



Appeal Decision

Site visit made on 12 March 2024

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 April 2024

Appeal Ref: APP/C1570/W/23/3331358

Round House, Buttleys Lane, Great Dunmow, Essex CM6 1SJ

- 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 Mr and Mrs Taylor against the decision of Uttlesford District Council.
 - The application Ref is UTT/23/0918/FUL.
 - The development proposed is erection of a residential dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. The National Planning Policy Framework (the Framework) was updated in December 2023, during the course of this appeal. However, insofar as the contents are relevant to this appeal, the Framework has not changed. Therefore, I am satisfied no party would be disadvantaged by my not inviting them to comment on the revised Framework.
4. I understand the Council is preparing an emerging Draft Local Plan (DLP). I am not aware of the exact stage the DLP has reached, the extent of unresolved objections or whether its policies will be considered as consistent with the Framework. Consequently, in accordance with paragraph 48 of the Framework, I give it little weight.

Main Issues

5. The main issues are:
 - the effect of the proposal on the character and appearance of the surrounding area;
 - whether the proposed development would preserve the setting of the Grade II listed building known as the Round House; and
 - whether future occupiers would be likely to experience acceptable living conditions in terms of amenity space provision.

Reasons

Character and appearance

6. The appeal site is in the grounds of the Round House, between its annexe and the vegetation bordering the Flitch Way. The area immediately surrounding the site largely comprises open fields and small pockets of woodland, although the A120 is nearby. Whilst there are trees on and around the site, views across it from the approach route, Buttleys Lane and public footpath No 32 enable appreciation of the extent and openness of the surrounding countryside. The openness of the site therefore contributes to the character and appearance of its rural landscape setting.
7. The development would introduce a substantial house with more than one storey onto an area of garden that is undeveloped, save for a modest, single storey outbuilding. In combination with the Round House and its annexe, the new house, with associated parking and domestic paraphernalia, would be seen as part of a close cluster of three residential buildings. This would have a dominant, urbanising and therefore detrimental effect on the appearance of the surrounding countryside. In addition, the openness of the site would be greatly reduced, which would erode its contribution to the character of the rural landscape setting.
8. These harmful changes would be visible from several points at varying distances around the site as noted above. That said, the development would be largely unseen from, and would have limited visual impact on, the Flitch Way, which is in a cutting and screened by a densely vegetated embankment.
9. I acknowledge the area surrounding the appeal site is undergoing change. However, the Stortford Road developments and the site with permission for a new school brought to my attention¹ are on the other side of the Flitch Way. Once they are completed, they will be largely concealed from the appeal site and the fields and paths that surround it by the dense trees and hedges along that trail. Therefore, those developments will have little material effect on the character and appearance of the landscape immediately surrounding the site.
10. As regards the fields to the west of the Round House, whilst I note they have undergone preliminary surveys, there is little substantive evidence they will be developed in the short to medium term or of the nature any such development might take. Moreover, even if they were to be developed, the large, open field to the east would continue to be a key part of the appeal site's rural landscape setting, visible in several of the views identified above. In any event, I am required to determine this appeal considering the evidence and circumstances before me. As a result, the yet uncertain possibility of future development to the west of the site has had little bearing on my assessment of this main issue.
11. I accept the new dwelling would be accessed from the existing access track that leads from Buttleys Lane and note the additional native planting proposed to help screen the new parking area. I also note the appellant's willingness to accept conditions in this regard and to secure use of sympathetic materials. However, these factors are insufficient to mitigate the harm that I have found from the urbanising effect of the new house and the loss of openness.

¹ Applications references UTT/13/2107/OP and UTT/18/1826/DFO, UTT/19/2354, UTT/18/2574 and UTT/20/1963

12. For the above reasons, I conclude the proposal would have a harmful effect on the character and appearance of the surrounding area. This is contrary to saved Policies S7 and GEN2 of the Uttlesford Local Plan 2005 (ULP) and Policies DS1 and LSC1 of the Great Dunmow Neighbourhood Plan 2015 (GNDP). Amongst other things, these Policies require development to safeguard important environmental features in its setting; and protect the rural setting and landscape character of Great Dunmow. It is also contrary to the Framework where it seeks to ensure developments are sympathetic to local character, including the surrounding landscape setting.

Setting of the Round House

13. The Round House is a single storey building dating to the late eighteenth or early nineteenth century. It is generally understood to have originated as a lodge on a driveway leading to Minchins, a farmhouse and associated farmstead to its south, although it may not have been the sole point of arrival thereto. This relationship has since been diminished by the construction of the A120 between the two buildings. Nevertheless, the significance of the Round House as a Grade II listed building is historic because it is a surviving component of the managed rural landscape that surrounds it. The Round House's significance is also architectural, as its prominence and spatial separation from other buildings enable appreciation of features such as its unusual form, timber frame, thatched roof and central chimney stack.
14. The setting of the Round House includes its grounds and garden, and the surrounding rural landscape. This setting contributes to the significance of the listed building as it provides the context for its historic role as the principal building in this location and part of the area's agricultural heritage. The setting also contributes to the building's architectural significance. This is because, despite the trees near the building, it affords glimpses of the Round House from several perspectives – particularly when the trees are not in full leaf – which aids appreciation of the asset's distinctive form and features. In both respects, the setting's contribution to significance is notwithstanding that it has evolved over time and that there were previous outbuildings in the vicinity.
15. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) states that, in considering whether to grant planning permission for development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving its setting.
16. For the reasons set out under character and appearance, the proposed development would reduce both the openness of the Round House's grounds and the perception of its setting in an open rural landscape. This would change the way the listed building is seen from a principal building with annexe to a proximate cluster of residential buildings. Consequently, even if I accept the appeal site is previously developed land, these changes to the setting of the Round House would further diminish its historic significance as a component of the area's agricultural heritage.
17. In addition, although glimpses of the Round House from the surrounding landscape would not be directly obscured, the erosion of the largely uncluttered context for appreciation of the building's attributes would harm its architectural significance. I acknowledge the new dwelling would not be prominent in internal site views of the listed building and there would not be full intervisibility between the two dwellings, given the intervening position of the

annexe. Nevertheless, these considerations are not the only factors enabling appreciation of the asset's significance, for the reasons given above, so they would not be sufficient to outweigh the harms I have found.

18. The proposed use of sympathetic materials would do little to mitigate the detrimental change resulting from the loss of openness surrounding the Round House or its diminished prominence in the landscape.
19. I have considered the appeal decisions brought to my attention. Although in the Great Dunmow area, the Highwood Farm appeal² involved a different heritage asset and a different scale of development. In addition, whilst I note the relationship of that asset to its setting had changed over time – as is the case in this appeal – the context and nature of the relationship were different from those pertinent to the Round House. Consequently, the circumstances in that appeal are not directly comparable to those before me.
20. The appeal decision regarding the annexe to the Round House³ involved alterations to an existing outbuilding, rather than introduction of a new building as is proposed now. Moreover, the Inspector found that, despite the increase in scale of the annexe, the listed building would retain its dominance and remain the focus within the various views around the site. By contrast, I have found the proposed new-build dwelling would diminish the prominence of the listed building in these views. Therefore, that appeal is also not directly comparable to the circumstances before me. In any event, I have considered this appeal on its own merits.
21. For the above reasons, I conclude the proposed development would not preserve the setting of the Grade II listed building known as the Round House, contrary to Section 66(1) of the Act. This is also contrary to Policy ENV2 of the ULP and Policy LSC-A of the GDNP, which respectively require development affecting a listed building to be in keeping with its scale, character and surroundings, and seek to protect the historic environment of Great Dunmow.
22. I further conclude this failure to preserve the setting of the Round House would result in less than substantial harm to its significance as a designated heritage asset, without clear and convincing justification and therefore contrary to paragraph 206 of the Framework. I shall return to the balance between this harm and the public benefits of the proposal, required by paragraph 208 of the Framework, under planning balance below.

Living conditions

23. The Essex Design Guide seeks a minimum of 100m² private garden for three-bedroom houses. I am satisfied the proposed development would provide garden space at the rear and side of the new dwelling to meet this standard. The shape and layout of the space would accommodate the usual activities of a household, such as sitting out, children's play and drying washing. A reasonable proportion of the space would receive sunshine.
24. I therefore conclude future occupiers would be likely to experience acceptable living conditions in terms of amenity space provision. Accordingly, I find no conflict with ULP Policy GEN2, which requires development to provide an environment that meets the reasonable needs of all potential users, having

² Reference APP/C1570/W/22/3305483

³ Reference APP/C1570/D/15/3025087

regard to adopted Supplementary Design Guidance. I also find no conflict with the Framework where it seeks a high standard of amenity for future users.

Other Matters

25. The Council acknowledges its current supply of deliverable housing sites stands at approximately 4.5 years, somewhat below the required five years. The proposal would add one dwelling to this supply. It would also contribute to the local economy during construction and through future occupiers' use of local services and facilities. This accords with the Framework where it seeks to boost the supply of housing and support economic growth. I will consider the weight of these benefits in the overall planning balance below.
26. The Council has raised no concern with the site's location in relation to the settlement pattern. According to the appellant, the site would be capable of integration with the existing network of footpaths and bridleways and would be relatively well connected to the local public transport network. On the evidence before me, I see no reason to disagree with these findings. However, these factors do not in themselves provide a reason to allow otherwise unacceptable development.
27. The Council is satisfied in relation to highways, ecology, trees, flood risk and contaminated land. I see no reason to disagree. I also note the appellant's willingness to accept conditions relating to construction management, external lighting and noise, to protect the living conditions of neighbouring occupiers. Nevertheless, an absence of harm in these respects is a neutral factor.

Planning Balance

28. I have found the proposed development would result in less than substantial harm to the significance of the Round House as a designated heritage asset. In accordance with paragraph 205 of the Framework, I attribute great weight to this harm. The public benefits of the proposal are its contribution to housing supply and to economic growth identified in other matters. Notwithstanding the shortfall in housing supply in the area, as only one dwelling is proposed I give these public benefits limited weight. Consequently, they would not outweigh the harm to the significance of the listed building.
29. Although I have found no harm to living conditions, the other harms I have identified mean the proposal would conflict with saved Policies S7, GEN2 and ENV2 of the ULP and Policies DS1, LSC1 and LSC-A of the GNDP. The Council accepts ULP Policy S7 is only partly consistent with the Framework. I concur and ascribe this Policy limited weight. However, the other ULP Policies relevant to this decision are generally consistent with the Framework and I give them full weight. In addition, there is no pertinent evidence to substantiate the suggestion that the GNDP is out of date, notwithstanding that it was made in 2016, so I afford the above GNDP Policies full weight. I therefore conclude the proposal conflicts with the development plan read as a whole.
30. In circumstances where the Council cannot demonstrate the necessary housing land supply, paragraph 11d) of the Framework states permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

31. The harms resulting from the conflicts with the development plan as a whole also result in conflicts with the Framework for the reasons given above. I have given great weight to the harm to the significance of the Round House as a listed building resulting from proposal's failure to preserve its setting. I also give significant weight to the harm to character and appearance. I have given limited weight to the benefits of the proposed development. Consequently, the adverse impacts of the proposal would significantly and demonstrably outweigh these benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

32. I have found the proposal conflicts with the development plan, read as a whole. No other material considerations, including the Framework, have been shown to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal should be dismissed.

C Carpenter

INSPECTOR