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# Appeal Decision

Site visit made on 26 June 2023

**by Mark Philpott BA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 July 2023**

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**Appeal Ref: APP/X1925/W/22/3311553**

**Land between Cherry Holt and 2 Caldecote Road, Newnham SG7 5JZ**

- 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 Andy Bartlett against the decision of North Hertfordshire District Council.
  - The application Ref 22/00346/FP, dated 3 March 2022, was refused by notice dated 24 June 2022.
  - The development proposed is described as 'proposed construction of new single family dwelling, built to achieve very low energy and sustainability standards and replacement of existing workshop/shed on adjacent owned land'.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The North Hertfordshire Local Plan 2011-2031 (Local Plan) was adopted in November 2022 following the Council's determination of the planning application. Both main parties have been able to consider any implications of the change to the development plan during the appeal process.

## Main Issues

3. The main issues are the effects of the proposal on the setting of Cherry Holt<sup>1</sup>, which is a Grade II listed building, and the character or appearance of the Newnham Conservation Area.

## Reasons

4. The site includes garden land to the side of the semi-detached dwelling at 2 Caldecote Road and garage and workshop outbuildings in the curtilage of Cherry Holt. The dwelling at No 2 has two storeys, a large gabled front projection, a small rear projection and porch, and is primarily finished in painted brick under slate tiles. The adjoining dwelling at 1 Caldecote Road mirrors No 2. Both properties have large front and side gardens, albeit No 1's garden tapers away from the dwelling. The boundaries of the properties are mostly enclosed by hedges, with taller vegetation towards the front of the site.
5. According to the statutory list description, Cherry Holt probably dates from the late 17<sup>th</sup> century. It is principally timber framed and rendered with a pantiled roof. It features a small front dormer that sits partly above and below the eaves, a large rear extension, and single storey projections to its front and side that have exposed studding. Timber casement windows including diamond

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<sup>1</sup> List entry number: 1102670

paned ones, exposed purlins in bargeboarded gables and an axial brick stack with oversailing courses are also evident. The building is set back from Caldecote Road within a large plot that is enclosed by vegetation but has a relatively open frontage. A field beside the property is evident from Cherry Holt's front garden and Caldecote Road. A field to the rear is also visible from the property.

6. The workshop is timber clad and wider and lower in maximum height than the pantiled and brick, render and timber surfaced garage that it sits behind. It is common ground that the outbuildings were constructed post-1948 and thus are not curtilage listed buildings. Based on the evidence and my observations, I see no reasons to conclude otherwise.
7. The special interest and significance of Cherry Holt are derived in the main from its architectural and historic interest as a traditionally constructed, detailed and attractive vernacular rural dwelling. Despite the enclosure provided by the boundary treatments, Cherry Holt's plot, the large garden of No 2 and the surrounding fields each have a prevailing open, spacious and verdant character which provide the building with a pastoral setting that contributes positively to its special interest and significance.
8. The conservation area incorporates much of the village of Newnham including many listed buildings, and other buildings of local interest according to the Council's Conservation Area Appraisal (CAA)<sup>2</sup>. The special interest and significance of the conservation area is derived largely from the quality and quantity of the historic buildings within it. The rural character of the village is also a key factor, which is evident from the form and loose-knit pattern of development and the presence of traditionally constructed vernacular residential properties, agricultural buildings, a high proportion of greenery and views of the countryside. The open, spacious and verdant character of the land around and between buildings including the garden between No 2 and Cherry Holt contribute valuably in that regard. The CAA's lack of formal identification of the garden as an important space does not indicate that it is not a positive feature of the conservation area.
9. According to historic mapping in the appellant's Heritage Assessment, a small building was present on site at some point until 1877 at the latest. Additionally, a group of buildings including a post office were once present close to the dwelling at No 1. The evidence indicates that the plot boundaries of Nos 1 and 2 became similar to their current form between 1924 and 1968. However, there is limited evidence as to the exact form and scale of the buildings that were once present on and near the site. Moreover, despite changes to plot boundaries, the mapping suggests that Cherry Holt and its surroundings have nevertheless been continuously characterised by a prevailing sense of pastoral openness. For the above reasons, the site contributes positively to the character and appearance of the conservation area as a whole.
10. The proposed dwelling would be set back slightly from Caldecote Road in comparison with the adjacent ones. It would have an L-shaped plan with a gabled two storey element that would face the road and extend towards the rear of the site, and have a single storey element principally to its side. The two storey element would be relatively deep, and feature large wall dormers roughly mid-way along its side elevations and lower eaves beside them. The

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<sup>2</sup> Newnham Conservation Area, dated 24 April 2008

dwelling would also feature windows of varying sizes and proportions. Rooflights would also be inserted, with two of those in the roof slopes beside the wall dormer facing Cherry Holt. Vehicular access would be gained from the existing access to No 2, with hard surfacing for parking in front of the proposed dwelling.

11. The proposed replacement garden store would be similar in length but narrower than the existing workshop. It would follow the retained garage's ridgeline and eaves on one side, but the eaves facing the listed building would be lower as it would be slightly wider than the garage. Its design and materials would also match the appearance of the garage.
12. The proposed dwelling would extend across a significant amount of No 2's side garden. This would be readily perceptible from Caldecote Road, particularly from the vehicular access. Additionally, the deep two storey element would be located near the shared boundary with Cherry Holt and its side and roof would be prominent above the outbuildings and vegetation in views across the listed building's front garden and from the road, such that there would be intervisibility between the dwellings.
13. I note that the proposed dwelling is intended to be reflective of a barn and dominant architectural features in the area. However, its proportions, roof design, wall dormers and fenestration taken together would result in a prominent dwelling with a modern aesthetic that would contrast negatively with the prevailing traditional form of Cherry Holt. For these reasons, the proposed dwelling would be poorly juxtaposed with, compete in views of and detract from the listed building. Furthermore, due to the scale and position of the proposed dwelling, the infilling of the gap between the existing dwellings would harm the open and spacious setting of the listed building. Similarly, the loose-knit pattern of development and verdant character of the conservation area would be adversely affected by the replacement of a significant proportion of the garden with a new dwelling between the buildings. The presence of existing and proposed landscaping would not provide mitigation to the extent that the issues identified would be addressed.
14. The proposed garden store's comparative narrowness to the existing workshop would provide for a greater sense of separation between the listed building and the outbuildings perceived from the Cherry Holt access. However, this impact would be somewhat offset as the store would be taller and more visible behind the listed building, and so the form of Cherry Holt would be slightly less legible in views across its garden. Therefore, taken on its own, the store would result in a slight improvement to the listed building's setting. In respect of the conservation area, having regard to the workshop's size, position, design and condition, it is not prominent or uncharacteristic of its surroundings, and the store would neither be a discordant feature nor enhance the conservation area. Accordingly, this aspect of the proposal would preserve the character and appearance of the conservation area. Nevertheless, the harm arising from the effects of the proposed dwelling, as identified above, would remain.
15. Paragraph 199 of the National Planning Policy Framework (the Framework) advises that when considering the impacts on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In addition, section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires decision makers to have special regard to

the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest possessed. Furthermore, section 72(1) of the Act requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

16. For the reasons given, the proposal would harm the significance of Cherry Holt and the conservation area as a whole. Accordingly, the setting of the listed building and the character and appearance of the conservation area would fail to be preserved. The proposal is thus contrary to the expectations under sections 66(1) and 72(1) of the Act.
17. The harm arising to Cherry Holt and the conservation area in each case would be less than substantial for the purposes of the Framework. In such circumstances, paragraph 202 of the Framework advises that the harm to these designated heritage assets should be weighed against the public benefits of the proposal including, where appropriate, securing an asset's optimum viable use. This approach is echoed by Policy HE1 of the Local Plan. I consider this matter later in the decision.

### **Other Considerations**

18. Notable other listed buildings in the immediate vicinity include the Grade II\* listed Church of St Vincent and the Grade II listed Newnham Manor. The former is located beyond the field beside Cherry Holt and enclosed by mature trees. Having regard to the distance between the proposed dwelling and the church, and the presence of Cherry Holt and intervening vegetation between them, the setting and significance of the church would not be affected. Further, Newnham Manor is located on the opposite side of Caldecote Road and, due to its distance and offset position from the site, its setting and significance would not be affected either. Similarly, no other heritage assets would be affected by the proposal.
19. The appellant is doubtful that the Council can demonstrate a five year supply of deliverable housing sites and highlights that there have been few new homes constructed in the village in the last 60 years or so. However, the Local Plan was adopted recently and firm evidence that there is a shortfall in supply against its housing requirement has not been put forward. Moreover, even if there were to be a substantial supply shortfall, the contribution that a single new dwelling would make to supply would be limited. It is also alleged that the proposal would decrease pressure for development in the green belt, but there is nothing compelling before me which indicates that the Local Plan fails to provide a strategy for housing growth in appropriate locations. Accordingly, the public benefits of the proposal in these respects attract limited weight.
20. It is advanced that the proposed dwelling would be a self-build home for someone with a strong local connection to the area. The Annual Monitoring Report 2021-2022 indicates that the Council has repeatedly failed its duty<sup>3</sup> to grant a sufficient number of suitable permissions to meet the demand for self and custom built housing within the district. The Council anticipates that there will be an increase in supply following the Local Plan's adoption, but substantive evidence has not been provided in that regard. Although it has not been demonstrated that the dwelling would accord with the definition of self-

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<sup>3</sup> Set out by section 2A of the Self-build and Custom Housebuilding Act 2015

build and custom housebuilding<sup>4</sup>, in the context of a likely undersupply of sufficient permissions, the public benefit from the provision of the self-build home attracts significant weight.

21. The Council identifies that the site is in an accessible location, and there is nothing compelling to the contrary. The occupiers of the proposed dwelling would therefore contribute economically and socially to the vitality of the village and surrounding rural communities. The appellant also puts forward that the proposed dwelling would be extremely energy efficient and environmentally sustainable, which is welcome in the context of the Council's declaration of a climate emergency. It is also contended that the site may constitute previously developed land. I am unconvinced about this given that the site is within a settlement and the Framework excludes garden land in built-up areas such as residential gardens from the definition of previously developed land. In any case, the public benefits arising from all these matters would be limited given the small amount of housing proposed. The slight improvement to the setting of Cherry Holt arising from the replacement of the workshop with the proposed garden store is also a matter of limited weight in favour of the scheme.
22. It is contended that through the application of Classes A and E of Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015, No 2 could be extended and an outbuilding could be erected on the site in roughly the location of the proposed dwelling, which would purportedly improve the property. The owner of No 2 has set out their intentions in that regard and would also potentially create hardsurfacing in front of any new building. However, development permitted by Class E could be no more than a single storey and could not be located between the walls forming the side elevation of the dwelling and the boundary of its curtilage. As such, any outbuilding constructed using permitted development rights would not be directly comparable to the proposed dwelling. Similarly, an extension would not have the same impacts as the new detached dwelling. Accordingly, the permitted development fallbacks attract little weight.
23. The appellant has indicated that other heritage assets in the village and a redundant play area could be improved in association with the scheme. However, such works are not expressly included within the scope of the proposal, are not located within the site nor directly related or relevant to the development. Consequently, these matters do not constitute benefits in favour of the proposal.
24. A terrace of four new dwellings was constructed recently at The Green, which is towards the centre of the village. Full details of that development and the considerations relevant to the Council's decision<sup>5</sup> have not been provided. However, it is not directly comparable to the proposal as it involved the supply of a greater amount of housing, is in a different location, and thus has a different relationship with heritage assets. I have also been referred to a recent scheme<sup>6</sup> for a new dwelling at Lodge Cottage, but it is further from the site and also has a different relationship with the heritage assets nearest to it, such that the considerations applicable in that case do not reconcile fully with the matters relevant to the proposal before me. Therefore, these decisions do not affect my findings with regard to the above main issues.

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<sup>4</sup> Defined by section 1(A1) and (A2) of the Self-build and Custom Housebuilding Act 2015

<sup>5</sup> Council reference: 20/00970/FP

<sup>6</sup> Council reference: 22/02115/FP

25. I have also been provided with appeal decisions for schemes with allegedly similar attributes to the proposal, particularly in respect of matters associated with self and custom housebuilding. However, those decisions relate to schemes in different administrative districts and the considerations that applied in those cases are not directly comparable to those that apply to the proposal, such as the housing supply position and specific impacts on heritage assets. Accordingly, these matters do not lead me to alter my above findings.
26. Concerns have also been raised regarding the committee meeting wherein the proposal was considered by the Council. However, the Council's procedures in that regard are not a matter for me to comment on.

### **Planning Balance and Conclusion**

27. Overall, if I were to conclude that there was a significant shortfall in housing supply and the site constitutes previously developed land, the public benefits arising from those matters together with the others identified would at most attract significant weight. However, even in that scenario, the sum of the public benefits would be insufficient to outweigh the considerable importance and weight that even the less than substantial harm to the designated heritage assets of Cherry Holt and the conservation area carry.
28. The proposal therefore conflicts with Policy HE1 of the Local Plan, which seeks to protect designated heritage assets. Furthermore, the proposal conflicts with the historic environment protection policies in the Framework. Therefore, even if the presumption in favour of sustainable development at paragraph 11 of the Framework were to be applicable, the application of the Framework's policies that protect areas and assets of particular importance would provide a clear reason for refusing the proposal. Accordingly, the Framework does not indicate in favour of the development.
29. The proposal is contrary to the development plan taken as a whole. Material considerations do not indicate that a decision should be reached otherwise than in accordance with the development plan. Accordingly, the appeal is dismissed.

*Mark Philpott*

INSPECTOR