

Appeal Decision

Site visit made on 31 July 2024

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2024

Appeal Ref: APP/C1570/W/23/3327701

**Tudor Cottage, Mill End Green, Mill End Green Road, Great Easton, Essex
CM6 2DN**

- 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 Hall against the decision of Uttlesford District Council.
 - The application Ref is UTT/22/0694/FUL.
 - The development proposed is the erection of 1no. detached dwelling with associated private gardens, car parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the Council's decision notice. The appellant accepts this is the correct description of the development following amendments to the application.
3. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. The policies that are material to this decision are not subject to any fundamental changes, and I am satisfied that this has not prejudiced any party.

Main Issues

4. The main issues are:

- The effects of the proposal on the setting of the grade II listed building of Tudor Cottage;
- Effects on highway safety, and;
- Whether the site is suitably located for new housing, having regard to the Council's spatial strategy and the effect on the character of the countryside;

Reasons

Setting of Tudor Cottage

5. Tudor Cottage is a Grade II listed building with 17th century origins. It comprises a single storey element which is timber framed and plastered, with rooms set within a thatched roof above, as well as a 20th century extension to its western end. It sits within a generous plot of well maintained grounds of mown open grassland and a cluster of trees to its north eastern corner, bound by verdant boundaries. There are existing outbuildings within the curtilage of Tudor Cottage, notably including an existing garage and annexe both located to the east of the cottage. These are single storey buildings with low eaves levels and a simple domestic character. As a result, these appear ancillary to the cottage visually and functionally.
6. The Council assert that historic mapping shows the cottage to be surrounded by agricultural fields and that it was previously an agricultural worker's cottage. Today, Tudor Cottage is the most eastern house on the northern side of the road and open countryside wraps around the northern and eastern sides of the site. Open agricultural land extends across much of the southern side of Mill End Green Road, with the exception of a house opposite and development surrounding The Green Man public house.
7. The surrounding area has clearly been subject to change in recent years, particularly through the introduction of new housing further west along Mill End Green Road and around the public house. Sizable extensions have also been undertaken to nearby properties as evidenced by the appellant. However, the houses are predominantly set on generous plots, maintaining a dispersed pattern of development set among a rural and agricultural landscape. When travelling along Mill End Green Road, Tudor Cottage is viewed within the rural setting and its generous and verdant plot. As such they contribute positively to Tudor Cottage's significance and how it is experienced and appreciated.
8. The proposal would see the subdivision of the plot and creation of a substantial two storey detached house to its eastern side. The combination of the new house, its new access, associated boundary treatments and residential paraphernalia, together with increased movements, would have a suburbanising effect on the plot. In views from Mill End Green Road, the proposal would result in Tudor Cottage appearing as an integral part of the ribbon development and diminish the cottage's relationship with the open countryside. These effects would be exacerbated by the design of the proposed house, with tall eaves and ridge height, and prominent design features and roof forms, which would be at odds with the simplicity of Tudor Cottage and detract from its significance.
9. While the neighbouring property to the west and the house on the opposite side of the road have been extended, these were outside the curtilage of the listed building and would have had different effects on the setting of Tudor Cottage and how it is experienced. As such they do not provide a justification for the effects of the proposed development.
10. For these reasons, the proposal would undermine the simple and rural setting of the listed building and the way it is experienced. For the purposes of the Framework, this harm would be less than substantial and should be weighed against the public benefits of the proposal. The Council consider this harm to be midpoint on the scale, and I have no strong reason to reach a

different view. However, considerable weight and importance must nonetheless be given to the desirability of preserving the setting of the listed building.

11. In terms of public benefits, the proposal would contribute to the supply of housing in the District, which is particularly important given the acknowledged under supply of land for housing. This would be on the garden of an existing property and would assist in supporting local services and facilities, particularly those in nearby villages. There would also be economic benefits arising from the construction process and ongoing expenditure into the local economy by future occupants. The weight of these benefits is, however, limited by the scale of the development, being a single house and together these public benefits attract moderate weight.
12. Overall, and in conclusion on this main issue, there are not public benefits that would outweigh the less than substantial harm to the heritage asset, to which I must give great weight. The proposal would conflict with Policy ENV2 of the Uttlesford Local Plan 2005 (the ULP) and with Framework insofar as it relates to heritage. Policy ENV2 omits the need for a balancing exercise as in the Framework. However, the protection of the historic environment remains an important aspect of both and I do not find the local policy to be entirely inconsistent with the Framework.

Highway Safety

13. The proposal includes a new access onto Mill End Green Road and the Highways Authority consider that 120m visibility splays should be provided accordingly in either direction. The appellant has provided a plan with the appeal which suggests that this could reasonably be achieved. This stretch of road is relatively straight with good visibility in both directions from the appeal site due to grass verges. As such I have no strong reason to believe that the appropriate visibility splays could not be achieved.
14. The proposal would be acceptable in terms of its effect on highway safety and would comply with Policy GEN1 of the ULP and the Framework insofar as they relate to highway safety. I have not been provided with copies or references for the Highway Authority policies, however I note the Council refer to them as supplementary guidance. As such this does not alter my conclusion against the development plan policy.

Spatial Strategy and effects on the character of the Countryside

15. The ULP sets out where new development will take place. This lists areas which will be the focus of development including urban areas and the A120 corridor, and lists other areas including listed Key Rural Settlements and Other Villages which have a lesser potential for development. The appeal site is in the countryside for the purposes of assessment against the ULP, and as such Policy S7 applies.
16. Policy S7 states that in the countryside, among other things, planning permission will only be given for development that needs to take place there, or is appropriate to a rural area, and including infilling. It goes on to add 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 in which it is set, or there are special reasons why the development in the form proposed needs to be there.

17. The appellant has evidenced the Council's reports relating to other residential development near the appeal site along Mill End Green Road. Among those reports the Council attach limited weight to the provisions of Policy S7 due to its restrictive approach which is not mirrored in the Framework. That policy does, however, have a degree of consistency with the Framework insofar as it refers to the conservation of the natural environment and the intrinsic character and beauty of the countryside.
18. The character of the surrounding area is described above, and it maintains an open and rural character which contribute positively to the character of this part of the countryside. The proposal would not be infilling, since it would not infill any existing break or gap and would be located at the end of the ribbon development. However, the proposal would not be at odds with the character or appearance of other residential properties which are peppered along Mill End Green Road and which have recently received planning permission. Therefore, notwithstanding the effects of the proposal on the designated heritage asset set out above, the proposal would otherwise protect the character of this part of the countryside.
19. The site is some distance from the nearest services and facilities, other than the nearby public house. Together with the narrow and unlit nature of Mill End Green Road, it is very likely that future occupants would rely heavily on the use of private cars. However, I observed from the officer reports evidenced by the appellant that the Council has previously accepted these attributes when considering other residential developments along Mill End Green Road¹ and considered them to contribute to the rural economy in nearby settlements and rural communities. It is not apparent why a different conclusion should be reached here and I find the proposal to be acceptable in this respect.
20. In conclusion on this main issue, having considered other nearby decisions, in the absence of substantive evidence to the contrary, and notwithstanding the heritage effects of the proposal, the site would be suitably located for housing. The proposal would be compliant with Policy S7 and the provisions of the Framework insofar as they relate to the location of rural housing where it would enhance or maintain the vitality of rural communities and where it acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

Other Matters

21. The Council accept it cannot demonstrate a five year land supply for housing and state that it has a 4.5 year supply. As such, the provisions of paragraph 11d) of the Framework apply to the appeal. However, as the application of policies in the Framework that protect designated heritage assets provide a clear reason for refusing the development proposed, the proposal does not benefit from the presumption in favour of sustainable development. Other benefits arising from the proposal have been considered above as part of the heritage balance and, overall, there are not material considerations of

¹ UTT/18/2868/FUL- Colletia, UTT/21/1349/FUL-Bell Mills, UTT/22/2632/FUL- Land adj to The Green Man

sufficient weight which would outweigh the conflict which has been identified with the development plan as well as the Framework.

Conclusion

22. For the above reasons, having taken account of the development plan as a whole, the approach in the Framework, along with all other relevant material considerations, the appeal is dismissed.

C Shearing

INSPECTOR