



Appeal Decision

Site visit made on 22 January 2024

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 March 2024

Appeal Ref: APP/C1570/W/23/3323870

Land between Perrys and Rands, Rands Road, High Roding, Dunmow CM6 1NH

- 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 W. Poulton (Chelsteen Developments Ltd) against the decision of Uttlesford District Council.
 - The application Ref UTT/22/2867/FUL, dated 18 October 2022, was refused by notice dated 14 December 2022.
 - The development proposed is erection of one no. detached dwelling, complete with all related works including upgrading of existing access.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr W. Poulton (Chelsteen Developments Ltd) against Uttlesford District Council. The application for costs is the subject of a separate decision.

Preliminary Matters

3. The appeal site is located between two properties identified as 'Perrys' and 'Rands' on the application form. I understand that 'Perrys' has been renamed to 'Ballencrieff' and the appeal documents refer to the property by both names. For consistency, I have referred to 'Ballencrieff' throughout this decision.
4. The existing site access straddles the boundary of the High Roding Conservation Area (CA). However, the majority of the appeal site and proposed development concerns land outside of, but adjacent to the CA. No statutory protection for the setting of a conservation area is present under the requirements of Section 72(1) of the Act. However, the Framework requires that particular significance of any heritage asset, including by development affecting the setting, shall be taken into account when considering the impact of a proposal.
5. The appeal site is also proximate to two Grade II listed buildings. In considering whether to grant planning permission, section 66(1) of the Act requires that special regard is had to the desirability of preserving a listed building or its setting. I have borne in mind this statutory duty when deciding the appeal.
6. The National Planning Policy Framework (the Framework) was revised in December 2023. The parties have been invited to make comments on the

revisions to the Framework insofar as they are relevant to the appeal. I have taken the comments received into account in my consideration of the appeal. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.

7. The development plan currently comprises the Uttlesford Local Plan (2005) (ULP). My attention has been drawn to a Ministerial letter dated 19 December 2023, which directs Uttlesford District Council to revise its Local Development Scheme within 12 weeks of the publication of the revised Framework. Planning law requires that the appeal be determined in accordance with the development plan unless material considerations indicate otherwise. I have determined the appeal on this basis.

Background and Main Issues

8. The Council's decision notice gave three reasons for refusing the proposed development. The third reason relates to an overall balance, which I will consider in the heritage and planning balance section of this decision. On this basis, the main issues in this appeal are:
 - a) the effect of the proposed development on the character and appearance of the area, including taking account of the significance of the CA through development affecting its setting; and
 - b) whether the settings of nearby Grade II listed buildings would be preserved.

Reasons

a) Character and appearance

9. High Roding is a traditional linear settlement situated in a rural area. The appeal site is located on Rands Road, which is a narrow country lane that leads away from the settlement into the countryside. It is not in dispute that the appeal site lies within the open countryside as defined by the ULP.
10. The CA boundary encapsulates the development that addresses The Street and a short stretch of Rands Road that leads off it. Collectively, the age, location and materials of buildings reveal the evolution of the settlement over time and the local vernacular. The significance of the CA is therefore contributed to, in part, by the rich collection of medieval and post-medieval buildings within it, some of which are listed and non-designated heritage assets.
11. The relationship between the settlement and its wider rural context makes a positive contribution to the character and appearance of the CA and to its significance. Moving away from The Street, Rands Road has a narrow country lane character and a much looser grain. The gaps and spaces between buildings, their large plots and set back from the road, offers an increased sense of spaciousness and views out to the backdrop of agricultural fields. These are therefore elements that inform a connection within the CA's wider rural surroundings, and setting, that also contributes to its significance.
12. The appeal site comprises a small paddock situated on the south side of Rands Road, between two properties and their associated gardens. The site is not in an active use and, except at the site entrance, is largely screened by boundary planting.

13. The appeal site has not been identified as an important gap site within the High Roding Conservation Area Appraisal and Management Proposals (2014) and is close to a cluster of other buildings. Nevertheless, the appeal site provides an undeveloped green and verdant gap between development, which provides a sense of spaciousness and contributes to the country-lane character along this part of Rands Road. Notwithstanding hedgerow boundaries, the absence of built form on the appeal site is perceptible from this part of Rands Road and the CA. Moreover, the gaps through hedgerows, and at the appeal site's entrance, enable a visual and spatial link to the agricultural land beyond. The appeal site therefore makes a positive contribution to the character and appearance of the area, and to the significance of the CA.
14. The proposed development would introduce a detached dwelling onto the appeal site, accessed off Rands Road. The proposed dwelling would be relatively modest in height and scale and would have a similar set back from the road as Ballencrieff. However, although there would be a generous rear garden and some side space, the proposed dwelling would occupy the majority of the plot width and would introduce significant bulk and mass to a site that is currently devoid of buildings. Therefore, even at 1.5 storeys high and 3-bedroomed, and with materials in-keeping with the locality, the proposed development would significantly diminish the verdant and spacious qualities of the appeal site.
15. Views of the proposed dwelling from nearby footpaths would be partially screened by intervening buildings and established vegetation. However, the development would be prominent in proximate views from Rands Road, as well as from nearby dwellings. These views could, to some extent, be limited through increased planting which could be secured through condition. However, additional screening would not mitigate the loss of undeveloped space between buildings which is an important feature in the local character.
16. I therefore conclude that the proposed development would harm the character and appearance of the area; and, through development affecting its setting, would cause harm to the significance of the CA as a designated heritage asset. There would, therefore, be conflict with Saved Policy GEN2 of the ULP insofar as it expects development to be compatible with the layout of surrounding buildings; as well as with Saved Policy S7 of the ULP insofar as it seeks to ensure development protects or enhances the particular character of the part of the countryside within which it is set.
17. Saved Policy ENV1 of the ULP concerns development within conservation areas and is therefore not directly relevant given the appeal scheme concerns land outside of the CA. However, through development within its setting, the proposal would cause some harm to the significance of the CA as a designated heritage asset, albeit the harm would be less than substantial. I consider this further in the overall heritage and planning balance.

b) Settings of listed buildings

18. On the same side of Rands Road and adjacent to the appeal site is a traditional former farmstead complex The Rands, which includes an historic farmhouse and thatched barn, both of which are Grade II listed buildings.
19. The Grade II listed Rands Farmhouse is a two-storey dwelling with a plastered exterior featuring some weatherboarding and sash windows, set back from

Rands Road behind a brick boundary wall and yard. According to the statutory list description, Rands Farmhouse originated from the 16th Century and was extended in the 17th and 20th Centuries. Notwithstanding changes over time, Rands Farmhouse is read as a large dwelling with close associations to the thatched barn on the opposite side of the yard and to the undeveloped land around it. Its significance and special interest is informed, in part, by its age, surviving historic fabric and architectural execution as well as its original connection to agriculture and the surrounding rural landscape.

20. The Grade II listed Rands Barn is timber-framed and weather boarded, with a distinctive thatched roof that partially overhangs Rands Road. Rands Barn is no longer in agricultural use, and today its immediate setting has a domestic character. The significance of Rands Barn is partly derived from its age, materials, and agricultural appearance. Furthermore, its significance is also partly derived from its proximity and historic relationship with Rands Farmhouse, and its links with the wider farmstead and the land historically associated with it.
21. According to the appellant's evidence, historic mapping indicates that the appeal site was historically a field in the same ownership as Rands and formed part of its immediate agricultural setting. That setting has become more domesticated in nature, and there have been changes in land ownership and boundary treatments. However, to this day, the appeal site continues to be in a non-residential land use and its undeveloped nature offers a link between Rands Farm and Rands Barn and the wider rural landscape historically associated with these listed buildings. Therefore, the appeal site is an element of the setting of both Rands Farm and Rands Barn that makes a valuable contribution to their overall significance and special interest.
22. The proposed development would not have any direct impacts on either listed building or their plots, nor would it intrude on the relationship with the Rands Road frontage. However, the introduction of a new dwelling on the appeal site would lead to the permanent domestication of it and would contribute to a further erosion of the listed buildings' green and agricultural settings. As a consequence, the proposed development would fail to preserve the setting of either Rands Farmhouse or Rands Barn.
23. I conclude that the proposed development would fail to preserve the settings of the two Grade II listed buildings, contrary to Section 66(1) of the Act. Therefore, conflict would arise with Saved Policy ENV2 of the ULP insofar as it sets out that development proposals that adversely affect the setting of a listed building will not be permitted. It follows that there would be some harm to the significance of the listed buildings as designated heritage assets through development affecting their settings. Owing to the scale and nature of the proposals, the degree of harm to significance of the listed buildings would be less than substantial. I consider this further in the overall heritage and planning balance.

Other Matters

24. The appeal proposal has evolved in response to objections raised to a previous iteration of the development, the subject of an appeal in 2010, and to pre-application advice provided by the Council. However, it is for the decision-maker to have special regard to the desirability of preserving a listed building or its setting, and to take account of the particular significance of any heritage

asset, including from development within its setting, when considering the impact of a proposal. Whilst noting the pre-application advice and the appellant's frustration over the Council's handling of the application, I have considered the appeal proposal on its own merits, and with regard to the site and latest national policy context.

25. I have been directed to a number of appeal decisions in support of the appellant's case. Whilst I have had regard to these, including in respect of Saved Policy S7 of the ULP and heritage assets, they are not directly comparable to the appeal scheme in terms of the scale and nature of the development, planning considerations, or public benefits. I have also had regard to the various appeal decisions which consider the consistency of Saved Policy S7 of the ULP with the Framework, and the housing land supply position. My own assessment of Saved Policy S7, housing land supply, and the Framework, is set out in the overall heritage and planning balance below.

Heritage and planning balance

26. The Framework states that great weight should be given to the conservation of a designated heritage asset, irrespective of whether the harm to its significance is less than substantial and towards the lower end of the scale. Paragraph 208 of the Framework requires the less than substantial harm to the significance of a designated heritage asset to be weighed against the public benefits of the proposal.
27. The proposal would undoubtedly offer social, economic, and environmental benefits that are also public benefits. Benefits would arise from the delivery of housing, increasing the choice of homes and contributing to the supply of housing land in an area where there is a persistent undersupply. There would be further benefits as future occupiers could support local services and the community in the village, which would be within walking distance. There would also be economic benefits relative to the construction phase. Increased planting and landscaping within the site could also offer biodiversity enhancements.
28. The proposal would introduce a managed use to the appeal site, increasing activity along Rands Road. However, I am not convinced that the appeal scheme is the least harmful way of better maintaining the site and managing vegetation. As some local services and facilities in High Roding, and public transport connections, could be accessed without reliance on the private car, the locational sustainability of the appeal site does not weigh against the proposal. That no harm has been identified in respect of highway safety, parking, the living conditions of neighbours, biodiversity, flooding, climate change, and trees are neutral considerations.
29. The social, environmental and economic benefits, which are also public benefits, associated with one open-market dwelling would be modest. Even taking account of the current housing land supply position, and the energy-efficient design of the proposed building, the cumulative weight of benefits would be moderate and not sufficient to outweigh the great weight that the conservation of a designated heritage asset carries. The proposal therefore fails to accord with the historic environment protection policies of the Framework.
30. I have already found that the proposal conflicts with Saved Policies GEN2, ENV2 and S7 of the ULP. Saved Policy S7 of the ULP is not wholly consistent with the Framework in respect of its approach to rural housing. I therefore

reduce the weight to the conflict with Saved Policy S7 to a moderate level. Moreover, the evidence before me indicates that the delivery of housing within the District was below 75% of the housing requirement over the previous three years. In these circumstances, paragraph 11(d) of the Framework is engaged.

31. I have already found that harm to the significance of the designated heritage assets would not be outweighed by public benefits, which provides a clear reason for refusing the development proposed under the provisions of paragraph 11(d)(i) of the Framework. The balance in favour of granting planning permission given by paragraph 11(d) of the Framework, therefore, does not apply.

Conclusion

32. The proposal conflicts with the development plan and the material considerations do not indicate the appeal should be decided other than in accordance with it.

33. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

E Catchside

INSPECTOR