



Planning Inspectorate

Appeal Decision

Site visit made on 12 September 2024

by R Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 November 2024

Appeal Ref: APP/C1570/Y/24/3346333

Elm Cottage, Further Ford End, Clavering, Essex, CB11 4SG

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
- The appeal is made by Mr and Mrs Smith against the decision of Uttlesford District Council.
- The application Ref: is UTT/23/2614/LB.
- The works proposed are described as proposed internal alterations and extension to Elm Cottage including removal of existing derelict conservatory.

Decision

1. The appeal is dismissed.

Procedural Matters

2. Although both planning permission and listed building consent applications were refused by the Council only an appeal against the refusal of listed building consent has been submitted. I have determined the appeal on that basis. As the appeal relates to listed building consent, I have had special regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

3. The main issue is whether the proposed works would preserve the special architectural and historic interest of a Grade II listed building, and its setting.

Reasons

4. Elm Cottage (the cottage) is within the curtilage of Further Form End Farmhouse (the farmhouse), a Grade II listed 17 Century timber frame and plaster farmhouse, two storeys with modern additions, half hipped tiled roof at the northwestern end and with a central square chimney stack set diagonally on a square base.
5. The cottage is timber framed and plastered and formed from a single storey rectangular outbuilding enclosing the southwestern side of a gravelled farmyard accessed directly from the lane. It lies a short distance from the

farmhouse, and I observed it was in residential use functioning independently from the farmhouse.

6. Whilst not in the list description, listings are primarily for identification purposes and do not provide an exhaustive or complete description of the special interest. The parties do not dispute that due to its physical layout, ownership, and functional links the cottage is listed by virtue of being within the curtilage of the farmhouse. I agree.
7. Even if a building is listed by virtue of being within the curtilage, this does not necessarily mean that it has any significant value in contributing to the character or special interest of the principal building. This will depend on matters such as its history, use and appearance. Nevertheless, its preservation carries considerable importance and weight.
8. Evidence of the property's history as a farming enterprise is limited but my observations were that whilst a later addition, in combination with other buildings it encloses the historic farmyard in a 'U' shape with the farmhouse axially located to its outbuildings. This provides a strong sense of visual and physical enclosure on the southern side of the farmyard. In combination with those other buildings, it allows for an understanding of the historical and functional relationship between the farmhouse, its variety of functional rural buildings and their connection with the surrounding agrarian countryside. It therefore has functional significance within the immediate setting of the farmhouse.
9. The cottage also contributes to an aesthetic, and historic value derived from the form, scale and materials used and as repositories of past building traditions and technologies. It has evidential value as an example of continuous change in utilitarian farming-built form which positively contributes to an understanding of how those farming practices and buildings have evolved over time. The form, character and appearance of the courtyard buildings also gives primacy and visual significance to the farmhouse and this historic connection and setting can be readily appreciated from the lane.
10. The proposal would materially erode the simple rectangular form of the building by the introduction of a triple gable end linked extension that would extend over half the length of the building and be of a similar width. The ridge would be just below the existing ridge but taller than the sheet roof of the adjoining outbuilding that encloses the yard partially on its western side. Exacerbated by two raised terraced areas, the overall form and scale of the proposal would fail to appear subservient to the cottage and this would be within the immediate setting of the farmhouse.
11. The rooflight facing into the courtyard would be a new opening in an otherwise unpunctured roof plane of natural slate. Sited centrally in that roof it would be prominent and uncharacteristic for a historical subservient and utilitarian element of the farmhouse. Moreover, given the rather simple fenestration of the existing building with traditional wall to fenestration proportions reflecting former costs associated with glazing and a more functional use, the proposed extent of floor to eaves glazing within two of the gables would be visually excessive, overly prominent, and wholly out of keeping with the appearance and character of the cottage and the other outbuildings.

12. Reintroducing weather boarding over the existing rendered wall facing into to the yard would reflect the external materials of other yard buildings but on this building, it would still diminish the understanding of its evidential value as set out above. A later conservatory on the western end would be removed but I observed the conservatory did not extend the depth of the building and is significantly more modest in scale than the appeal proposal. Whilst a positive consideration, neither its removal or the use of weatherboarding justifies the unacceptable scale, form, and design of the proposal.
13. Internally the changes would appear to result in the loss of some fabric although the extent of the historic fabric is not entirely clear. Nonetheless, the creation of a much larger open plan layout and the associated internal alterations to the layout would markedly contrast with the much smaller configuration of ground floor living accommodation within the main core of the existing building.
14. While the alterations would not be readily visible from the public realm, other than from the lane, listed buildings, including curtilage listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public or private views of the building can be gained. In my opinion, rather than improve the setting of this attractive rural farmhouse complex as suggested by the appellant for the reasons set out above, I conclude it would harm it.

Other Matters

15. The appellant's statement refers to a number of local and national planning policies. Listed building appeals are not subject to Section 38(6) of the Planning and Compulsory Purchase Act 2004. Although such appeals do not therefore need to be determined in accordance with the development plan, the relevant provisions are still capable of being material considerations.
16. In terms of the National Planning Policy Framework (the Framework), the harm from the works (which are also development) would be less than substantial. On the evidence before me the works would provide improvements to current living arrangements for the appellants. However, these would be private benefits.
17. There would likely be some small economic benefits accrued through the conversion and construction stage along with energy efficiency improvements, but these would be small given the scale of the proposal. The continued viable use of the appeal property as residential accommodation for the appellant or as a separate residential use is not dependent on the development as there is nothing to suggest that the building's ongoing use would cease in its absence.
18. The public benefits would not be sufficient to outweigh the considerable importance and weight that I must give to the less than substantial harm that would occur. Even if Policy ENV2¹ was deemed to be not entirely consistent with the Framework due to its wording and there is a shortfall in housing land supply, the outcome of the heritage balancing exercise means that the application of policies in the Framework that protect areas or assets of

¹ ENV2 – Development affecting Listed Buildings of the Uttlesford Local Plan 2005.

particular importance provides a clear reason for refusing the development proposed².

Conclusion

19. For the reasons given above, the proposal would fail to preserve the special architectural and historic interest of the building and its setting, thus failing to satisfy the requirements of the Act, the Framework and development plan policies insofar as relevant.
20. Having regard to all other matters raised I therefore conclude that the appeal should be dismissed.

R Aston

INSPECTOR

² The Framework at paragraph 11 d i).