwellings, should be provided prior to their occupation and thereafter retained. There was no requirement for additional spaces to be provided for that barn, so the two spaces were deemed acceptable to its future occupation as a dwelling. There would be no alteration to these arrangements with the proposal, as the spaces are shown retained on the proposed scheme, outside of the application site. The proposal would therefore be acceptable in respect of parking provision for all of the dwellings, so there would be no risk of highway hazards associated with an under provision of parking spaces.
46. Accordingly, I conclude that the proposed development would not result in a reduction to parking spaces available for neighbouring dwellings, which were previously accepted by the Council. Hence, it would not conflict with the aims in respect of parking provision as expressed in ULP Policy GEN8; the Uttlesford Local Residential Parking Standards (February 2013); the Essex County Council Parking Standards: Design and Good Practice (September 2009); the Essex County Council Supplementary Guidance - Development Management Policies (February 2011); and the Framework.

Protected and Priority Species (Appeal B only)

47. The Council's third reason for refusal refers to unresolved concerns with regard to protected and priority species, specifically due to the fact that the Preliminary Ecological Appraisal Including a Protected Species Assessment (March 2021) refers to the layout of development for Appeal A. While the layout for that scheme is included in the document, the findings relate to the existing building, site, and its surroundings, so would have been equally applicable to Appeal B.
48. The assessment is now of some age, but there is no evidence before me to suggest that site conditions have altered or there is a reasonable likelihood of any protected or priority species being present and affected by the proposal. The proposed works to the existing building, that relate to Appeal A would be more substantial, as they would lead to alteration of the scale, height, and footprint of the building upwards and to its side and rear. By contrast, the principal changes with Appeal B would be through considerably smaller extensions to the side and rear along a similar footprint to those approved by the Council. The recommendations in respect of precautionary measures, habitat compensation, and enhancements therefore generally remain valid and relevant to the development proposed. I consider that such matters could be controlled, through the use of planning conditions, to ensure that the scheme for the site has regard to the recommendations made.
49. In light of the above, I conclude that the proposed development would not adversely affect protected species within the site or its surroundings. Hence, it would be compliant with the nature conservation aims of Policies ENV8 and GEN7 of the ULP; paragraphs 43, 174, and 180 of the Framework; paragraph 99 of the Office Of The Deputy Prime Minister Circular 06/2005 - Biodiversity And Geological Conservation – Statutory Obligations and Their Impact Within the Planning System; and the statutory duty under Section 40 of the Natural Environment and Rural Communities Act 2006 (and thereby s17 of the Crime and Disorder Act 1998).

Other Matters

50. The appellants submitted the appeals following pre-application advice and the Framework stresses the benefits of early engagement and of good quality pre-application discussion. Notwithstanding this, I have considered the individual merits of the appeal schemes afresh and any positive feedback given in respect of any matters does not warrant allowing these appeals.
51. The site of the appeal proposals is south of the Bridge over the River Cam, west of The Old Cottage, and southeast of Bordeaux Farmhouse, all of which are designated as Grade II listed buildings. I have therefore had regard to the statutory duty referred to in the Act. However, given the proximity and physical relationship of the proposal with these designated assets, their settings would be preserved and the proposal would not detract from them.

Planning Balance

52. The Council cannot currently demonstrate a five-year supply of deliverable housing sites, as required by the Framework. In these circumstances the so-call tilted balance approach to decision making would normally be engaged

but, given my findings in the first main issue, the conventional untilted planning balance applies.

53. The development plan for the area includes the ULP. While this predates the current Framework, it is clear that existing policies should not be considered out-of-date simply because they were adopted or made prior to its publication. Due weight should be given to policies according to their consistency with the Framework.
54. Despite the absence of a balancing exercise in relation to heritage harms in Policy ENV2, this policy is generally consistent with the heritage aims of the Framework, particularly the statutory duties of the Act reflected within it. Nevertheless, I only afford moderate weight to the conflict of the proposals with this policy given that it does not include any such balancing exercise.
55. Policy S7 refers to development outside of settlement boundaries. In isolation of other considerations, this would not be wholly aligned with the more flexible and balanced approach implicit in the objectives of the Framework. However, this does not fundamentally undermine the continued relevance of such an approach, particularly as its aim is to protect or enhance the character of the countryside from development that does not need to be there. This differs only slightly from the aim in the Framework to recognise the intrinsic character and beauty of the countryside. There is therefore still a clear rationale for development boundaries in order to protect the countryside while focusing growth within designated settlements. In light of this I have regarded the underlying objectives of the policy, as being partially consistent with the Framework. Nonetheless, Policy S7 is predicated on settlement boundaries that are out of date and I have referred to Uttlesford's shortage in the supply of housing. With these points in mind, I afford limited weight to the conflict of the proposals with this policy.
56. Policy H6 is also time expired, but it is generally otherwise consistent with the objectives of the Framework, particularly in relation to design considerations. I therefore afford considerable weight to the conflict of the proposals with this policy.
57. Policies GEN2 and GEN3 of the ULP are generally consistent with the Framework in terms of its aims regarding achieving well-designed places and flood risk. I therefore afford considerable weight to the conflict of the proposals with these policies.
58. The scheme in Appeal A would not result in a reduction to parking spaces available for neighbouring dwellings. The scheme in Appeal B would not have a harmful effect on protected and priority species within the site and its surroundings. These matters would therefore neither weigh in favour nor against either appeal scheme. In terms of harm, the proposed developments would not comply with development plan policy in respect of their effect on the rural character and appearance of the area and the setting of the Grade I listed 'The Manor', the Grade II* listed 'Church of St Mary the Virgin' and the Grade II listed 'Dovecote to north of the Manor'. There would also be additional harm associated with Appeal A in respect of the need to steer new development away from areas at higher or increased risk of flooding.
59. This leads me to an overall conclusion that the appeal schemes would not accord with the development plan, when considered as a whole, and I find that

the adverse impacts of the proposals are matters of great weight against the grant of planning permission for both schemes that outweigh the stated benefits in relation to either.

Conclusion

60. The proposed developments would be contrary to the development plan and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Accordingly, for the reasons given, I conclude that both of the appeals should be dismissed.

Paul Thompson

INSPECTOR