



Appeal Decision

Site visit made on 25 June 2024

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st August 2024

Appeal Ref: APP/C1570/W/23/3329889

Springwell Nursery, Walden Road, Little Chesterford CB10 1UE

- 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 Richardson against the decision of Uttlesford District Council.
 - The application Ref is UTT/22/2121/FUL.
 - The development is a proposed residential development comprising 7no detached dwellings, with associated works including demolition of existing nursery site and new access onto Walden Road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal was submitted with an Access Appraisal (AA) relating to highway safety and vehicle movements. The Council had the opportunity to review and comment upon this and subsequently withdrew its objection in relation to this matter on the fourth reason for refusal. I have therefore not considered this any further in this appeal, excepting where relevant to do so as it remains pertinent to the suitability of the location of this site for housing development.
3. The National Planning Policy Framework (the Framework) was revised in December 2023. I am also aware of the revised consultation draft from July 2024. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments. References to paragraph numbers in this decision relate to the December 2023 version of the Framework.

Background and Main Issues

4. The appeal site comprises a garden centre and nursery with associated parking and other ancillary areas. The overall site has an extensive planning history including a number of recent prior approvals for the conversion of barns to residential accommodation – of which work upon one was being undertaken at the time of my visit. Of note is an application made in 2013 for six dwellings that was refused permission and dismissed at appeal in 2014¹ (the 2014 appeal). Whilst this decision is now approximately ten years old, I must recognise its similarities and that the Uttlesford Local Plan 2005 (ULP) has not been updated in this intervening period. Even so, I must also acknowledge that the Great and Little Chesterford Neighbourhood Plan (GLCNP) has been made in the intervening period along with revisions to the Framework.

¹ APP/C1570/A/14/2226566

5. The Council's decision notice has identified six reasons for refusal and, following the withdrawal of the highway safety and vehicle movements related issue, I have distilled these here to the following main issues:
- a) whether the site represents an appropriate location for housing, having particular regard to access to facilities and services,
 - b) the effect of the proposed development on the character and appearance of the area,
 - c) the effect of the development on the setting of nearby listed buildings,
 - d) whether the development would result in the loss of an employment site and viability,
 - e) the effect of the development on flooding, and
 - f) having considered all the above matters, whether the totality of the scheme and any other material considerations warrants a decision other than in accordance with the development plan.

Reasons

Suitability of location

6. The appeal site is set within the countryside beyond the Green Belt as defined by policy S7 of the ULP. It is set amongst a cluster of other dwellings in a small hamlet in addition to the garden centre itself. Beyond the garden centre and its small shop, there are no services or facilities close to the site. Whilst the site is not isolated, given its proximity to other existing homes, it has poor public transport connections with no bus service and no footways along Walden Road. Moreover, this is a relatively busy road with no street lighting making it an unattractive prospect for pedestrians or cyclists, particularly after dark. As a consequence, it is inevitable that the future occupants would be almost entirely reliant on the private motor vehicle. This would not be satisfactory in terms of the future residents social well-being.
7. The site is fairly close to the nearby settlement of Great Chesterford to the north, and its services and facilities. However, beyond a mainline train connection, these services and facilities are still quite limited. Even then, due to the issues with connectivity I have highlighted in the above paragraph, it seems unlikely that these could be conveniently accessed without using a car to the extent that it is unlikely any future residents would do so. I appreciate the wider area benefits from some good regional connections but these are unlikely to be of great value on a day-to-day basis or accessible without reliance on the private motor car.
8. However, I must also be mindful of the existing use of the site. The AA suggests a significant reduction in the total number of movements as a consequence of the change of use of the premises from a garden centre to seven dwellings. This is in the order of 765 - 874 (in and out) less vehicle movements per day. Given the fairly small-scale nature of the retailing activity of the site; as opposed to the majority agricultural use for growing plants, and that this is likely to be seasonal; I am not persuaded that the reduction in vehicle movements will be this substantial. Indeed, the existing car park at the site seems to be of an insufficient size to be able to cater for the number of

movements that the AA suggests. Nevertheless, I am willing to accept that there would be a reduction in the overall number of vehicle trips the proposed development of seven dwellings compared to the existing use. There are therefore likely to be less emissions created by vehicle transport.

9. Even so, the reduction in vehicle trips is only one factor in considering the suitability of the location. It remains the case that the dwellings would be distant from shops and services with an excess reliance on the private motor vehicle. Indeed, this reasoning is consistent with the Inspectors findings in relation to the 2024 appeal. I therefore conclude that due to its rural location, the proposed development would be heavily reliant on the private motor vehicle and contrary to policies GEN1(e) of the ULP and GLCNP/3 of the GLCNP which encourage movement by means other than driving a car.

Character and appearance

10. The site is set on a gently sloping piece of land that forms a narrow valley leading down towards the western side and the River Cam. This topography means that the site is fairly enclosed in longer aspects but is nevertheless quite visible in more localised views within the valley. The area is predominantly rural in nature but, setting aside the site itself, does feature a cluster of homes along and around Walden Road.
11. The polytunnels and other garden centre functions such as the car park are notable features. However, the open growing areas for plants and polytunnels are agricultural features, are temporary in nature and are appropriate and expected in a rural context.
12. Conversely, the proposed development would be in the form of a spaced-out housing estate of detached homes and this would carry with it many features which would be more alien to the countryside setting than the gravel car park, sheds, barns and polytunnels that presently pepper the site. The new estate would invariably feature sheds and other outbuildings, mown lawns with garden furniture, driveways, fencing and the like which would not be typically rural features. Given the size of the proposed estate and the extent of its footprint in the valley, I conclude that this would be harmful to the rural charm of the area.
13. The development would therefore be harmful to the character and appearance of the locality. It would thus conflict with policy S7 of the ULP, policy GLCMP/1 of the GLCNP and provisions of the Framework insofar as it would not protect or enhance the particular character of the part of the countryside within which it is set. When read together, this is a requirement of these policies.

Heritage assets

14. There are three designated heritage assets near the site. These comprise Joseph's Farmhouse, Springwell Cottage and Springwell Farmhouse. All of these heritage assets are grade II listed buildings.
15. Joseph's Farmhouse is set immediately to the west of the site. It comprises a C17 timber framed and plastered farmhouse and its significance derives from its traditional connections with the agricultural surroundings and manner of construction. More modern development surrounding the building, in the form of outbuildings, and indeed the garden centre and nursery itself, already detract from this historic appreciation of it. However, this is tempered by

outbuildings typically being of a subordinate scale and the garden centre and nursery clearly being more modern and functional in nature. Conversely, the proposed development would introduce a multitude of modern buildings in a 'traditional' pastiche that would erode the appreciation of Joseph's Farmhouse as a genuine heritage asset. Due to its proximity at the entrance to the proposed development of homes, it would be visually incorporated into it and undermine any appreciation of its historic value. I conclude the development would be detrimental to the setting of this listed building.

16. Springwell Cottage, a C18 cottage, is set further to the north of Joseph's Farmhouse and, like its neighbour, has its significance in the traditional rural context. It has also had its surroundings clipped by more recent development. Again, the residential development extending towards the east would dilute the relevance of this historic rural setting. However, this would be mitigated to a certain extent due to the increased separation and lack of direct visual link. It would still be harmful to this building's setting.
17. Springwell Farmhouse is a white rendered C18 farmhouse. It sits on the opposing side of the road behind an imposing brick wall. The significance of this building is similar to its neighbours in the agricultural context albeit that this farmhouse is somewhat grander in scale. Its setting would be less affected by the proposed development due to its position on the opposing side of the road and very limited views being available of it in the context of the proposal. Even so, the scale of the proposed development would invariably change this context and as a result would still affect its setting.
18. The proposed development would therefore cause less than substantial harm to the setting of all three of the grade II listed buildings. It erodes the appreciation of these three buildings through the loss of agricultural context and formation of what is, in effect, a modern residential cul-de-sac of large detached homes. This is completely at odds with the traditional rural context and highly detrimental to the setting of all three of the listed buildings, including their value as a group.
19. I conclude that the proposed development would fail to preserve the settings of the three Grade II listed buildings, contrary to S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Therefore, conflict would arise with policy ENV2 of the ULP and policy GLCNP/5 of the GLCNP insofar as it sets out that development proposals that adversely affect the setting of a listed building will not be permitted. It follows that there would be some harm to the significance of the listed buildings as designated heritage assets through development affecting their settings. Owing to the scale and nature of the proposals, the degree of harm to significance of the listed buildings would be less than substantial. I consider this further in the overall heritage and planning balance set out below.

Employment site and viability

20. The Council expressed concern in relation to the loss of the employment use of the site and its viability. However, in this regard I note that one policy cited, policy RS3 of the ULP, does not expressly relate to loss of employment. This policy sets out that the change of use of community facilities such as a shop, post office, public house, garage, doctors/dentist surgeries and village halls will only be permitted where it can be demonstrated that the facility is no longer financially viable, there is no significant demand for the facility within that

locality or; equivalent facilities in terms of their nature and accessibility are available or would be made available nearby. I do however note that GLCNP policy GLCNP/8 identifies the nursery as an employment site. This policy requires that it should be demonstrated that the relevant business is not viable in that location and redevelopment or an alternative use is the only realistic proposal.

21. In this case, I accept that the current use, whilst clearly having some community benefit and offering employment, is unlikely to be of the same nuance as that of a shop, post office, public house in a village or facilities such as these where the benefit would be offered on a very local basis and be a service that would be desired daily or weekly. Aside from some small sundry items, the offering of garden plants, flowers and the like remains a fairly niche offering and certainly is well in excess of what the local hamlet would demand on a frequent basis.
22. Indeed, without the associated agricultural nursery use, the employment generating function of the site would not exist. Therefore, were the nursery element of the site to cease operation, as the appellant has indicated is the longer term plan, there would be no retailing or employment generating function derived from the site.
23. The appellant has shown that there are numerous other garden centres offering similar services in the area. These range from larger chains that operate nationally and are often set in the larger settlements to smaller nursery style garden centres such as that at the appeal site. As I have concluded that the existing premises does not provide a truly local community facility per se, it seems only fair to consider these other garden centres, that are further afield, as reasonable alternatives. Equally, employment generation from the non-agricultural aspects of the use seem to be minimal.
24. Accordingly, I conclude, overall, that the loss of the garden centre use would not amount to the loss of a community facility and that alternative garden centres are available in the area that would be similarly convenient or accessible. Equally, the loss of employment from the site would be so minor such that it would not have a significant effect on local employment opportunities in the area. As such, I find that the proposed development complies with policy ULP policy RS3 and GLCNP policy GLCNP/8 in this regard.

Flooding effects

25. The lower parts of the appeal site are located within the Environment Agency's defined Flood Zone 3a which would be at a high risk of flooding. However the appellant has carried out a Flood Risk Assessment (FRA) including detailed flood modelling of the site. The modelling indicates that the overwhelming majority of the site is, in practice, within Flood Zone 1 (lowest probability of flooding) and that all of the proposed dwellings are located outside this affected area. Moreover, the access to the site remains unaffected and even in the 1:100 +35% and +65% events accounting for climate change would still allow access along Walden Road to the north.
26. Some parts of the site may be subject to surface water flooding and a number of the proposed dwellings would be affected by this. However, the effects of this would be low and flooding of dwellings could be mitigated by ensuring the finished floor level was elevated above surrounding flood levels. Given the

temporary nature of surface water flooding, I am satisfied that any flooding to dwellings can therefore be mitigated by way of condition on any permission granted. Moreover, such effects would be likely to be minor and unlikely to have significant impacts downstream.

27. I therefore conclude on this point, that the appellant has satisfactorily demonstrated that the proposed development would not be adversely affected by flooding or the risks associated with this. In this regard the development therefore complies with policy GEN3 and the Framework which seeks to ensure an adequate standard of flood protection and there would be no increased risk of flooding elsewhere.

Heritage and Planning Balance

28. The Framework states that great weight should be given to the conservation of a designated heritage asset, irrespective of whether the harm to its significance is less than substantial and towards the lower end of the scale. Paragraph 208 of the Framework requires the less than substantial harm to the significance of a designated heritage asset to be weighed against the public benefits of the proposal.
29. The proposal would undoubtedly offer social, economic, and environmental benefits and these are public benefits. Benefits would arise from the delivery of seven new dwellings, increasing the choice of homes and contributing to the supply of housing land in an area where there is a persistent undersupply. There would be further benefits as future occupiers could support the community in the hamlet. There would also be economic benefits during the construction phase, albeit that these would be temporary.
30. That no harm has been identified in respect of highway safety, flooding, employment generation or other pertinent matters is a neutral consideration here. The harm to the rural character and appearance of the site weighs against the development.
31. The social, environmental and economic benefits associated with seven open-market dwelling would be modest. Even taking account of the current housing land supply position, the cumulative weight of benefits would be moderate and not sufficient to outweigh the great weight that the conservation of designated heritage assets carries. The proposal therefore fails to accord with the historic environment protection policies of the Framework.
32. I have already found that the proposal conflicts with policies ENV2, GEN1(e) and S7 of the ULP and policies GLCNP/1, GLCNP/3 and GLCNP/5 of the GLCNP. ULP policy S7 is not wholly consistent with the Framework in respect of its approach to rural housing. I therefore reduce the weight to the conflict with this policy to a moderate level.
33. The Council accepts that it cannot demonstrate a five-year supply of deliverable housing sites and this situation has persisted for many years. In this regard I have noted the appellants comments and examples of other appeal decisions. However, as I have found that the development would be detrimental to the setting of the nearby heritage assets; paragraph 11(d) of the Framework is triggered. The identified harm to the setting of the grade II listed buildings is a clear reason for refusing the proposed development. As

such, the circumstances at paragraph 11(d)(i) of the Framework are engaged and the presumption in favour of granting planning permission does not apply.

Other Matters

34. In reaching my conclusions here I have had regard to the comments from local residents in support of the proposal. Indeed, I have accepted many of these points and recognised that the site would not be isolated and would assist, in a small way, in reconciling the shortfall of housing provision in the wider area. This local support from a number of parties does, however, not alter my conclusions here.

Conclusion

35. The proposal would be detrimental to the setting of the three nearby heritage assets and harmful to the character and appearance of the area. The conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with the development plan. Therefore, for the reasons given above the appeal should be dismissed.

Nick Bowden

INSPECTOR