



Appeal Decision

Site visit made on 6 February 2023

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th February 2023

Appeal Ref: APP/C1570/W/22/3307524

Cobblestones, Church Road, Great Hallingbury, Essex CM22 7TY

- 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 Robin Nichols against the decision of Uttlesford District Council.
 - The application Ref UTT/22/0853/FUL, dated 25 March 2022, was refused by notice dated 23 May 2022.
 - The development proposed is application for planning permission to erect one detached dwelling, with associated private garden, car parking, new vehicular access, and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. As part of the site is in a conservation area, I have had regard to the statutory duty set out under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which requires special attention to be paid to the desirability of preserving or enhancing the relevant conservation area's character or appearance.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character or appearance of the Great Hallingbury Conservation Area (the CA);
 - The effect of the proposed development on the character and appearance of the area, having particular regard to the site's countryside location;
 - Whether or not the site represents an appropriate location for housing, having particular regard to access to facilities and services; and
 - Whether or not acceptable living conditions would be created for future occupiers of the proposed development, having particular regard to noise.

Reasons

The CA

4. The significance and special interest of the CA as a designated heritage asset is drawn, in-part, from its abundance of green features and the often open nature of its fringes and wider surroundings which promote that the CA's rural origins

are easily interpreted. This significance and special interest is further underpinned by an architecturally diverse range of historic buildings and a predominance of traditional building materials. The CA also incorporates, at its northern end, the majority of a Scheduled Ancient Monument (the SAM) that consists of a sub-rectangular moated site. The appeal site, although well enclosed, is verdant and typified by open/rural surroundings. Whilst the site is not identified as important open space through the relevant Conservation Area Appraisal and sits detached from Glebe House (a building that makes an important contribution to the CA), it offers a sense of space at the CA's edge and makes a positive contribution to the designated asset's character and appearance.

5. The proposal involves the introduction of a one and a half storey dwelling inside the CA's boundary. I acknowledge that, in reference to the local vernacular, efforts have been made to seek to incorporate ornate architectural details and traditional materials. However, it remains that a new dwelling of considerable footprint, height, scale and mass would be introduced to an undeveloped site situated adjacent to a well-used entry point to the CA. Notwithstanding its intended setback positioning within the site, the dwelling would be visible (if only in part) from publicly accessible vantage points including via the site's access on to Church Road. The proposal would considerably erode the site's spaciousness and rural character and have an urbanising influence.
6. It must also be noted that any existing or future planting could not be relied upon to provide permanent or substantial buffers to views. This is not least because planting is ever evolving and reliant on regular maintenance to retain a consistent form. It is also relevant that any new planting would initially take time to properly establish.
7. Reference is made within the heritage section of an application document¹ to other developments in the locality, including the village hall and its car parking area situated opposite. Nevertheless, the village hall is a community facility and situated at a different specific point along Church Road when compared to the appeal site. Further, its car park is situated outside the CA in its entirety and does not contain any buildings above-ground. Moreover, other developments in the locality do not provide justification for development in the manner that is proposed upon the appeal site. In any event, it is my responsibility to consider the proposal that is before me upon its own individual merits.
8. For the above reasons, the proposal would fail to preserve the character or appearance of the CA and thus cause harm to its heritage significance. Without prejudice to this finding and seemingly consistent with the views of the main parties, I do not identify harm to the heritage significance of the SAM. This is because of the nature of the asset and the physical separation that would apply. Even so, the scheme fails to accord with saved Policy ENV1 of the Uttlesford Local Plan (adopted January 2005) (the ULP) in so far as this policy sets out that development will be permitted where it preserves or enhances the character and appearance of the essential features of a Conservation Area.
9. In the terms of the National Planning Policy Framework (July 2021) (the Framework), I would qualify that the degree of harm to the CA as a designated heritage asset would be less than substantial. Paragraph 202 of the

¹ Design, Access, Heritage, Planning and Transportation Statement, March 2022

Framework requires less than substantial harm to be outweighed by public benefits, which I shall turn to in my heritage balance below.

Character and appearance of the area – countryside location

10. Although situated beside Cobblestones, a detached dwelling, the appeal site's immediate surroundings are often comprised of agricultural land that is inherently rural in character. Moreover, the site sits outside of any defined settlement limits and thus comprises countryside in local planning policy terms.
11. Saved Policy S7 of the ULP sets out that in the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there or is appropriate to a rural area. The policy is clear that there will be strict control on new building and that development will only be permitted if its appearance protects or enhances the particular character of the countryside within which it is set.
12. Nevertheless, saved Policy S7 is not consistent with the Framework in terms of its approach to countryside protection. This is because the Framework does not imply that protection from development be given to the countryside in its totality, rather that recognition be given to the intrinsic character and beauty of the countryside.
13. The appellant has sought to suggest that the character of the immediate locality is already defined by numerous buildings in residential and other uses, and that a general sense of containment would be retained. It has also been asserted that appropriate infill development is proposed. I accept that the appeal site is visually separated from the wider open countryside by a high wall, other boundary treatments and established planting, and that its current appearance is more akin to a domestic garden related to Cobblestones.
14. However, as identified by a previous Inspector in 2017², the site's undeveloped nature and location (adjacent to expansive agricultural lands at the settlement's edge) contributes to the rural character and setting of the village. The scheme would extend the built form of the village along the northern side of Church Road and have an unduly urbanising influence accordingly. This is particularly as the new dwelling and associated areas of hardstanding would cover a sizeable proportion of the plot. It is of further relevance that the dwelling's height would exceed that of Cobblestones and, more comfortably so, the aforementioned high wall. To my mind, the proposal cannot be rightfully considered either infill development or appropriate to a rural area.
15. For reasons set out above, I attribute limited weight to the conflict I have identified with saved Policy S7. However, in the context of the Framework, the proposal would, having particular regard to the site's countryside location, cause some harm, albeit at a relatively limited level, to the character and appearance of the area in so far as it indicates that recognition should be given to the intrinsic character and beauty of the countryside. Any potential withdrawal of future rights to utilise householder permitted development rights would not alter my assessments in this regard.

² APP/C1570/W/17/3172363

Facilities and services

16. The appeal site is situated in proximity to existing development such that it does not occupy an isolated location in a purely physical sense. However, it is distanced from any settlement containing a range of facilities and services likely capable of serving the full day-to-day needs of future occupiers of the development. It is also apparent that the site is not served by closely or conveniently located bus stops. Future occupiers would thus likely be highly reliant on private modes of transportation in order to meet their day-to-day needs.
17. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that this should be taken into account in decision-making. I note that merely a single unit of additional housing is proposed, and that Church Road is served by a pavement that promotes the accessibility of the few facilities and services that share a close relationship with the site. Even so, the increase in travel by private modes of transportation that would be anticipated sits uncomfortably alongside the Government's objectives of delivering sustainable development in a planned and coordinated manner.
18. For the above reasons, the proposal would cause some harm, albeit limited in extent, by virtue of the site not representing an appropriate location for housing having particular regard to access to surrounding facilities and services. The proposal conflicts with saved Policy GEN1 of the ULP in so far as it requires that development will only be permitted where it encourages movement by means other than driving a car.

Noise

19. The site is situated in proximity to Stansted Airport and its associated flight path. I witnessed regular aircraft movements and associated noise during my inspection. The Airport, in their advisory consultation response, has indicated that the site is unsuitable for the development of a residential property on the basis of significant impact from aircraft noise. Meanwhile, the Council's Environmental Health Officer (the EHO) has set out that, whilst mitigation measures could be put in place to achieve recommended noise levels internally, external amenity spaces would be subject to aircraft noise significantly above guideline levels for significant periods of time.
20. It has been put to me by the appellant that the site, being located south-west of the airport, is predominantly under the path of planes just taken off rather than landing. As such, planes tend to be at a higher altitude when compared to if they were due to land. Whilst I have no reason to doubt these assertions, this does not provide satisfactory assurances that significant aircraft noise would be avoidable. Indeed, there is no convincing technical evidence before me to assist in refuting the considerations of the Airport or the EHO. It is also relevant that the previous Inspector in 2017 identified harm in a noise context. I have no clear reason to take an alternative view to hers.
21. Whilst I shall come on to consider any implications of the scheme's benefits under the Heritage Balance and Overall Planning Balance sections of my decision, the proposal, having particular regard to noise, would give rise to unacceptable living conditions for future occupiers of the proposed development and thus cause harm. The scheme conflicts with saved Policies

ENV10 and GEN2 of the ULP, the Framework and the Government's Aviation Policy Framework, in so far as these policies set out that housing and other noise sensitive development will not be permitted if the occupants would experience significant noise disturbance.

Other Matters

22. Various recent planning decisions relating to sites elsewhere have been brought to my attention by the appellant, where in each instance planning permission for a detached dwelling was granted by the Council. However, each of these sites is located in a different part of the District such that it is difficult to draw direct parallels. It is also not clear whether heritage constraints applied at the other sites. Turning to Breach House³ specifically, a different relationship with surrounding development applied when compared to the appeal scheme. This was similarly the case at Canfield House⁴ where an existing cluster of development would appear to have been the focus of considerations. Meanwhile, at Bell Mills⁵ and Colletia⁶, ribbon development was identifiable along the relevant route that serves them, which differentiates these schemes from the appeal proposal. For these various reasons, the other permissions that have been highlighted are of little relevance to my considerations.
23. I have noted objections/concerns raised by interested parties with respect to matters including highway safety and the effect upon neighbouring living conditions. However, as I have found the proposal to be unacceptable for other reasons, it is not necessary for me to explore these matters further here.

Heritage Balance

24. I have identified that the scheme would fail to preserve the character or appearance of the CA and lead to less than substantial harm being caused to its significance, contrary to Section 72(1) of the Act. It must be noted that even less than substantial harm to a designated heritage asset carries considerable importance and weight.
25. In terms of public benefits, the proposal involves the creation of one additional unit of housing. This is within a District where the latest published⁷ position of the Council is a 4.89-year supply of deliverable housing sites, a shortfall when compared to the minimum five-year supply threshold endorsed by the Framework. In such circumstances, one additional dwelling, which would be deliverable quickly, would make an important contribution to the supply-deficit and attract meaningful weight as a scheme benefit.
26. The development would also create jobs during the construction phase and would, most particularly once occupied, provide support to the local economy and local community facilities. These benefits attract limited weight due to the modest quantum of development under consideration. Similarly, any possible increase in biodiversity to be brought about by new planting would be limited and attractive of commensurate weight as a public benefit.
27. The benefits associated with the scheme would be fairly modest, even when considered in cumulative terms. This leads me to conclude that, in the

³ UTT/17/2250/FUL

⁴ UTT/18/0622/FUL

⁵ UTT/21/1349/FUL

⁶ UTT/18/2868/FUL

⁷ December 2022

circumstances of this case, the public benefits would not outweigh the less than substantial harm that I have identified would be caused to the heritage significance of the CA.

Overall Planning Balance

28. In addition to the harm to the CA, I have identified harms to the character and appearance of the area having particular regard to the site's countryside location, by virtue of the limited accessibility of facilities and services, and to future living conditions having particular regard to noise. The scheme's benefits would be comfortably exceeded by these various harms and associated policy conflicts considered in combination. The proposal conflicts with the development plan when read as a whole and material considerations do not lead me to a decision otherwise.

Conclusion

29. For the above reasons, the appeal is dismissed.

Andrew Smith

INSPECTOR