



Appeal Decisions

Site visit made on 9 January 2024

by O S Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 May 2024

Appeal A - Ref: APP/C1570/W/23/3317588

The Old Rectory, Little Bardfield Road, Little Bardfield, CM7 4TW

- 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 and Mrs Preddy against the decision of Uttlesford District Council.
 - The application Ref UTT/22/2009/HHF, dated 11 July 2022, was refused by notice dated 20 December 2022.
 - The development proposed is the installation of solar PV panels, and equipment in the cottage and Rectory.
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Appeal B - Ref: APP/C1570/Y/23/3322253

The Old Rectory, Little Bardfield Road, Little Bardfield, CM7 4TW

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr and Mrs Preddy against the decision of Uttlesford District Council.
 - The application Ref UTT/22/2010/LB, dated 11 July 2022, was refused by notice dated 20 December 2022.
 - The works proposed are the installation of solar PV panels, and equipment in the cottage and Rectory.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

Scope

3. The application form in relation to Appeal B is ambiguous regarding to which listed buildings the listed building consent application relates. I therefore clarify the approach I have adopted below.
4. The listed building consent application the subject of Appeal B includes the installation of solar PV panels on land that lies within the extensive landscaped grounds of the Grade II listed 'The Old Rectory' (the Rectory)¹. The appeal land also has a relationship to the separately Grade II listed 'Stables approximately 30 metres west of The Old Rectory'² (the Stables)³. This is because

¹ List entry number 1111834

² This is the building called 'the cottage' in the description of development

³ List entry number 1111835

approximately half of the appeal site lies directly to the west of the Stables within an area enclosed by a fence that reads as being directly associated with the Stables, and has the appearance, at least in part, as a garden to that property.

5. A title deed has been submitted which shows that the appeal site is under a different deed to the rest of the Rectory. However, the same ultimate owner owns both, because a Certificate A form was completed with the application forms. In any event, land ownership is a red herring in this instance because the plot of land has a clear and obvious functional and visual relationship to both the Rectory and the Stables.
6. The solar PV panels would therefore be within the setting of both listed buildings. The proposed works also include cabling and equipment within both listed buildings. I have therefore included both listed buildings within the scope of the appeals.

Drawings

7. The appellant submitted revised drawings during the course of the planning and listed building applications. The drawings reduced the number of proposed solar panels. The drawings were accepted by the Council and both parties have had the opportunity to comment on them through the appeal process. I have therefore accepted the revised drawings. As part of this approach, drawing Ref PP02-B needs to be withdrawn, because it depicts the original, replaced, solar panel layout. I have reflected this throughout my Decision.

Planning policy and legislation

8. The National Planning Policy Framework (the Framework) was revised in late 2023. None of the revisions were material to the appeals and I have therefore referred to the revised version of the Framework as appropriate and did not need to go back to the main parties for comment.
9. Because Appeal B relates to a refusal to grant listed building consent and both appeals relate to works that would affect the setting of the listed buildings, I have had special regard to Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

10. The main issue is the effect of the proposal on the character and appearance of the area, including on the special architectural or historic interest of the listed buildings, The Old Rectory and the Stables, including with regard to their settings.

Reasons

Significance

11. The Rectory is a substantial house built on the turn of the 18th and 19th centuries. A large part of its significance derives from its intrinsic architectural quality and retained historic fabric. However, also important is its substantial, landscaped private grounds, including a pond and tennis courts. Beyond the grounds to the west and north are open countryside, which reinforces the rural setting of the property and provides a pleasant, green backdrop. The land where the solar panels are proposed is slightly elevated

from the rest of the grounds site and is currently meadowland. As verdant, open land, the appeal site positively contributes to the significance of the Rectory.

12. Within the grounds of the Rectory is the Stables, which was built at the same time. I understand that its conversion to a residential annex has possibly taken place, but no information has been provided to confirm this or as to the detail of the works to achieve the change of use. No details have been provided of the relevant planning permission and listed building consent⁴. In addition, a Heritage Statement or similar has not been provided with regard to this building, in contravention of Paragraph 200 of the Framework. With this paucity of evidence, it is difficult to robustly define the significance of the building. However, it is clear from the evidence before me that its significance partly relies on its relationship to the Rectory and partly from its retained historic fabric, particularly internally where there are, at least, historic stalls and doors and timber panelling.

Proposed

13. It is proposed to erect 120 solar panels on currently open land to the western side of the grounds of the Rectory. Each panel would be 1200mm by 1800mm and would project up to 700mm from the ground. I'm aware the appellant states the height would be 450mm but the submitted drawing indicates approximately 700mm. The difference is likely related to how far above the ground, if at all, the panels need to be positioned. Without full details of the support structures the likely height is unclear and I have therefore adopted 700mm as a precautionary approach. The entire area required for all the panels would be 10m by 60m, running along the western boundary fence. It is also proposed to plant a 900mm high hedgerow and fence along the eastern side of the panels and then also a further hedgerow along a spur heading eastwards following an existing fence.
14. The panels would be connected to the Rectory by the necessary cables, which would run from the panels and also into a battery and inverter to be stored within the Stables building. It is stated that they would be positioned in the tractor garage element of this building, but no further details are provided. The cables would then run underneath the existing driveway and into the Rectory. Internally to the Rectory it is stated that the cables would run through a void in the floor at ground floor level and then down into an existing basement area, where the electricity generated by the panels would be connected to the building. The equipment in this area would be free standing on the existing flooring.

Assessment

The Old Rectory

15. The solar panels would significantly change the character of the land on which they sit, changing from open meadowland to an area with significant built form and man made interventions. This change would be intrinsically harmful in this open and rural location. The solar panel installation would be relatively large and beyond a normal domestic scale. I acknowledge that it would be a relatively low proportion of the total grounds but, nevertheless, the area would

⁴ Application Refs UTT/0983/10/FUL and UTT/0984/10/LB

still be significant. The proposed location is relatively distant from the Rectory but it is prominent, being still clearly within its grounds and in a slightly elevated location. A hedge is proposed that would mostly screen the panels from views from the Rectory and also from the surrounding countryside. However, there would still be intrinsic harm to the appeal site from the proposed installation and the panels would also still likely be visible in glimpsed views, particularly in winter.

16. The proposed caballing would be underneath the ground. Subject to control by condition to make good the landscaping, this would have negligible effect on the Rectory and would be acceptable. Where caballing would be required within the building there is an existing void underneath the ground floor fabric which already provides access to the basement area where the other equipment would be located. Subject to control by condition, I am therefore satisfied that any loss to historic fabric would be minimal and would have limited, if any, effect on the significance of the building. The use of an ancillary basement area for the equipment would also be acceptable, in principle, and would not harm the layout or legibility of the building.

The Stables

17. As set out above, it is not possible for me to come to a definitive conclusion on the full effects of the proposals on the Stables. However, the proposed siting of a battery and inverter and the necessary connecting caballing all within or through the building, would likely result in the loss of historic fabric. This could potentially include valuable historic or even original wood panelling and other significant features. The use of a part of the building as a services/plant room could also harm the plan form and legibility of the building.
18. As set out above, the setting of the Stables includes the pseudo-garden land to its immediate west. The solar panels would be located within this area, harming its current open, garden feel. They would also divorce the Stables from its immediate setting because the panels are proposed primarily to support the Rectory, but would be located directly adjacent to the Stables.

Conclusion

19. For the reasons set out above, the proposed solar panels would harm the character and appearance of the area and the special architectural or historic interest of the Rectory and the Stables, with regard to their settings. It has also not been demonstrated that the proposal, including the caballing, would not unacceptably harm the special architectural or historic interest of the Stables building itself. The proposal would therefore fail to comply with Policy ENV2 of the Uttlesford Local Plan 2005 and Paragraph 203 of the Framework, both of which highlight the desirability of sustaining and enhancing the significance of listed buildings.
20. The proposal would also fail to comply with Policy S7 of the LP, which protects the countryside for its own sake. However, I place limited weight on this conflict, because it does not conform with the Framework, which, at paragraph 180, recognises the intrinsic character and beauty of the countryside but does not protect the countryside for its own sake.

Other Matters

21. Whether or not there are alternative sites within the grounds of the Rectory for the installation of the solar panels does not affect the assessment I have made of the appeal proposal on its own merits. Likewise, the two example solar panel installations provided by the appellant, at Wainsford Farm⁵ and Moor Hall Farm⁶, are on different sites and in different contexts. In particular, at both locations the solar panels were proposed on top of a roof. They also do not, therefore, affect the assessment I have made of the appeal proposal.
22. Nearby to the appeal site is a Grade II listed barn, 'Barn approximately 30 metres west of The Old Rectory'⁷. This does not lie in the grounds of the Rectory. It was built approximately a century before the Rectory and is not directly associated with the building. Its significance largely relates to its historic fabric and architectural quality, but also partly on its rural setting, albeit a setting that has long since been eroded by the Rectory and a small collection of other residential dwellings on the opposite side of the road. The proposal would not, therefore, harm the significance of this listed building.

Planning Balance

23. I assess the level of harm the proposal would cause to the significance of the Rectory to be less than substantial. Although I cannot come to a conclusive position on the Stables, it is also likely that any harm caused would be less than substantial. As directed by Paragraph 208 of the Framework, I therefore weigh this harm against the public benefits of the proposal.
24. The solar panels would provide significant electricity capacity, at 54kW from a renewable resource. This is a significant public benefit. However, in accordance with Paragraph 205 of the Framework, I place great weight on the harm I have identified to the significance of the Rectory and the Stables, and the further potential harm to the Stables. The public benefits of the proposal do not, therefore, outweigh the harm to the heritage assets, and to the character and appearance of the area generally.

Conclusion

25. For the reasons above, the appeals are dismissed.

O S Woodward
INSPECTOR

⁵ Ref 22/2090/HHF

⁶ Ref UTT2217/11/FUL

⁷ List entry number 111836