
Appeal Decision

Site visit made on 1 October 2024

by D R McCreery MA BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2024

Appeal Ref: APP/C1570/W/24/3342826

Land Adjacent 1 Woodlands, Cambridge Road, Quendon, Essex, CB11 3XJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Mervyn Waite against the decision of Uttlesford District Council.
 - The application Ref is UTT/23/1727/OP.
 - The development proposed is the erection of a detached 4 bedroom dwelling
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the application was made in outline, with all matters that would otherwise be reserved added before the Council's decision, I have treated all details as determinative.
3. The proposal is in a Conservation Area and within the setting of a Listed Building. I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).
4. As part of the development plan for the area, I am statutorily bound to consider accordance with the Newport, Quendon and Rickling Neighbourhood Plan (Neighbourhood Plan). Notwithstanding the Council's omission of Policy NQRHD2 from their reason for refusal, the explicit inclusion within the Officer Report is clear enough to signify that conflict with the policy was a matter in dispute. I also note that the Appellant has considered the policy in their Statement of Case. The Council drawing the omission from the reason for refusal to my attention is not tantamount to them attempting to add further reasons at the appeal stage and there is no obvious prejudice arising from considering the policy. The appeal is considered on this basis.

Main Issue

5. The main issue is the effect of the proposal on two heritage assets, namely the character and appearance of the Quendon and Rickling Conservation Area (the Conservation Area) and the setting of the Grade II Listed Building known as the Lilacs (Ref: 1216679) (the Listed Building).

Reasons

6. The Conservation Area covers the rural villages of Quendon and Rickling Green, that each have distinct characteristics. Quendon, is a linear settlement along the B1383. Scattered buildings (mostly dwellings) include grand houses sitting amongst vernacular properties, mostly unified by their traditional appearance, a frontage set back from the road, and punctuated by verdant greenery and woodland that reinforces the rurality of the area, provides visual gaps between built forms, and a backdrop with a sense of woodland enclosure. Insofar as relevant to this appeal, the Conservation Area's significance is derived from its rural character, the traditional appearance of the buildings within it, and the relationship between built form and surrounding greenery.
7. The Listed Building is a timber framed, thatched roofed half hipped at the ends, dwelling dating from the 18th century with four range, modest lead casement windows. Its appearance can colloquially be described as a chocolate box cottage. It has a modest front garden, giving it a closer relationship with the road than others in the village and a visual prominence in the street scene. Surrounding greenery, is effective in preserving much of its natural context. Given the above, the significance of the building, insofar as relevant to this appeal, is primarily associated with its traditional appearance and its relationship with surrounding greenery.
8. The verdant appearance of the site makes a positive contribution to the character and appearance of the Conservation Area. It is part of a network of green gaps that collectively preserves the existing subservience that built forms have to wooded spaces and other greenery that is fundamental to the significance of the character and appearance of the Conservation Area. The unplanned erosion of such gaps causes more significant harm to the whole than assessing purely on a site by site basis. As such, there is no contradiction in the approach of the Council finding the proposal acceptable in character and appearance/countryside impact terms but viewing things differently when assessing heritage asset effects.
9. The urbanising effect of developing the site would have a profound impact on the character of the land, brought about by elements including the extent of built form in relation to surrounding greenery, the access and necessary hardstanding associated and other domesticating elements. This would be the case even allowing for design mitigation, including keeping the access minimal and driveway curved and finished in gravel. Given the enclosed nature of the surroundings, the experience of the character change would be mainly apparent at closer quarters from the road, the adjacent footpath, and from surrounding dwellings (including the Listed Building).
10. Paying regard to the Appellant's design and conservation evidence¹, a quality landscaping plan could minimise the effects of the proposal to a degree. This would primarily be through natural screening and land management (including avoiding significant land reprofiling) aimed at working with the existing landform and preserving/promoting a natural woodland appearance and setting for the dwelling.

¹ Including the documents referenced at paragraphs 1.5 and 1.6 of the Appellant's Statement of Case

11. Nevertheless, the appearance of the site access and views through to the dwelling would substantially remove the existing sense of an undeveloped green gap, with a consequent erosion of the balance between built form and surrounding greenery that is fundamental to the character and appearance of the area. Although the general scale and massing of the dwelling has been considered, the house would also gain unavoidable prominence due to its elevated position. While I appreciate the Appellant's design intention, removing any visual impact associated with the dwelling is an unrealistic expectation. In this regard, developing the site in the manner proposed would cause harm to the character and appearance of the Conservation Area.
12. The form and detailed design of the dwelling would be unapologetically contemporary and would therefore not be consistent with the traditional appearance of buildings within the Conservation Area. Nevertheless, the proposal has a general scale, layout (including setback from the road) that would provide a degree of congruence. There is also variance in traditional built form in the area, rather than an obvious rigid consistency. The Appellant's design evidence demonstrates a thoughtful approach to integrating a modern design into the surroundings. Use of materials would be an essential part of achieving a successful development and could be the subject of conditions. All things considered, the contemporary detailed design of the proposal would not in itself cause harm. While I have noted the development referred to by the parties², it is contextually different and therefore does not materially affect my conclusions.
13. Turning to effects on the Listed Building, there is intervisibility between the site and the Lilacs, with the site falling within the setting of the building by virtue of its proximity. The greenery to the front (including the site) and rear of the Listed Building contributes positively to the setting and significance by providing natural/wooded backdrop and sense of enclosure consistent with the historic setting. While the road physically separates the site and the Listed Building this does not diminish the value it brings in setting terms. The impact of developing the site on setting would be managed through placement of buildings and maintaining a robust green frontage with the road. However, the access and through views to the dwelling would replace the natural setting with one more domestic and urban.
14. Weighing this matter up and factoring in potential mitigation, while there would be a degree of harm to the setting of the Listed Building it would not be in the same order of significance as that related to the Conservation Area. Nevertheless, there is harm. In reaching this view I have paid regard to guidance from Historic England, insofar as it is brought to my attention.
15. Considering the harm identified above, the proposal would fail to preserve or enhance the character and appearance of the Conservation Area or preserve the setting of the Listed Building.
16. Paragraph 205 of the National Planning Policy Framework (the Framework) says that, when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 206 goes on to say that any harm to, or loss of, the significance of a designated heritage asset from its alteration should require clear and convincing justification.

² Council reference UTT/16/0030/FUL

17. In this case, the harm would be less than substantial but nevertheless of considerable importance and weight. In these circumstances, paragraph 208 (Framework) advises that the harm should be weighed against the public benefits of the proposal.
18. It would deliver a single dwelling in a sustainable location, contributing to the Council's housing delivery position. This would support the Government's objectives of significantly boosting the supply of homes (Paragraph 60, Framework). The scale of the contribution would be minimal, although I do not discount it entirely considering the important contribution that small and medium sized sites can make to meeting the housing requirement of an area (Paragraph 70, Framework). The benefit attracts moderate weight.
19. Economic benefits linked to construction and spend in the local economy are generalised, unevidenced, and hard to attribute to a development of this scale. They attract limited weight. Potential for biodiversity and other environmental benefits attracts moderate weight as the question of whether such enhancements would mitigate for adverse effects (rather than representing a genuine benefit worthy of more significant weight) is not clearly evidenced, including from the Appellant's Ecological Appraisal.
20. I disagree with the Appellant's description of the site as 'an unused marginal area of land'. It has natural and green characteristics consistent with the wider network of green gaps that are collectively fundamental to the significance of Quendon and the character and appearance of the Conservation Area. Development of the site does not represent a heritage benefit, nor would it demonstrably secure its optimum viable use.
21. Weighing these matters up, I do not find that the public benefits are sufficient to outweigh the harm that I have identified, in circumstances where great weight should be given to conservation of heritage assets (relative to their importance).
22. In conclusion, the proposal would fail to preserve or enhance the character and appearance of the Conservation Area. This would not satisfy the requirements of the Act, paragraph 203 of the Framework and would conflict with policies ENV1, ENV2, and GEN2 of the Uttlesford Local Plan and NQRHD2 of the Neighbourhood Plan, insofar as they relate to developments in Conservation Areas and affecting Listed Buildings.

Other Matters

23. I have paid regard to all comments received, including from members of the public and representative organisations. Views relating to the main issue have been considered above. Other comments have been considered but do not affect the outcome of the appeal.

Conclusion

24. The proposal would fail to preserve or enhance the character and appearance of the Conservation Area and preserve the setting of the Listed Building. There is conflict with policies in the development plan that flows from this harm that I regard to be conflict with the plan taken as a whole. Considering the statutory duties imposed by the Act, the harm attracts considerable importance and weight.

25. The present housing delivery situation leaves the Council accepting that the tilted balance in the Framework should be considered, noting also the change that has occurred between the decision and this appeal.
26. Paragraph 11 d(i) indicates that planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development. The Conservation Area and Listed Building are such assets and would be harmed by the proposal, including following consideration of the balance at Paragraph 208 and the need to give great weight to the asset's conservation (relative to its importance). A clear reason to refuse planning permission therefore exists and assessment against Paragraph 11 d(ii) serves no purpose. Paragraph 11, Framework is not a material consideration in this case.
27. For the avoidance of doubt, in reaching a view on this appeal it has not been necessary to factor in conflict with Policy S7 of the Uttlesford Local Plan, which is a matter of common ground, or attribute weight to conflict with Policy ENV5 in respect of loss of best and most versatile agricultural land. Nor has it been necessary to consider any implications arising from Paragraph 14, Framework due to identified conflict with the Neighbourhood Plan.
28. There are no other material considerations indicating that a decision should be taken other than in accordance with the development plan.
29. As such, and paying regard to all other matters raised, the appeal is dismissed.

D R McCreery

INSPECTOR