



Appeal Decision

Site visit made on 13 March 2024

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2024

Appeal Ref: APP/C1570/W/23/3326001

Land off Lower House Farm, Lower Green Lane, Wimbish CB10 2XH

- 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 Matthew Phillips and Hannah Stock against the decision of Uttlesford District Council.
 - The application Ref is UTT/23/0525/FUL.
 - The development proposed is erection of 1 no. dwelling and detached garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In Part E of the appeal form, it is stated that the description of development has not changed. Nevertheless, a different wording has been entered from that on the planning application form. The description entered on the appeal form matches that on the Council's decision notice. The amended description more accurately describes the development proposed than that on the planning application form. Therefore, I have used this description in the banner heading above.
3. The Council's second reason for refusal refers to the Grade II listed building Shepherd's Cottage. However, it is clear from other evidence before me that this reference was erroneous. Garrett Farmhouse is the correct name of the listed building.
4. 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

5. The main issues are:
 - Whether the appeal site provides a suitable location for the development proposed having particular regard to the development plan's spatial strategy and the effects of the development upon the character and appearance of the area;
 - Whether the appeal site provides a suitable location for the development proposed having particular regard to its accessibility to services, facilities and sustainable transport modes;
 - Whether the development would preserve the setting of the Grade II listed Garrett Farmhouse; and

- Whether adequate visibility would be provided for by the proposed site access arrangements.

Reasons

Location and character and appearance

6. The site forms a part of, but is fenced off from, a larger field which itself adjoins other fields to the south and west. On its northern side the site borders a lane, and to the east there are residential properties and land associated with them. The appeal site is located within a rural area which is characterised by small settlements and small clusters of buildings separated by fields and accessed by country lanes.
7. Located outside of a settlement boundary and not within the Green Belt, the site forms a part of the countryside to which policy S7 of the Uttlesford Local Plan 2005 (LP) specifically relates. Policy S7 strictly controls building in the countryside. It sets out that new buildings are only acceptable where it would protect or enhance the countryside or where it is necessary for the development to take place within it. Supporting text within the LP which precedes policy S7 explains the spatial strategy for Uttlesford District outlining, amongst other matters, a settlement hierarchy and the form of development appropriate to the settlements within it. It also categorises the countryside, that is, the land outside of defined development limits, as a rural restraint area.
8. There are lines of trees and higher parts of hedgerows to field boundaries in the area which would provide some screening of the site from some points. However, in other views, including from the adjacent lane, and from public footpaths located to the west and south of the site, the largely open and undeveloped nature of the site can be appreciated. From these points, views across the site of trees, hedgerows and fields beyond it are available. The present condition of the site, and the views of the countryside across it, contributes positively to the character and appearance of the area.
9. Containing 4 bedrooms, separate living and family rooms and separate kitchen/breakfast and dining rooms, the proposed dwelling would be a large property. The double detached garage would add further to the quantum of built development proposed. Upon completion of the development, the site would become markedly more built-up and the proposal would form an imposing development on the site. This would be the case even though this particular rendition of the development proposes only a single dwelling. With no other buildings beside to the site to the west or south, the development would form an incursion of built development into the countryside and not a logical, sensitive infilling of a small gap amongst other properties. The positive contribution made to the area by the site's character and condition would be harmed by the development and a parcel of countryside with intrinsic value would be infringed upon.
10. In coming to this view, I acknowledge that existing properties to the east of the site and on the opposite side of the lane form a cluster of built development that is quite typical of the area. Despite this, due to the effects that I have described would be wrought upon the site and this particular part of the open countryside, harm would nevertheless arise. I cannot therefore agree with the appellant that the development would be sensitive within its context nor that it would maintain or enhance the character of the area.

11. Further landscaping is proposed but any planting would be likely to take a considerable time to mature. Moreover, as part of a largely open field, the introduction of the proposed landscape buffer in the midst of it and to the south of the dwelling would itself form an incongruous feature. Therefore, landscaping would not adequately mitigate the harmful effects I have described.
12. For the above reasons, I find that the proposal would fail to protect or enhance the countryside and would result in harmful effects upon the character and appearance of the area. Furthermore, it has not been shown to me that the proposal constitutes a form of development that it is necessary to take place within the countryside and the location of the development would not accord with the development plan's spatial strategy which seeks to strictly control development in such rural areas. Consequently, the proposal conflicts with policy S7 of the LP. It is also contrary to advice within the Framework which seeks to ensure that development contributes to and enhances the natural environment, recognising as a part of this the intrinsic character and beauty of the countryside.

Accessibility

13. Certain services and facilities are located relatively close-by to the site. This includes the primary school and the recreation ground at Wimbish, whilst there are also industrial units off Top Road which will provide some business services and potentially a local employment opportunity.
14. However, due to the small settlements and small clusters of buildings which categorise the area around the appeal site, the most local services and facilities are sporadically distributed. Therefore, in order to access the typical range of services that the future occupiers of the proposed development would be likely to require frequently, I expect trips to various settlements in the area would be necessary.
15. Owing to the rural character of the area, larger-sized settlements which contain a concentrated array of services such as Saffron Walden, Thaxted and Newport are located several miles from the appeal site. Access to a wider range of services in the one place would therefore involve the future occupiers of the development travelling quite far.
16. With Mill Road providing a bus route and secondary school bus stops within the area, including on Top Road, there is some public transport provision in the area. However, I have very little information before me on the services which run along Mill Road – how frequent they are, or the destinations served. Furthermore, the lane adjacent to the appeal site is served by no dedicated footpaths and it is not lit. Coupled with the length of the walk involved from the site to access the bus, I consider it likely that potential future occupiers would find this a quite unattractive proposition, particularly during the dark or when the weather is more inclement. Given this combination of factors, I am not satisfied that buses provide a credible and practical alternative to private vehicles.
17. The roads that connect the site to settlements and their services are generally winding country lanes. Again, many sections have no footpaths nor lights. Therefore, although the appellant has highlighted to me particular walking and cycling travel times, there are factors which would be likely to reduce future

occupiers' inclination to walk and cycle to gain access to the forms of facilities to meet their needs.

18. I accept that as a single house vehicular movements associated with the development would be modest. However, I nevertheless find that given the site's accessibility to services, facilities and sustainable transport modes, future occupiers would be likely to be heavily reliant on the use of a private motor vehicle. As such, the proposal fails to accord with the provisions of policy GEN1 of the LP which requires development to encourage movement by means other than driving a car.

Garrett Farmhouse

19. Garrett Farmhouse is a timber-framed, plastered building which exhibits a striking, white-painted finish. The pitched roof is tile-covered and incorporates hipped elements and a square chimney stack. The property is served by distinctively designed sash windows and includes decorative architectural detailing to its entrance door surrounds. Such traditional design features and materials exude architectural interest, and they contribute strongly to its significance as a heritage asset. As a traditional farmhouse, the building is also of historic value – it provides evidence of the area's agricultural heritage.
20. Still set within a rural landscape with fields nearby, including those opposite its front elevation to the south, the property maintains a close relationship with the agricultural land around it. Furthermore, Garrett Farmhouse's large front garden and position next to the lane means that its architectural interest is readily appreciable in approaches to it. For these reasons, the building's visual setting makes an important contribution to its significance.
21. The design of the proposal deliberately avoids the dwelling being directly opposite the front elevation of Garrett Farmhouse. Even so, the dwelling would still be positioned close-by to the listed building and within the fields south of it which it overlooks. As a result of the proposal, a proportion of these fields would be lost to the development, and their largely open, rural character harmfully eroded. By reducing the area of countryside overlooked by Garrett Farmhouse, the proposal would diminish the land within its setting which plays an important role in understanding and appreciating its significance. The development, within the heritage asset's setting, would therefore be harmful to the asset's significance.
22. As the harm I have identified is derived from the loss of proportions of countryside within the immediate environs of the listed building, neither the landscaping proposed, nor the detailed design and material finish of the dwelling, would provide adequate mitigation.
23. 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 listed buildings, their settings or any features of special architectural or historic interest which they possess.
24. The Framework sets out that where a 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.

25. The proposal would provide a boost to housing supply, provide choice for home-seekers and, as a 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 services and the local rural economy. However, with only a single dwelling provided, the effect upon reducing the housing shortfall would be limited, as would the economic benefits derived from it.
26. Building upon the proposals submitted within the Ecological Survey and Assessment, the completed development would be likely to deliver some biodiversity enhancements. This would be a further modest benefit. However, 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.
27. For the reasons given, the development would fail to preserve the setting of the Grade II listed Garrett Farmhouse. As a result, the proposal conflicts with policies ENV2 and GEN2 of the LP. These policies state that development should be compatible with surrounding buildings, in keeping with the character and surroundings of listed buildings whilst they further state that development which would adversely affect the settings of listed buildings will not be permitted. The proposal also conflicts with those policies within the Framework which support the preservation of a heritage asset's setting, which support development that positively contributes to character, and a heritage asset's significance, and which set out that the harm to the significance of a designated heritage asset should be outweighed by the public benefits derived from the development.

Site access

28. Access would be taken from the lane adjacent to the site. West and east of the appeal site, the lane incorporates sharp bends. The bend to the east being the closer of the two. On the appeal site side, the lane is lined by a grass verge and a well-established hedgerow interspersed by trees.
29. Based upon the lane's speed limit, the Council have calculated that the proposed access would need to be served by a visibility splay of 2.4 metres by 215 metres. There is no speed survey data before me or other substantive evidence which indicates to me that a visibility splay of reduced dimensions would provide for a safe access. Therefore, I have no compelling grounds on which to conclude that the calculated visibility splay is not necessary.
30. No plan is before me setting out the visibility splay. Given the dimensions of the identified visibility splay, the road's alignment and the presence of landscaping along the roadside, there is considerable uncertainty in my mind that the required visibility could be achieved. As a part of this, there is clear potential for some loss of existing landscape features to take place and for this to be required on land not within the ownership or control of the appellant. Therefore, it has not been shown to me that the visibility splay can be achieved.

31. The strength of my lack of confidence that the visibility splay is achievable and can be adequately secured is such that the use of a condition in the circumstances would not be appropriate. Such a condition could unreasonably impact upon the deliverability of development proposed and for this reason it would fail to meet the tests for the imposition of conditions as summarised at paragraph 56 of the Framework.
32. For the reasons given above, I cannot conclude that adequate visibility would be provided for by the proposed site access arrangements. The proposal therefore conflicts with policy GEN1 of the LP which sets out that development accesses must be safely capable of carrying the traffic generated by development and site design must not compromise road safety. The proposal is contrary to the advice within policy DM1 of Essex's Development Management Policies Supplementary Guidance 2011 which seeks to ensure that new access points are designed to current standards and that developments are not detrimental to highway safety. Finally, the proposal conflicts with the advice within the Framework which seeks to ensure that developments achieve safe and suitable access for all users.

Other Matters

33. To the south of the site, beyond some fields and the hedgerows and trees that line their boundaries, is the Grade II listed Lower Green Farmhouse and the separately Grade II listed Lower Green Barn. Owing to the illustration that both listed buildings provide of the traditions of agriculture in the area, their historic value contributes to their significance. Each building also exhibits a traditional aesthetic and so their architecture further contributes to their significance as heritage assets. The appeal site is well-separated from these listed buildings given the distance between them and the intervening landscaping. I find that no harm to these designated heritage assets would result from the proposal. This is a neutral factor in my determination.
34. The proposed dwelling may meet internal space standards and provide appropriate living conditions for the future occupiers. The dwelling may also be served by adequate parking and refuse storage provision. However, these are also neutral factors in my determination which do not outweigh the harm I have identified in the main issues.
35. The appellant has drawn my attention to some other developments which have been granted planning permission within Uttlesford District. However, I do not have full details of the circumstances that led to these proposals being accepted and so I cannot be sure that they are very comparable to the appeal proposal. Furthermore, I have come to my own conclusions on the appeal scheme having regard to the particular circumstances of the case.
36. Some 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. The proposals have also drawn some public support. I have had regard to the content of these supportive comments, but they do not override the harm I have identified in my main issues.

Planning Balance and Conclusion

37. 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 each of my four main issues I have found that the development would result in harmful effects. Consequently, I have identified particular development plan policies that the proposal conflicts with and I find that it conflicts with the development plan taken as a whole.
38. 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.
39. In this case, the public benefits of the development would not outweigh the less than substantial harm that would be caused to the listed Garrett Farmhouse. 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.
40. 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