



Appeal Decision

Site visit made on 10 January 2024

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 18.01.2024

Appeal Ref: APP/C1570/W/23/3320733

Potters Cottage and The Willows, Bardfield Road, Thaxted CM6 2LP

- 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 Jane Jackson against the decision of Uttlesford District Council.
 - The application Ref UTT/22/1704/FUL, dated 26 June 2022, was refused by notice dated 13 March 2023.
 - The development proposed is the erection of pair of cartlidges.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The original plans submitted with the application (drawings 001, 002 and 003, all labelled Revision A) show one double width cartlodge at the front of the appeal site and one single width cartlodge at the rear. The plans were then amended (Revision B) to remove windows, doors and accommodation in the roof space of the front cartlodge as well as external steps. The roof pitch and ridge height were reduced, and a log store and office space added. The amendments for the rear cartlodge only involved the addition of a second external door. The Council consulted on the Revision B amendments.
3. The appellant contends that they submitted further amendments (Revision C) during the application process to remove the rear cartlodge completely and omit the log store from the front cartlodge with no other changes in dimensions. The appellant also contends that the intention now was to use the front cartlodge as storage and annexe bedroom accommodation. However, the relevant revised drawing (002/C) only shows parking and office space within the cartlodge. Moreover, the Council's decision notice refers to the Revision B plans. I have no evidence to show that the Revision C plans were received and consulted upon (including any amended description of development to refer to the annexe element). An appeal representation from an interested party states that they were unaware of any Revision C plans.
4. Therefore, I have had regard to the Revision B plans and considered the effect of two cartlidges. In any case, were I to conclude that only one cartlodge was acceptable, it would be possible to exclude the other cartlodge from any grant of planning permission given that the two structures are entirely separate. Furthermore, the appellant could seek to clarify the use of any approved cartlodge through the submission of an additional planning application.
5. A revised version of the National Planning Policy Framework (NPPF) was published on 19 December 2023. There were no substantive changes of

relevance to this appeal proposal. Amended paragraph numbers are referenced in my decision below.

Main Issue

6. The main issue is the effect of the proposed development on the special interest of the Grade II listed building known as Coldhams Fee.

Reasons

7. Coldhams Fee is the name of the Grade II listed building on the national heritage list, although currently it is divided into two properties known as The Willows and Potters Cottage. The listed building dates from around the 17th century. It is one storey with attic space above and a modern extension at the rear. The building is timber framed with a thatched roof and casement windows, and is part plastered and part weatherboarded. The appeal site comprises the current grounds of the listed building along with the access drive from the road.
8. The special interest and significance of the listed building is informed by its architectural and historic qualities as a rural cottage but is also influenced by its setting. Most of the properties along this road are modern, including two dwellings (Coldhams Cottage and Doodle Cottage) that have recently been constructed within the former grounds of the listed building utilising traditional rural designs and materials.
9. These dwellings have reduced the amount of space previously enjoyed by the listed building, but it still retains a reasonably open setting to the front and sides. A garage is positioned between the listed building and the road, but it has a neutral effect on the overall setting due to its small footprint and height, shallow roof form, and modest design. While the listed building is set back from the road, it is visible within the street scene with its distinctive and steeply pitched roof form in contrast to the uniformity of more modern properties nearby. Therefore, the setting of the listed building makes a positive contribution to its special interest and significance.
10. The front cartlodge would replace the existing garage and extend close to the boundary with No 9. However, the cartlodge would be more than double the footprint of the existing garage and would be considerably taller. Despite the revisions to the height and pitch of the roof, it would still be a large and bulky feature of the building. The ground levels rise to the boundary with 9 Townfield and the plans do not show whether there would be any excavation to accommodate the cartlodge. In the absence of such clarity, the cartlodge would appear taller than the plans indicate.
11. The loss of the existing garage would have no adverse effect on the listed building given its neutral qualities. However, the garage is only sited slightly further west than the front cartlodge would be and so its removal would do little to open up views of the listed building. Due to the additional height and bulk of the front cartlodge, it would compete for attention with the listed building more than the garage does in the street scene and would erode more of the open setting. The rear cartlodge would be smaller than the front cartlodge and less prominent in views from the road. However, it would reduce the open setting between the listed building and Doodle Cottage.

12. The use of traditional materials and design for the two cartlodges would be in keeping with the listed building and the two new dwellings, but this would not offset the negative effect the cartlodges would have on the setting of the listed building individually and taken together. Therefore, the proposed development would result in less than substantial harm to the significance of the listed building. This has considerable importance and weight in the overall balance.
13. NPPF paragraph 205 requires great weight to be given to the conservation of designated heritage assets irrespective of the extent of harm. NPPF paragraph 206 states that any harm to significance should require clear and convincing justification, while paragraph 208 requires less than substantial harm to be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
14. Annexe accommodation and storage (if appropriately covered by any necessary planning permission) would provide more space for the occupants of the listed building. However, it has not been demonstrated that the listed building is too small to have a viable use as a dwellinghouse now. Therefore, this benefit is a private one and carries very little weight. The proposal would provide economic benefits in terms of its construction and storage space for work equipment, but given the limited amount of development involved, this carries little weight.
15. As noted above, the existing garage has a neutral effect and so no environmental benefits would arise from its removal. Any landscaping enhancements would be limited to a residential plot and so only result in small benefits. Permitted development rights for outbuildings do not exist where the structure would be located within the curtilage of a listed building and so very little weight can be given to the argument that up to 50% of the grounds could otherwise be covered in outbuildings.
16. The public benefits would be insufficient to outweigh the less than substantial harm to the listed building or provide clear and convincing justification for the harm. In conclusion, the proposed development would not preserve the special interest of the listed building. Therefore, it would not accord with Policy ENV2 of the Uttlesford Local Plan 2005 which requires development affecting a listed building to be in keeping with its scale, character and surroundings and avoid adverse effects on its setting. The proposed development would also not accord with NPPF paragraphs 205, 206 and 208 or Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
17. The appellant argues that Policy ENV2 is out of date due to the age of the development plan. However, NPPF paragraph 225 clarifies that existing policies should not be considered out of date simply because they were adopted prior to the NPPF's publication. The appellant accepts that the policy is consistent with the NPPF and I consider that it should be afforded considerable weight. In any event, even if NPPF paragraph 11(d) was engaged due to the most important policies being out of date, the application of NPPF policies relating to heritage assets provides a clear reason for refusing the proposed development.

Other Matters

18. Concerns have been raised about the effect of the proposed development on the living conditions of occupiers at 9 Townfield. Given my findings on the main issue, it has not been necessary to address these concerns in any detail.

Conclusion

19. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR