



Appeal Decision

Site visit made on 12 March 2024

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 April 2024

Appeal Ref: APP/C1570/W/23/3329450

Coach and Horses, Cambridge Road, Newport, Saffron Walden CB11 3TR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Cordage 9 Limited against the decision of Uttlesford District Council.
 - The application Ref is UTT/22/2197/FUL.
 - The development proposed is erection of two semi-detached dwellings (Use Class C3) on land to the rear of the existing public house (Sui Generis) utilising existing access off Cambridge Road, reconfiguration of public house car park, with associated hard and soft landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In December 2023, a revised version of the National Planning Policy Framework (the Framework) was published. I have had regard to the revised Framework in so far as it is relevant to this appeal.

Main Issues

3. The main issues are:
 - The effects of the development upon the character and appearance of the area; and
 - Whether the development would preserve the setting of the Grade II listed Coach and Horses Inn.

Reasons

Character and appearance

4. The appeal site consists of land to the side and rear of the Coach and Horses - a public house beside Cambridge Road in Newport. Included within the appeal site is car parking, a vehicular access and grassland. The appeal site is partly within and partly outside of Newport's Development Limit. To the east of the site there is woodland beside the River Cam, and beyond, fields and further woodland on rising ground. Together, this woodland and these fields provide an attractive countryside setting to this side of Newport.
5. Within the vicinity of the appeal site, Newport exhibits a largely linear settlement pattern with many buildings lining and fronting onto Cambridge Road and Bridge End. In the gaps between the linearly arranged buildings, there are views of the countryside to the east. There are instances where, in

some contrast, buildings are set to the rear of others. The modern development at the adjacent Granta Mead Close being one example. However, I find that such instances are exceptions, and they are not a strong influence over the prevailing character.

6. Owing principally to the amount of open grassland to its surroundings, and the presence of a low-slung bungalow to its south, the views of the countryside east of Newport in the vicinity of the Coach and Horses are particularly appreciable. These views contribute positively to the character and appearance of the area.
7. The number of dwellings proposed has been reduced from the past proposals which have also been the subject of appeal decisions¹. In comparison to those schemes, the proposed dwellings would also be set farther from the countryside beyond the site, and given only a pair of properties is proposed, the layout would be less divergent from the linear pattern of buildings which prevails in the area. In turn, I accept that the barn, the subject of a recent conversion, would largely screen the dwellings from specific points on Cambridge Road. In some views, the backdrop of the development would largely be of the built development on Granta Mead Close.
8. However, in other views, particularly a little to the north on Cambridge Road, the proposed dwellings would be prominent and intrusive. In these views, the site would become notably more built-up. The development would have an enclosing effect upon the site, and it would partly screen the attractive views of the countryside to the east of the appeal site. As these parts of Newport's attractive countryside setting would become less appreciable, harm would result.
9. Being smaller in scale than the proposed dwellings, the existing shed and caravan do not intrude upon the views of the countryside to the extent that the dwellings would. Therefore, their removal and replacement with the more forceful development proposed would bring about harm. The detailed design of the dwellings and their external building materials may be acceptable, but this would not sufficiently mitigate the harm I have identified.
10. Furthermore, the proposed alterations to the car park would entail the loss of some of the existing grassland within the site. This would be apparent in views in and around the site's vehicular access and the northern side of the public house. This existing grassland provides a largely open buffer to the wider countryside next to it. Even though most cars that would park within the car park would be of quite low height, concentrations of them parked in this location would still harmfully erode this open buffer and they would have an unsympathetic, jarring effect upon the countryside setting. These harmful effects would be wrought even if the trees along the River Cam could be retained.
11. Together, the diminished views of the countryside and the erosion of the buffer to the wider countryside beyond the site that would arise from the development would be harmful upon the character and appearance of the area. Consequently, the development would conflict with policies S3, S7 and GEN2 of the Uttlesford Local Plan (LP) and policies NQRHA1, NQRHA2, NQRHA3 and

¹ Appeal Decision References APP/C1570/W/20/3262290, APP/C1570/W/21/3277585 and APP/C1570/W/22/3311287

NQRHD2 of the Newport, Quendon and Rickling Neighbourhood Plan 2018-2033 (NP). Amongst other matters, these policies require development to relate well to the site and its surroundings, be compatible with the settlement's character and setting, maintain visual connections with the countryside and protect the character of land within the countryside itself.

12. Although much of its criteria does not relate to matters relevant to character and appearance, policy H4 of the LP does state that backland development will be acceptable where there is significant under-use of land and the development would make more effective use of it. In this case, it is the openness of much of the appeal site which allows for the views of the countryside. In further enclosing the site and harming these views, I cannot conclude that the development makes more effective use of the site and so I find conflict with this policy as well. The proposal would also conflict with those policies of the Framework which seek to ensure good design, development which is sympathetic to local character and development that creates beautiful places.

The listed building

13. Dating for the most part from the Sixteenth Century, the Coach and Horses displays a timber-framed construction with a jettied first floor, bay windows with sashes and leaded windows. Its steeply pitched roof is covered in clay pantiles. Such traditional design features and materials exude architectural interest, and they contribute strongly to its significance as a heritage asset. Serving as an historic coaching inn, and as a public house, the Coach and Horses illustrates the heritage of Newport. For this reason, it also has historic interest.
14. The building has in the past, and still maintains, open land within its immediate surrounds. Coupled with its prominent location beside a main road, this means that the Coach and Horses' architectural interest is readily appreciable in approaches to it. Furthermore, the amount of open land around it, and its position beside wider countryside, means that it retains peripheral rural characteristics. These characteristics signify the building's historical use as an inn and public house on the edge of Newport. This setting, which allows for both the building's architectural and historic interest to be appreciated, also contributes meaningfully to its significance.
15. The proposal's siting and proximity to the Coach and Horses would reduce the space around the listed building and its extent of visual relief from other buildings. Together with the proposal's effect of diminishing views of the listed building's countryside backdrop, the outcome would be that those rural characteristics which provide historic interest would be harmfully weakened. The development would, therefore, fail to preserve the listed building's setting.
16. In coming to this view, I accept that this rendition of the development does not have the form of an urban estate. A scheme of more dwellings in a more disparate layout may well harmfully infringe upon the listed building's setting to a greater extent. However, for the reasons given, this scheme of only the 2 dwellings would still harmfully affect the experience of the heritage asset.
17. Furthermore, I have had regard to the past appeal decisions including that for the 4 dwelling scheme². In that appeal, the Inspector's reasons for dismissal

² Appeal Decision reference APP/C1570/W/22/3311287

chiefly derived from the harm identified upon character and appearance and living conditions, and not the effects of the proposal upon the setting of the listed building. However, I particularly note that in that case the Council's reasons for refusal did not cite harm to the listed building. The effect of the development upon the setting of the listed building was not a main issue for the Inspector. This represents an important contextual difference between the 2 appeals.

18. Moreover, the layout of the 2 schemes differ, and the Council have submitted that it is the greater proximity of the 2 dwellings which is a determinative and distinguishing factor. Therefore, in reaching my decision, I have formed my own view, based on the evidence and the submissions of the appeal parties before me now and taking account of the current circumstances.
19. The harm to the designated heritage asset would be less than substantial. Even so, such harm is a matter of considerable importance and weight in my determination. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon me to pay special regard to the desirability of preserving the listed buildings or their settings or any features of special architectural or historic interest which they possess.
20. The Framework sets out at paragraph 208 that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
21. The proposal would provide a boost to housing supply, provide choice for home-seekers and, as a quite small development, be likely to contribute quickly to the supply of houses in the area. This would come at a time when the most up-to-date evidence before me demonstrates that the Council has less than 5 years' worth of housing supply (a supply of 4.5 years). Some economic benefits would be derived from the construction of the development and the occupation of the dwellings would also provide some support to local services and facilities. However, with only 2 dwellings provided, the effect upon reducing the housing shortfall would be limited, as would the economic benefits derived from it.
22. Building upon the proposals submitted within the Ecological Appraisal, the completed development could also deliver some biodiversity enhancements. This would be a further modest benefit.
23. Although it is submitted to me that the capital receipt raised from the sale of the development would be reinvested into the pub, I have very little detail on the nature of these reinvestment proposals. Furthermore, no mechanism to secure that they would take place is before me. I therefore afford this matter no meaningful weight. Given all that is before me, I find that the public benefits that would be derived from the development would be insufficient to outweigh the less than substantial harm to the heritage asset.
24. For the reasons given, the development would fail to preserve the setting of the Grade II listed Coach and Horses Inn. As a result, the proposal would conflict with policy ENV2 of the LP which states that development should be in keeping with the character and surroundings of listed buildings and that development which would adversely affect their settings will not be permitted. Given the development would fail to sustain the significance of the heritage

asset, and its public benefits would not outweigh the harm which would result from it, the development would also be contrary to the advice to this end at paragraphs 203 and 208 of the Framework.

Other Matters

25. The Grade II listed Registered Park and Garden of Shortgrove Hall covers an extensive area of land to the east and north-east of Newport. The significance of this asset in part stems from its aesthetics, including the historic layout of its fields and field boundaries. The Registered Park and Garden is also of historic value - it illustrates approaches to country estate landscaping and gardening and is associated with the landscape design of Capability Brown.
26. The significance of the Newport Conservation Area (CA) largely derives from its historical and architectural value including its medieval and post-medieval buildings and linear built form. The appeal site is well-separated from the CA given the distance between them and the number of buildings on the intervening land.
27. Neither of the main parties have concluded that the development would result in any harm to the significance of the Registered Park and Garden or the CA, and I have no compelling reasons to disagree.
28. Representations made in respect of the planning application and the appeal raise a range of concerns with the development. However, as I am dismissing the appeal on the main issues it is not necessary for me to conclude upon each of these matters in detail.
29. Even if I were to conclude that the appeal site is a logical location for housing in principle and that the development would not result in harmful effects upon matters such as living conditions, highway safety or cause an increase in flood risk, these would be neutral factors in my determination. They would not weigh in favour of the proposal nor overcome the harm I have identified in the main issues.

Planning Balance and Conclusion

30. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In my main issues, I have found that the development would result in harmful effects upon the character and appearance of the area and that it would fail to preserve the setting of the Grade II listed Coach and Horses Inn. Consequently, I have identified particular development plan policies that the proposal conflicts with. Although there are some other development plan policies with which the proposal complies, it conflicts with the development plan taken as a whole.
31. The Framework is an important material consideration. The Council cannot demonstrate 5 years' worth of housing supply. The result of this is that paragraph 11(d) of the Framework is engaged.
32. In this case, the public benefits of the development would not outweigh the less than substantial harm that would be caused to the listed building. The application of Framework policy that protects designated heritage assets therefore provides a clear reason for refusing the development and, in turn, the

proposal does not benefit from the presumption in favour of sustainable development.

33. Consequently, I have found that the proposal conflicts with the development plan and no other considerations material to the appeal, including the content of the Framework, indicate that a decision should be made other than one in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

H Jones

INSPECTOR