



Appeal Decision

Site visit made on 14 May 2024

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2024

Appeal Ref: APP/C1570/W/23/3330213

Land to the north of Cornells Lane, Widdington CB11 3SG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Dr and Mrs M. Tee against Uttlesford District Council.
 - The application Ref is UTT/22/3191/FUL.
 - The development proposed is the erection of 4 no. detached dwellings and associated works.
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Decision

1. The appeal is dismissed, and planning permission for the erection of 4 no. detached dwellings and associated works is refused.

Applications for costs

2. An application for costs was made by Dr and Mrs M Tee against the Uttlesford District Council. This application is the subject of a separate decision.

Preliminary Matters

3. The appeal was made against the Council's failure to determine the planning application within the prescribed period. The appeal was lodged before the Planning Committee met to consider the proposal and the officer's report. Nonetheless, I have had regard to the Council's stance on the application, its putative reasons for refusal, and both parties' submissions as part of the appeal, in reaching my decision.
4. While I have considered this appeal, I have also determined an appeal against the Council's refusal to issue a certificate of lawful use or development¹ ("the LDC appeal"). For clarity, the merits of each appeal have been considered individually, save where relevant in relation to the development proposed in the s78 appeal.

Background

5. In recent years, there have been several applications submitted in relation to the appeal site or the land that the appeal site forms part of. In 2018, an appeal was dismissed to construct 20 dwellings on the appeal site and adjoining land² ("the 2018 scheme"). Planning permission was then refused to build 15 dwellings on the appeal site and adjoining land³ ("the 2020 scheme"). A scheme for four dwellings on the appeal site was then refused by the Council and later withdrawn at appeal⁴ ("the 2022 scheme").

¹ Appeal Ref: APP/C1570/X/23/3332950

² Council Ref: UTT/18/0885/FUL

³ Council Ref: UTT/19/2623/FUL

⁴ Council Ref: UTT/21/2137/FUL

6. In July 2022, a certificate of lawfulness for the proposed formation, laying out, and construction of a means of access to Cornells Lane, in connection with the use of land (up to 14 days per calendar year) for the purposes of the holding of a market was granted⁵ ("the approved LDC scheme"). Furthermore, a planning application for the erection of four detached dwellings and associated works was initially granted by the Council⁶ in October 2022, but this decision was quashed by a judicial review on 7 July 2023 ("the quashed decision").
7. Although the proposal before me relates to the same type and quantum of development as the 2022 scheme and the quashed decision, there are some differences, such as the scale and form of the dwelling in plot 1 and additional landscaping. In any event, despite the extent of the evidence submitted, I have considered the proposal on its own merits having regard to the main parties' respective positions and the submissions of interested parties.

Main Issues

8. The main issues are: a) whether the proposal would preserve or enhance the character or appearance of the Widdington Conservation Area (WCA), and the setting of nearby listed buildings and the protected lane, a non-designated heritage asset; and b) the effect of the proposal's location on the countryside.

Reasons

The appeal site

9. The southwestern corner of the appeal site lies within the Development Limits of Widdington and within the WCA. The remainder of the appeal site (circa 98%) is outside of the Development Limits and the WCA. For decision making purposes, the appeal site is therefore in the countryside.
10. The appeal site is a grassed paddock accessed from Cornells Lane next to The White Cottage, a Grade II listed building. The site is elevated above the lane, and a steep, landscaped embankment extends along the site's frontage with the lane that lies below. Ground levels on the appeal site are fairly uniform, while the site has an open, undeveloped character. A public right of way (PRoW) and a mature hedgerow are to the east. Beyond them are open fields. A number of rear gardens of residential properties to the west back on the land and the wider parcel of paddock that is not part of the appeal site.

Heritage assets

Significance and setting of the designated heritage assets

11. Although the bulk of the appeal site lies outside of the WCA, the whole of it lies within its setting. The WCA covers much of the village, and there are numerous listed buildings within it. The WCA includes High Street, which provides a north-south focal point for the linear settlement of medieval origins. Buildings in the WCA are characterised by their irregularity and wide range of materials. Despite some variance in the building line of properties on High Street due to local topography, there is a broadly consistent building line on the east and west sides of High Street. To the north, larger properties are set within more spacious grounds, and the church provides a visible landmark from different vantage points. The WCA has an agrarian rural setting with fields extending up to the village, though the domestic character of the rear gardens of properties adjoining the fields is evident, and most of the buildings within the WCA are no

⁵ Council Ref: UTT/22/1523/CLP

⁶ Council Ref: UTT/22/2278/FUL

longer used for agricultural purposes. Hence, the significance of the WCA stems from its historic and architectural interest due to the variety of building styles and ages in a modest rural settlement with an historic agrarian connection.

12. Martin's Farmhouse includes the curtilage listed Roseley Barn is a Grade II listed building that holds architectural and historic special interest. The farmhouse is a mid-19th century gault brick house with wings extending to the east and west at its north and south ends, respectively. The brickwork is patterned with red brick, and a band extends across its front between the two storeys. The windows are double-hung sashes with glazing bars. The farmhouse and barn are individual buildings, and their settings differ in that the farmhouse fronts High Street, whereas the barn is set back within a farmstead that backs onto rural land. They do, however, have a shared visual and historic function relating to their historic use, which remains evident despite alterations and domestic use rather than their prior agricultural use.
13. The Grade II listed two storey Corner Cottage/The White Cottage lie at the junction of High Street and Cornells Lane. They are timber-framed plastered houses from the 17/18th century that were renovated in the 20th century. They have been added to and altered over time. Corner Cottage has a prominent red brick chimney stack facing High Street. It has straightforward fenestrations in its Cornell Lane elevation. The White Cottage has a near-symmetrical frontage with a central entrance with windows on either side. Collectively, both properties form a single listed building that presents a strong, uniform frontage to the roads and typifies development found elsewhere in WCA.
14. William The Conqueror is a Grade II listed former public house originally constructed at the turn of the 19th century that has been enlarged since. It is now a dwellinghouse, and there is no evident external link to its former use. The two storey building fronts onto Cornells Lane behind a modest front enclosure, reflective of its prior use. The building has a symmetrical three-bay façade that is Georgian in character. A further bay, added later, has altered the building's symmetry. The building lies on the edge of the village, next to established vegetation along the lane that affords the listing a rural setting.

Protected lane

15. Cornells Lane is a protected lane, and it is considered by the Council to be a non-designated heritage asset (NDHA). The Uttlesford Protected Lanes Assessment ("the Assessment") identifies and assesses the importance of protected lanes and uses clear criteria to measure their interest.
16. The Assessment explains that the greater part of the road network in the Essex countryside derives from at least as far back as the medieval period. Much of it undoubtedly existed in Saxon times, and it is likely that many roads and lanes were formed long before that. These lanes are part of what was once an immense mileage of minor roads and track-ways connecting villages, hamlets, and scattered farms and cottages. Many were used for agricultural purposes, linking settlements to arable fields, grazing on pasture, heaths, and greens; and other resources such as woodland and coastal marsh.
17. In current times, the Assessment states that the historic lanes are an important feature in our landscape: they continue to have an articulating role, providing insights into past communities and their activities through direct experience of a lanes historic fabric; provide insights into the development of a

landscape and the relationship of features within it over time; have considerable ecological value as habitats for plants and animals, serving as corridors for movement and dispersal for some species and acting as vital connections between other habitats; and allow people to enrich their daily lives by accessing cherished historic landmarks and landscapes, encouraging recreation within the countryside, thereby promoting well-being.

18. Cornells Lane (UTTLANE158) scores a total of 20 out of 28 using the Assessment's criteria. For group value, it scores 4 out of 4. It scores 3 out of 3 for archaeological association. It scores 2 out of 3 for archaeological potential and 2 out of 6 for historic integrity. Furthermore, it scores 3 out of 4 for diversity, 2 out of 3 for aesthetic value, and 4 out of 4 for biodiversity.
19. The significance of Cornells Lane as an NDHA is drawn from its connection with other historic and landscape features and, to a lesser extent, its own intrinsic heritage interest. As an historic track, its significance is also strongly drawn from its route, which would have connected Widdington with nearby settlements to the east. This connection is now closed to vehicles but remains legible as a trackway and is still usable as a bridleway. The lane has, however, experienced 'moderate improvements or loss to historic fabric of the lane (excluding significant hedgerow loss)'. Therefore, while the lane scores highly for archaeological potential and connections, its integrity has been affected by later alterations and interventions. It has, however, retained biodiversity and aesthetic value, which are displayed by its verdant setting and alignment.

The proposal's effect

20. The appeal site provides views in and out of the WCA, though predominantly they are views into the WCA. Although the appeal site is not in active agrarian use, it does positively contribute to the WCA's agrarian setting, which extends close to the village core. That setting extends to and includes the aforementioned listed buildings.
21. The site's contribution to the historic setting of those heritage assets is greater than the appellant suggests due to the appeal site's close relationship to the village core and the lane, which is a corridor for movements in and out of the village, and due to the site's role as part of the rural setting of the WCA.
22. Developing the appeal site for housing, even on the scale proposed, would erode that setting by introducing dwellings, hardstanding, an access, and domestic paraphernalia, among other things. Collectively, these would, despite the position and scale of the dwellings, the use of a simple vernacular style, and additional landscaping, harm the rural setting of the WCA, which positively contributes to its significance. This would be evident or perceived on approach to the WCA along Cornells Lane and from properties to the south and west. The tall fence (and likely completed version of that) along the site's eastern boundary with the PRow would limit views from the PRow to the upper parts of the nearest dwellings and create a perception of residential land use owing to future residents using their gardens. The harm would also be understood, on a localised level, from properties that immediately adjoin the site or paddock.
23. The proposal would alter the historic linear pattern of development of the WCA as the dwellings would be set back from the lane off a single access and extend away from the north-south focus of development along High Street. However, this change would not be harmful, as the proposal would follow the historic lane and broadly respond to the village's evolution away from High Street.

Furthermore, the proposal's effect would not be understood from the majority of High Street due to the pattern, scale, and form of development along there. The proposed ecological area and paddock to be retained to the north, which lies outside the site edged red, would mitigate the extent of that harm but not alleviate it.

24. Views would be created along the proposed footpath towards the WCA, which would enable some of its significance and setting to be experienced. Moreover, the electrical apparatus would be grounded, thereby removing a utilitarian feature from the land. While both are positive changes, neither would mean that the harm identified would not occur.
25. I am also of the view that harm would not be caused to the various heritage assets from noise, light pollution, and general disturbance due to the use of the lane, adjoining residential land uses, and the nature and scale of the proposal, which differs in scale from the 2018 scheme.
26. The proposed access would result in the loss of part of the steep banking that lines the site's frontage with Cornells Lane which is used by various transport modes. The appeal site is part of the lane's setting in that it is an open rural field next to a verge occupied by trees and shrubs abutting the lane. The site's location marks the transition and movement between the village core and the countryside. The setting of the lane extends much further than the appeal site due to the length and size of the lane, nonetheless, the setting of the lane, even in part, is an important part of its overall significance.
27. The proposed access would, despite the condition of the vegetation, alter the lane's verdant rural character and its landscaped banked edge, on approach to and from the village. This effect would remain even if precise details of its construction are secured by planning conditions. Movements to and from the lane to the appeal site would emphasise this change, particularly with the new access, though this must be balanced against the closure of the existing access and the use of planning conditions to ensure that it is returned to a sympathetic condition. Nevertheless, the proposal would harm the lane's setting due to the access proposed and the clear perception from the lane of an elevated line of dwellings. In causing harm to the setting of the lane, its historic, biodiversity, group, and aesthetic interest/value (significance) would be harmed. While, new planting may be added, that would take time to mature, and not change what would be a more evident feature in the lane. The harm that would be caused may only equate to a proportion of the lane, but it is still a harm.
28. In summary, the proposal would cause harm to the setting and therefore the significance of the WCA and the listed buildings at Martin's Farmhouse (including Roseley Barn), Corner Cottage/The White Cottage and William The Conqueror. This is due to the erosion of their agrarian setting due to the proposed built form on land that positively contributes to their setting. The proposal would also harm the setting and thus significance of the NDHA of Cornells Lane due to the formation of the proposed access, the proposed use, and the presence of the dwellings on a rural approach next to the lane.

Fallback position

29. Broadly, the proposed access from the lane is the same as that in the LDC appeal for roughly the first 60 metres, in terms of visibility splays, width (first 10 metres) and changes to the banking. After the initial 10 metres, the

proposed access has a slightly narrower width than the LDC scheme at the bend, but thereafter, the proposed access would be slightly wider at 4.4 metres, instead of the 4.2 metres in the LDC scheme, and longer in its length. The LDC scheme access does not include a pedestrian footpath link or any of the driveways for the four plots or the eastern portion of the access that includes turning facilities.

30. The land to which the LDC scheme relates is confined to the access that is subject of that scheme. It is therefore smaller than the appeal site. Moreover, the LDC scheme does not relate to the residential use of the land; include four detached dwellings, associated hard and soft landscaping, the ecological area. All would be permanent changes to the land. The LDC scheme access seeks to facilitate the use of the wider parcel of land for charitable and private hire events for not more than 28 days in total in any calendar year. The access would, however, be a permanent addition if the LDC scheme were granted.
31. In the LDC appeal, I have concluded that the Council's decision not to issue a certificate of lawful use or development was well founded. Thus, regardless of the dispute around obtaining a license from Saffron Walden Town Council (SWTC), which is required to hold a market at the site, there is not a real prospect of the LDC scheme access being formed, laid out, and constructed for charitable and private hire events. However, even if I had, the proposed development would cause different effects as the two schemes are not wholly comparable. For example, the use of the land for residential development would be permanent, whereas the use of the land for charitable and private hire events would be for a maximum of 28 days per year, even with a variety of structures and vehicles. Therefore, despite vehicle movements and activity associated with that use on the land and across a larger land area than the appeal site, the harm arising from those 28 days would be less harmful than the permanent form of development on the appeal site, even with the LDC access in situ on a permanent basis.
32. The proposed access would equal the harm that the proposed access would cause for its initial section to just over 60 metres, despite the difference in the respective widths at the bend. However, overall, the fallback position would be less harmful than the proposal, and it does not justify the extent of harm that the proposal would cause, though it would replicate part of it.
33. A certificate of lawful use or development was issued by the Council ("previous LDC") in July 2022⁷. The previous LDC consisted of an identical access from the lane to that proposed in the LDC before me. The previous LDC was in connection with the temporary use of the land for holding a market for up to 14 days per calendar year. However, a license from SWTC is required to hold a market at the site. This has not been forthcoming, so neither the temporary use nor the access have materialised. There is seemingly no prospect of a license being issued by SWTC for the market use, which means that, despite the previous LDC, there is no real prospect of that development being carried out. However, even if there is, then the access would only mirror part of the proposed development and, as such, would have a lesser effect. Moreover, the use of the land for a market would be for a maximum of 14 days. While stalls, vehicles, and other market-related paraphernalia would be on the land for that time, they would not be permanent, unlike the appeal scheme. As such, the

⁷ Council Ref: UTT/22/1523/CLP

previous LDC would have a less harmful effect than the proposed development and would not justify it, even though part of it would be replicated.

Conclusion on this main issue

34. I conclude that the proposal would not preserve or enhance the character or appearance of the WCA or the setting of nearby listed buildings. As such, the proposal would not accord with s66(1) of Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act) and it would also conflict with saved Policy ENV2 of the Uttlesford Local Plan (ULP) which requires development affecting a listed building to be in keeping with its scale, character, and surroundings. Development proposals that adversely affect the setting, and alterations that impair the special characteristics of a listed building will not be permitted. This policy does not include the same balancing exercise as found in the Framework, but it does reflect the statutory duty contained in legislation and found in the Framework.
35. The title of ULP Policy ENV1 says the design of development within conservation areas. Much of the appeal site lies outside of the WCA, with only a small part of the WCA forming the site. The harm that I have identified does not relate to the part of the site within the WCA. Hence, this part of the scheme would preserve the WCA, and there would be no conflict with saved ULP Policy ENV1. However, in the round, the proposal would conflict with Framework paragraph 208 given that significance derives not only from a heritage asset's physical presence but also from its setting, which I have explained would be harmed in this case. I will return to weigh the harms caused to designated heritage assets against any public benefits of the proposal later in my decision.
36. I also conclude that the proposal would harm Cornells Lane, a protected lane (NDHA); however, ULP Policy ENV9 says that the need for the development needs to be weighed against the historic significance of the site. Framework paragraph 209 explains that a balanced judgement will be needed having regard to the scale of that harm and loss and overall significance of the NDHA.

Site's location on the countryside

37. Given the appeal site's location, its predominate undeveloped form, and the absence of any existing buildings, the proposal would not accord with the development plan's strategy to deliver housing as found in saved Local Plan Policies H1 and H3.
38. Saved Local Plan Policy S7 applies to areas in the district beyond the Green Belt that are not within the settlement or other site boundaries. The policy says that the countryside 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. The policy states that there will be strict control on new building and development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.
39. Framework paragraph 180 b) explains that planning policies and decisions should contribute to and enhance the natural and local environment by: recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

40. Each of the proposed dwellings would also be of a traditional form and scale with architectural interest and finished in high quality materials, subject to the imposition of planning conditions to ensure that they respond to Widdington's character and appearance. In this regard, the proposed dwellings would be well designed as sought by saved ULP Policy GEN2 and Framework paragraph 131. However, design considerations are more wide ranging.
41. The proposed homes and their associated infrastructure and paraphernalia would occupy land with an open rural character on the edge of Widdington. The result would be an urban form of development, causing the loss of the transitional rural edge to the village, despite the proposal's scale not being out of kilter with that of the village. The area to be set aside for ecology would help maintain a form of transition along with the larger parcel of land to the north of the appeal site that would remain, but neither would prevent harm to the character and appearance of the area from occurring due to the new homes, their infrastructure, and paraphernalia. I do not, however, that consider harm would arise from increased noise, light, and movements to and from the site given the nearby uses. Nor would harm arise from the proposal lining the northern side of the lane, meaning that development would extend along both sides of the lane on entry and exit to/from the village.
42. The landscaped embankment on the lane's northern boundary would screen and enclose the proposed dwellings, though the proposed access would remove a section of that and lead to an understanding of development and an expansion of the village on land previously open and rural. The hard and soft landscaping along the site's eastern boundary, with the PRoW in between, would contain the proposed development. Further planting on the site could soften the proposed built form and would likely limit its impact on the wider environment if managed. However, the proposal would cause localised harm to the site's character and appearance and the role that it plays in the intrinsic character and beauty of this part of the countryside.
43. While saved Local Plan Policy S7 reflects the Framework in terms of ensuring development contributes to and enhances the natural and local environment, and the Framework's thrust to protect the environment, the policy is only partly consistent with the Framework as it seeks to protect the countryside for its own sake and only permits development that needs to be there. Thus, it is more stringent and does not reflect the Framework's approach to significantly boosting housing supply. Hence, it is out of date.
44. Saved ULP Policy H1 sets a specific quantity of housing that was to be delivered between 2000 and 2011 and explains how this was to be achieved. We are now 13 years on from the period identified by this policy, and the Council cannot currently demonstrate the minimum five-year supply of deliverable housing sites in accordance with Framework paragraph 77.
45. The Council suggests that it can demonstrate around 4.50 years worth of housing supply, which equates to a shortfall of around 409 dwellings against the local housing need figure. However, the appellant points to a supply of around 4 years, which is a shortfall of around 700 dwellings; a view expressed by the Inspector in the Helena Romanes School appeal decision⁸. On either figure, the shortfall is significant as it is below a minimum supply threshold. Added to this, the most recent Housing Delivery Test (HDT) result shows that

⁸ Appeal Decision Ref: APP/C1570/W/22/3296064

58% of the required housing completions have been achieved in the HDT period. That is a shortfall of 769 homes in a three-year period.

46. Saved ULP Policy H1 is out of date, and seemingly, the delivery of housing on the ground is not keeping pace with the need for it. By extension, saved ULP Policy H3, which outlines how new houses within development limits will be supported, constrains housing delivery in a district where it is needed and there are significant shortfalls. That situation is unlikely to change in the short term. Hence, these policies and saved ULP Policy S7 all carry limited weight.
47. The proposal would conflict with saved ULP Policies H1, H3, and S7, though these policies are not fully up-to-date and carry limited weight. In this context, even having regard to Framework paragraph 180 b), I conclude that limited harm would arise from the proposal's conflict with these policies. But, due to the harm identified in respect of local character, the proposal would not accord with Framework paragraphs 135 c) and 139. These matters outweigh any compliance with saved ULP Policy GEN2.

Other Matters

48. The appeal decision relating to the 2018 scheme found that proposal would harm the Grade II listed The Fleur-De-Lys Public House and the Grade II* listed Church of St Mary the Virgin. The public house is to the north-west of the appeal site, beyond intervening residential development and gardens. The church is to the north of the appeal site, beyond residential development on Church Lane and Church View. However, the appeal site in the scheme before me is smaller, a lower quantum of dwellings is proposed, and they would be sited further away from both heritage assets. The paddock to the north of the site would also remain undeveloped, thereby retaining the rural setting of the public house and the church tower when experienced from local footpaths. These factors, together with the scale and massing of the proposed dwellings, mean that a neutral effect would occur with respect to the public house and church. Hence, their significance and setting would be preserved.
49. The appellants say that the Council has changed its mind on various previously agreed matters and has altered its stance compared to the previous schemes on the site. The Statement of Common Ground (SoCG) prepared as part of the 2022 scheme is a component of that argument. The Council has evidently changed its mind on numerous points that are central to the parties' positions. Be that as it may, the appeal to which the SoCG relates was withdrawn before the appeal decision was issued. The SoCG predated the judicial review judgement of the quashed decision. That judgement contained various points about how the Council had reached its view on matters relating to heritage assets and the fallback position. So, while I have had regard to the SoCG in considering this appeal, equally, I have considered the evidence in the round, including the Council's explanation of why they now hold the opinion of the appeal scheme that they do. In any event, I have reached my own judgement.
50. Many of the applicants points about how the Council determined the planning application have also been made in their costs application. I have considered the merits of those there. But should the appellants wish to pursue their concerns independent of the outcome of the cost application, then they should, in the first instance, raise these with the Council, and if not satisfied with the response, then the matter should be raised with the Local Government Ombudsman. I have considered the appeal on its planning merits alone.

51. I have noted interested parties' highway concerns, but on balance, it seems to me that planning conditions could be imposed if I were minded to allow the appeal to ensure a safe and satisfactory means of access for all, bearing in mind the site's location, existing highway conditions, and the proposal.
52. Concerns have also been raised about the proposal's effect on biodiversity and the appellant's evidence in that regard. Notwithstanding these points, I have approached the heritage balance and my overall conclusion on the premise of adopting the appellant's evidence, given the identified heritage harm. Further, while I note the comments about ecological surveys, I have no reason to doubt that a proportionate approach has been undertaken by the appellants based on the evidence before me.
53. Having regard to the evidence before me, I consider that the proposal would not result in the loss of productive best and most versatile agricultural land given the site's size. In this context, there would not be any conflict with saved ULP Policy ENV5 or Framework paragraph 180 b). Even if there was, the matter would need to be looked at through the lens of the district's ability to deliver housing, among other things.
54. In the appeal decision relating to the 2018 scheme, a conflict was found with saved ULP Policy GEN1 based on the site's location and its accessibility by a range of transport modes. Current circumstances mean that there is a better bus service that provides a regular connection to places with a range of facilities and services, including onward transport connections. As such, despite the limited facilities and services in Widdington, there is an alternative to travelling by car such that the proposal would not conflict with this policy.
55. Reference has been made to two other schemes within the local area, and inconsistent decision making. However, there are limited details of these two developments and the reasons why they were approved. Nevertheless, the proposal is for a greater quantity of housing, so it is not directly comparable.

Planning Balance

The Development Plan

56. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. For the reasons explained, the proposed development would not accord with s66(1) of the Act and would be contrary to saved ULP Policies ENV2, H1, H3, and S7; however, save for Policy ENV2, these policies carry limited weight. I have explained that the conflict with saved ULP Policies H1, H3, and S7 outweighs any compliance with saved ULP Policy GEN2.
57. Harm would also be caused to the NDHA, but ULP Policy ENV9 requires that to be considered in the context of the need for the development, and whether that outweighs the historic significance of the site.
58. These policies are the most important for determining the application. Taking these matters in the round, despite the proposal's compliance with saved ULP Policy GEN1, I find that the appeal scheme would be contrary to the development plan when taken as a whole. This is a matter of considerable weight. I will now consider whether there are material considerations that would indicate that my decision should be made otherwise than in accordance with the development plan.

The benefits of the scheme

59. Against the housing backdrop described earlier, the proposal would add to the mix (including two bungalows) and supply of housing for a range of people, including the provision of smaller houses that are identified as being needed in the area. There may also be some small-scale freeing up of existing housing stock. The parties dispute the current level of the Council's deliverable housing supply, but given the scale of the development, which could potentially be delivered relatively quickly, the proposal's valuable contribution carries moderate weight, even in the worst-case scenario presented by the appellant.
60. The proposal would lead to time limited direct and indirect jobs and spending within the supply chain. This economic and social benefit carries limited weight. Future occupiers would provide ongoing spending in the local economy and provide additional patronage for clubs, societies, and the bus service. These economic and social benefits again carry limited weight.
61. The removal of the overhead power line would lead to visual improvements that would benefit the rural setting of the village. I give this limited positive weight. The use of the paddock for the development would be beneficial in terms of providing housing, but it would also harm the countryside and heritage assets. This cannot therefore be a benefit of the proposal.
62. The Framework is clear that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development; it creates better and safer places in which to live and work and helps make development acceptable to communities. In that context, despite the quality of the proposed dwellings and the provision of measures to help mitigate and adapt to climate change, these are key components of what the planning process is seeking to achieve. However, I recognise that the proposal would go beyond Building Regulation standards in terms of carbon emissions. Therefore, these matters carry limited positive weight.
63. If I were to take the appellant's case at its highest, additional landscaping on the site could bring about environmental benefits. The delivery of a biodiversity area next to the appeal site could be secured through a planning condition alongside a condition to secure a biodiversity enhancement strategy. I attach moderate positive weight to these matters on the basis of the appellant's case.
64. The Council says that a unilateral undertaking would be better suited to secure permissive rights for the public on the proposed footpath extending within the site between the existing access and the PRoW. The appellants disagree. The proposed route would mean that users could avoid a section of the lane and any potential highway safety conflicts, but offer a different user experience, including a slightly different visual approach to the WCA. In creating the route, the existing vehicular access would be closed. However, even if I agreed with the appellants that a planning condition would secure permissive rights, the benefit associated with these works would be limited, as Cornells Lane provides an attractive approach that is not unduly problematic in highway safety terms.
65. The proposal would create Council Tax and New Homes Bonus receipts. Additional Council Tax receipts effectively mitigate the extra demand that future occupiers would place on the Council and Parish Council's services. Furthermore, there is no evidence showing a connection between the New

Homes Bonus payments and the development. Hence, they both carry neutral weight in the planning balance.

The heritage balance

66. The harm caused to the setting, and thus the significance of Martins Farmhouse and Roseley Barn, in the context of the Framework, would be less than substantial harm, with the harm at the lowest level within that spectrum. Insofar as William The Conqueror, Corner Cottage/The White Cottage and the WCA, the harm caused to their setting, and thus their significance would be less than substantial, and that harm would be at a low level within that spectrum. In other words, the harm would be greater than that for Martins Farmhouse and Roseley Barn. I give great weight and importance to the designated heritage assets, as they are each an irreplaceable resource. That is irrespective of the level of harm to its significance. In my judgement, the public benefits arising from the proposal, even if I adopt the appellant's biodiversity case despite the criticisms levelled at it, do not outweigh the less than substantial harms identified.
67. I am mindful of the judgement reached in the appeal decision relating to the 2018 scheme in terms of the designated heritage assets balance; however, that finding was marginal, and for a larger quantity of housing, which yielded different outcomes for the stated benefits. The judgement reached in that decision does not alter or outweigh my view.
68. There would be a moderate direct harmful effect on the setting and significance of the NDHA of Cornells Lane. The scale of that harm is localised, though it affects the integrity of the NDHA as a whole. While harm would be caused to the NDHA, the proposal would add to the mix and supply of housing in the area. Housing is needed as the Council cannot currently demonstrate the minimum level of supply required by the Framework. There are also other benefits associated with the scheme, which I have outlined above. When I consider the scale of harm identified against these, the balance is not in favour of the proposal. Hence, the proposal would not accord with saved ULP Policy ENV9, even if it is not wholly consistent with Framework paragraph 209, and thus carries moderate weight. The proposal would not accord with Framework paragraph 209 anyway. My finding in respect of saved ULP Policy ENV9 only adds to (but would not change) my conclusion that the proposal does not comply with the development plan as a whole.

Conclusion

69. As a result of my heritage balance conclusion, notwithstanding the lack of a five-year housing land supply and the HDT result, and even if the most important policies are out of date when they are taken together, the application of designated heritage policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. There are therefore no material considerations to indicate that this decision should be made otherwise than in accordance with the development plan. Accordingly, for the reasons given above, I conclude that the appeal should be dismissed, and planning permission refused.

Andrew McGlone

INSPECTOR