



Appeal Decision

Site visit made on 7 December 2023

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2024

Appeal Ref: APP/C1570/W/23/3321627

Land at Fieldgate Farmhouse, Fieldgate Lane, Ugley, Essex CM22 6HJ

- 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 & Mrs Martin Coleman against the decision of Uttlesford District Council.
 - The application Ref UTT/22/3077/FUL, dated 10 November 2022, was refused by notice dated 19 January 2023.
 - The development proposed is the erection of one new dwelling and double garage with associated access on land to the east of Fieldgate Farmhouse, Ugley Green.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes could materially affect the main issues in this case, the parties were invited to make further comments. These additional representations have been taken into account in my decision. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.

Main Issues

3. The main issues are:
 - a) the effect of the proposed development on the character and appearance of the area,
 - b) the effect on the setting of the grade II listed building, Fieldgate Farmhouse; and
 - c) whether the site would represent a suitable location for housing, having regard to development plan policies, the Framework and its accessibility to services and facilities.

Reasons

Character and appearance

4. The appeal site is set in the countryside at the far northern limits of the small hamlet of Ugley Green. The landscape in this area is gently undulating and formed of traditional fields surrounded by hedges and trees. The area is not designated as being of special value but nevertheless has a rural charm. The

wider area is clipped by the M11 motorway although in this general location it has a minimal impact; the main intrusion being due to noise, along with that from aircraft associated with Stansted Airport.

5. Development patterns in the area, and beyond the urbanised limits of Elsenham and Stansted Mountfitchet, are sparse. These are confined to small hamlets in generally linear fashion along lanes, clusters of farm buildings and occasional, often historic farmhouses, of which Fieldgate Farmhouse is an example.
6. By introducing a large house in an area which is otherwise characterised by fields, the proposal dwelling would form a jarring addition. It would be a separate, modern detached home occupying a position which would not sit comfortably with the surrounding area. The proposed dwelling would bear no relation to the limited surrounding pattern of development and it would not be infill development as it would be completely separate from all other buildings and would be exposed to the countryside on all sides. The presence of some boundary screening in the form of hedges, trees and the large conifer row would not fully address nor override the unsympathetic effect of the development on landscape character.
7. Accordingly, I conclude that the proposed development would be harmful to the character and appearance of the area and it would conflict with policy S7 of the Uttlesford Local Plan (ULP). This policy seeks to protect the character of the countryside. Whilst the Council has referenced policies GEN1(e) and H4(a) in the first reason for refusal, these contain no provisions relating to this main issue.

Effect on listed building

8. Fieldgate Farmhouse itself is a 17th century detached farmhouse. The main part of the building is formed into a broad U-shape and features a weatherboarded plinth, a tiled roof with hipped and half-hipped ends and a selection of barns and outbuildings extending off in a subordinate wing towards the west. The building is set within grounds that extend towards the north and east. The proposed new dwelling would be set to the east of the existing farmhouse with a new access drive leading from the small single-track lane to the west, partly on an area occupied by an orchard. Historically this area was invariably fields and there is no evidence to indicate it contained any structures.
9. S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of Fieldgate Farmhouse as a grade II listed building. From the evidence before me, it appears that much of its special interest is derived from its traditional form, use of materials and isolated position on the edge of the hamlet. As a historic farmhouse it has links with surrounding fields. The closest of these now form part of the garden and the remoteness of the farmhouse has been curtailed by newer development to the south. Nevertheless, the open aspect still hints at the previous pastoral context and, as such, the setting contributes to the historic interest of the listed building.
10. The proposed dwelling would be large with no suggestion of subservience or regard to the neighbouring listed building. It would further erode the sense of isolation to the farmhouse and its open setting. The proposed dwelling would have a perfectly acceptable appearance and design in its own right. Even so,

acceptability in these respects would not overcome the harm due to the proposed development's effect on the context of Fieldgate Farmhouse.

11. As only a part of the setting of the listed building would be affected, less than substantial harm would be caused. In such circumstances, paragraph 208 of the Framework states the harm should be weighed against public benefits of the scheme.
12. I have already found the development would have an adverse effect on the character and appearance of the area and it follows that the proposal would not be beneficial to the landscape character of the site. The equipment store is of minimal note and improvements to it would not represent a public benefit of any significance. The addition of a single dwelling, of a type that is in need in the area and the economic benefits of construction works and occupiers' support for local services would be modest in the context of the overall land supply and wider economy. The development would make a more effective use of the site, which the appellant contests is previously developed land. However, overall I attach no more than moderate weight to the public benefits of the scheme. The Framework dictates that great weight should be given to the conservation of heritage assets and therefore the benefits associated with the proposed dwelling do not outweigh the identified harm.
13. I conclude that the proposed development would cause harm to the setting of the listed building. It would conflict with policy ENV2 of the ULP which requires development to preserve the historic characteristics and the setting of listed buildings. ULP policy GEN2 is referred to in the Council's second refusal reason but it contains no provisions relevant to this specific issue.

Suitability of location

14. The site is located in the countryside, as designated by policy S7 of the ULP. This policy specifies that this will be protected for its own sake and planning permission will only be given for development that needs to take place there, or is appropriate to a rural area. There is little evidence to demonstrate the proposed development needs to take place in the countryside and I have already found that it would have a harmful effect on the rural locality. As such, it would be contrary to ULP policy S7.
15. Policy S7, in effect, is a restriction on development that is not needed in the countryside, outside defined areas. In these regards, it is somewhat inconsistent with paragraph 83 of the Framework which promotes housing in rural areas where it will enhance or maintain the vitality of rural communities. Paragraph 84 of the Framework explains that the development of isolated homes in the countryside should be avoided excepting in certain circumstances.
16. The proposed house would be fairly close to other properties along Field Gate Lane and so it would not be isolated. In addition, whilst Ugley Green itself is a small hamlet, it is reasonably close to the nearby larger settlement of Elsenham and, to a slightly lesser extent, Stansted Mountfitchet, both of which offer shops, schools and public transport infrastructure. I have had regard to the recent appeal decisions raised by the appellant and the findings of the Inspectors in relation to land to the west of The Cottage, Snakes Lane¹ and

¹ APP/C1570/W/22/3308569

land Adjacent to Maughans² (the latter being the dwelling under construction immediately adjacent to the appeal site).

17. The Inspector for the Snakes Lane appeal considered that, given the location of the site within Ugley Green, the future occupants of the proposed dwelling would be reliant on private cars. However, other options are available reasonably near to the site that would encourage movement by means other than by car. Given that access to Elsenham, including the train station and the shops and services, would be viable on foot or by bicycle I find the site is in an accessible location such that residents of the development would help maintain the vitality of rural communities.
18. To summarise, the proposal would conflict with policy S7 of the ULP. However, the harm caused in this respect is tempered by finding that the development would accord with the Framework's provisions on the location of rural housing and that future occupiers would be able to access local services by means other than the private car. Therefore, I am satisfied that the development complies with ULP policy GEN1(e). As such, a departure from ULP policy S7 is justified. ULP policy H4, which was referenced by the Council, has no provisions of direct relevance to this main issue. The acceptability of the proposed development in these regards remains a neutral factor in my overall assessment.

Planning Balance

19. At the time of the submission of the planning application, the Council could not demonstrate a five-year supply of deliverable housing sites. In the intervening period, the Council has released a Housing Land Position Statement which considers that 5.14 years supply of housing is now available. Further subsequent evidence from the appellant suggests this position may now have fallen to 4.5 years. In any case, the Council has only delivered 58% of its housing requirement over the past three years. It has therefore not met the 75% required by the Housing Delivery Test.
20. Even if I were to accept that Framework Paragraph 11(d) is engaged for the reasons cited by the appellant, the identified harm to the listed building and its setting provides clear reason for refusing the proposed development. As such, the circumstances at paragraph 11(d)(i) of the Framework are engaged and so the presumption in favour of granting planning permission as set out at paragraph 11(d) does not apply.
21. The appellant has referred to a number of housing developments that have been granted planning permission. However, none of these relate to the appeal site and their effects on the character and appearance of the area and on Fieldgate Farmhouse as a listed building would be different. As such, these other decisions fail to affect my overall assessment of this appeal.

Conclusion

22. For the reasons given above I conclude that the proposed development would be harmful to the character and appearance of the area and have an adverse effect on the setting of the Grade II listed Fieldgate Farmhouse. These are the overriding factors that means the development would be contrary to the development plan when read as a whole. No other material considerations of

² APP/C1570/W/19/3230897

sufficient weight indicate that the appeal should be determined other than in accordance with the development plan. As such, the appeal is dismissed.

Nick Bowden

INSPECTOR