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# Appeal Decision

Site visit made on 30 July 2024

by **S J Lee BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 2<sup>nd</sup> October 2024**

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**Appeal Ref: APP/C1570/W/23/3332397**

**Land Adjacent Bentfield House, Bentfield End Causeway, Bentfield Bower, Stansted, Essex CM24 8TJ**

- 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 Craig Bassingthwaighe against the decision of Uttlesford District Council.
  - The application Ref is UTT/23/1062/FUL.
  - The development proposed is erection of a single dwelling.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023. The main parties have had the opportunity to comment on the revised Framework in respect of the appeal, and I have taken it into account where relevant to my decision.

## Main Issues

3. The main issues are the effect of the development on the character and appearance of the area, including the setting of a Grade II listed building.

## Reasons

4. The appeal site is located outside any defined settlement and as such is considered to be in the countryside for the purposes of development plan policy. Policy S7 of the Uttlesford Local Plan (ULP) (2005) only allows for development that needs to take place in, or is appropriate to, a rural area. This excludes housing, other than where it constitutes infilling. The development would not meet this requirement. Policy S7 also seeks to resist development in the countryside unless its appearance protects or enhances the character of the area.
5. The site constitutes parcel of open grassland, adjacent to a small cluster of dwellings of different types, sizes, ages and appearances. Bentfield House, a Grade II listed building, lies to the south of the site. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on me to have special regard to the desirability of preserving a listed building or its setting. This closely aligns to paragraph 205 of the Framework, which states that great weight should be given to the conservation of heritage assets.

6. The evidence indicates that the site has historically been part of the land holdings of Bentfield House and has formed part of its wider grounds. However, the site now has the appearance of a small self-contained paddock.
7. Irrespective of whether the site is considered to be in the curtilage of the House, it remains within the setting of the listed building. The evidence suggests there has been a functional historic association with Bentfield House for some time. However, there is little evidence to suggest the site formed part of any formal pleasure garden. There are few windows on the northern flank of the House overlooking the site, which suggests it was not considered important in terms of views. Rather, the House is orientated on an east to west axis, thus suggesting the grounds directly to the rear were of greater import. There is also a large wall running to the north of the main building, which would have separated the site from the main grounds and likely shows the limit of the formal garden area.
8. The use of the site is likely to have been more functional in nature. Although the functional links with the House may now be more difficult to discern, the evidence indicates that the site still formed part of the wider historic grounds of a large country house, and this helps to illustrate the significance of the building in its local setting. The site therefore has some importance in terms of understanding the history of the listed building and its relationship with the hamlet. The gap between Bentfield House and the hamlet is also long established and constitutes part of the historic rural setting of the building. Overall, the site makes a small contribution to the special interest and significance of the building.
9. Notwithstanding this, it is reasonable to say that the dwelling would have a closer visual relationship with the hamlet than Bentfield House itself. It would consist of a large dwelling, set back some distance from the road behind a relatively long driveway and area of hardstanding. There would also be a large car port, referred to as a 'cart lodge' in the parties' evidence, toward the front of the site. The development would clearly have an urbanising effect on the site. Not only would this be in terms of the buildings themselves, but also in terms of any domestic paraphernalia that would accompany it. There would inevitably be some harmful effect on the existing rural character of the area, with the development eroding the gap between the hamlet and Bentfield House.
10. The dwelling would be roughly in line with the adjacent Bower Cottage, but due to the bend in the road, would appear to be further set back than most dwellings in the hamlet. While the dwellings are generally behind small driveways or forecourts, the hamlet has a reasonably intimate relationship with the roadside and thus the layout and siting of the dwelling would be somewhat at odds with the prevailing character of the area. In this regard, I note that Penrose Cottage has a long drive to one side, but the building itself is still more closely related to the road than the development.
11. The dwelling would be of a significant size and discernibly taller than neighbouring properties. Notwithstanding the high degree of articulation, it would not reflect the scale or appearance of other dwellings in the hamlet. Apart from the semi-detached dwellings, these tend toward either traditional cottages and/or dormer bungalows. The semi-detached units are larger and have been extended in places. They also share some features of the

development in terms of gable features on the front elevations. Nevertheless, due to the proposed dwelling's overall size and appearance, which could appear somewhat contrived in comparison to neighbouring properties, it would not complement these dwellings. This would also be exacerbated by the incorporation of a large crown roof. This feature would also fail to complement other dwellings in the immediate vicinity, which tend toward dual-pitched roofs. The scale and prominence of this feature would therefore add to the harm caused.

12. There are other detached garages and outbuildings elsewhere in the hamlet. In the main, these are complementary or subservient buildings. This would not be the case with the cart lodge, which would be a large and dominant structure close to the front of the site. While some attempt has been made to replicate a rural character, more associated with farmsteads, this would still appear incongruous in comparison to the more domestic scale garages in the immediate vicinity. Taken as a whole, the development would result in a large and discordant feature that would unacceptably detract from the character and appearance of the area.
13. The dwelling and cart lodge would be some distance from Bentfield House itself. Notwithstanding the existing detached garage and other outbuildings associated with the listed building, there would still be something of a gap in the built form. However, much of this space would be enclosed within new boundary treatments, thus the site would appear to be part of the grounds of the new dwelling, resulting in a more domestic appearance than currently exists. Thus, it would both truncate the gap to a significant degree and erode the existing character of the site, reducing and altering the open setting of this side of the listed building.
14. When approaching from the south, the proposed dwelling and Bentfield House would not be seen together. Similarly, from the north, views of the listed building are limited to the side and upper storeys of the building. The principal elevation of Bentfield House fronting the road cannot be seen until almost directly outside the building. The development would not therefore have a significant impact on how Bentfield House can be appreciated in its immediate context. This inevitably reduces the harm the development would have on the significance of the building itself. However, the incongruous nature of the development, and the change in the long-standing character of the site, is such that a degree of harm would still exist.
15. My attention has been drawn to several alterations that have been made to Bentfield House and its grounds over a number of years. However, it remains a listed building and I do not accept that it has lost its significance because of the changes that have occurred. These alterations have not therefore altered my conclusion.
16. In conclusion, by virtue of its scale, siting and appearance, the development would result in unacceptable harm to the character and appearance of the area. This would be at odds with policies S7 and GEN2 of the ULP which seek to ensure, amongst other things, that development protects or enhances the particular character of the area and be compatible with the scale, form and appearance of surrounding buildings. There would also be conflict with paragraph 135 of the Framework, which includes the requirement for development to be sympathetic to local character and history.

17. The development would also result in some harm to the setting of Bentfield House. This would be contrary to ULP Policy ENV2 which seeks to ensure development affecting the setting of a listed building is in keeping with the scale and character of its surroundings. The harm in this context would be less than substantial. In such circumstances, paragraph 208 of the Framework requires the harm to be weighed against the public benefits of the development. I return to this matter below.

### **Other Matters and Planning Balance**

18. I have concluded the development would result in unacceptable harm to the character and appearance of the area in conflict with the development plan. The Council cannot currently identify a 5-year supply of deliverable housing land as required by the Framework. The policies of the plan are therefore deemed to be out-of-date as per paragraph 11d of the Framework.
19. There is no moratorium on development outside settlement boundaries in the Framework and I understand that development has been permitted elsewhere in the countryside to assist in meeting the housing shortfall. Based on what is before me, I have therefore given little weight to the conflict with Policy S7 in terms of the location of development outside a settlement. However, the provisions of that policy, and other relevant policies, relating to the effect of development on character, appearance and heritage assets are all consistent with the Framework. Thus, in my view, these still carry substantial weight.
20. The development would deliver one additional dwelling to the housing supply and would contribute to meeting the shortfall in supply. The development would have some limited economic benefits in respect of construction and in the longer term from supporting local services and facilities. There are no such facilities within the hamlet and thus some travel would be necessary. Notwithstanding the limited opportunities that might exist for using public transport, the location of the site means that the majority of these would likely be by car. This tempers any environmental benefits that might be delivered.
21. The development would make provision for additional landscaping which may provide some biodiversity benefits. However, this would also be mitigation for the loss of trees and hedgerow. Such benefits are limited in scale. The building would be energy efficient, but this is to be expected of all new buildings and hence also provides only limited benefits.
22. The less than substantial harm caused would be at the lower end of any scale. Nevertheless, I am still not persuaded that the limited public benefits associated with the dwelling would be sufficient to outweigh the harm caused. The development would therefore conflict with the Framework, which seeks to ensure great weight is given to the conservation of heritage assets. On this basis, the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. Accordingly, the presumption in favour of development set out in paragraph 11d of the Framework does not apply in this case.
23. Even if I had come to a different conclusion about the effect on heritage assets, given the incongruous and discordant nature of the development and its effect on the character and appearance of the immediate area, I would still have concluded that the adverse impacts of the development would significantly and demonstrably outweigh the limited benefits of the development. Therefore, the

presumption in favour of sustainable development would not have applied in any event.

**Conclusion**

24. The development would conflict with the development plan. There are no material considerations which would outweigh this conflict. The appeal should therefore be dismissed.

*S J Lee*

INSPECTOR