



Appeal Decision

Site visit made on 19 November 2024

by Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 04 February 2025

Appeal Ref: APP/C1570/W/24/3347278

Pepples Farmhouse, Pepples Lane, Wimbish, Saffron Walden, Essex CB10 2XB

- 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 R Grove against the decision of Uttlesford District Council.
 - The application Ref is UTT/24/0398/OP.
 - The development proposed is the erection of a two storey detached dwellinghouse with single storey outbuilding on a domestic garden plot in the parish of Wimbish. To include provision for vehicle access via modification of existing gated access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline, with only access and scale to be determined at this stage. I have dealt with the appeal on this basis and I have taken the proposed site plan that has been submitted into account only insofar as it is relevant to my consideration of the principle of the development on the appeal site.
3. On 12 December 2024 a revised National Planning Policy Framework ('the Framework') was issued replacing the version of the Framework published in December 2023. The parties were invited to comment and the comments received have been taken into account in the determination of the appeal.

Main Issues

4. The main issues in this appeal are:
 - whether the location of the proposed dwelling would accord with the development plan;
 - the effect of the proposal on the character and appearance of the area;
 - the accessibility of services and facilities; and,
 - the effect of the proposal on the setting of the nearby Grade II listed buildings Pepples Farmhouse and Conyers Farmhouse.

Reasons

Location of development

5. The appeal site is located within the countryside where policy S7 of the Uttlesford Local Plan (adopted in January 2005) strictly controls new building. Policy S7 only supports development that needs to take place in the countryside or is appropriate to a rural area. As the proposed dwelling would

occupy part of a wide gap between Pepples Farmhouse and Conyers Farmhouse it would not represent the infilling of a small gap and so would be contrary to policy S7 of the Local Plan.

Character and appearance

6. Pepples Farmhouse is located within an agricultural landscape of hedged arable fields and occasional buildings. The appeal site is located well to the rear of the farmhouse. Described on the application form as garden land, as a large open grassed area almost 0.6 of a hectare in size and enclosed on three sides by hedgerows and field gate the appeal site has the appearance of a well-tended field of pasture. Consequently, it complements its rural location and the patchwork of hedged fields that characterise the area.
7. Residential development of the site with a partly one and partly two storey dwelling with associated parking would urbanise the site. In so doing the proposal would harm the character and appearance of the area. This urbanising effect would be added to by the brick paved access, double gates and gravel drive that would form the proposed access.
8. The hedgerow along Pepples Lane would be an effective screen for much of the year and the proposed site plan shows how the dwelling could be located towards the northern corner of the site furthest away from Pepples Lane. However, the proposed dwelling would still be visible in views along the site access when travelling north westwards along the lane. Whilst the layout of development on the site is a reserved matter, I am not persuaded that locating the proposed dwelling in a different part of the site would overcome the adverse effects described.
9. Taking all these matters into account, I therefore conclude that the proposed development would conflict with policy S7 of the Local Plan which seeks to protect or enhance the character of the countryside.

Accessibility of services and facilities

10. The appeal site is located within the open countryside. Bus services are infrequent and the nearest stops are located on the B184 close to its junction with Pepples Lane. A farm shop and butchers are also located in the opposite direction off the B184. However, at comfortably over one kilometre distant and with access to both along Pepples Lane, which is a narrow, unlit country lane with no footway, it would not be realistic to expect future residents to access either on foot. For the same reason, and owing to the busy nature of the B184, only the most confident would consider cycling to access these two stores and the limited range of other nearby services and facilities.
11. A demand responsive service called DART exists which can pick travellers up from an agreed point. In the absence though of substantive submitted evidence that explains how frequently this service operates, I am not persuaded that it would offer a realistic transport solution for the day to day needs of future occupants of the proposed dwelling.
12. Even allowing for the Framework, which states at paragraph 110 that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, access by sustainable modes of transport from the appeal site to services and facilities is poor. In practice therefore I find that future residents of the proposed development would be reliant on the car to meet their day to day needs.

13. Whilst the site access would be acceptable in highway safety terms, as future occupiers of the proposed dwelling would be dependent on the private car, the location of the proposal would be contrary to policy GEN1(e) of the Local Plan. This policy requires that new development encourages movement by means other than by car.

Setting of nearby listed buildings

14. The Framework identifies at paragraph 202 that heritage assets are an irreplaceable resource. Paragraph 212 of the Framework advises that when considering the impact of a proposal on the significance of a designated heritage asset, such as a listed building, great weight should be given to the asset's conservation.
15. In considering whether to grant planning permission affecting a listed building, the statutory requirement is that special regard is had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Policy ENV 2 of the Local Plan relates to development affecting listed buildings and is consistent with the statutory test and the Framework in this regard.
16. Pepples Farmhouse ('Pepples') is a two storey C16 to C17 dwelling that is Grade II listed (List Entry No:1238640) and located on a site that is described as partially moated. With a plastered timber frame and rosemary tiled roof the building is set within a generous, very long and tranquil garden that stretches from its rear elevation to the boundary separating it from the plot of Conyers Farmhouse ('Conyers').
17. Conyers is also a Grade II listed building (list Entry No:1238745) with the remains of a moat dating from the C17 to C18. Constructed in a similar manner to Pepples, its plastered timber frame has an overhanging thatched roof with a rosemary tile roof to the rear and is set on a plot that is far shorter in length than Pepples.
18. As far as is relevant to the proposed development, the special interest and significance of these buildings relates to their simple architectural style, authenticity and their association with the area's agricultural past.
19. The setting of the two buildings within a tranquil rural landscape of hedged fields, punctuated only by a cluster of buildings at Pepples Farm and a few other occasional buildings, means that both are experienced in similar agricultural surroundings to those that would have existed historically. Indeed, historic mapping indicates that most of Pepples's rear garden formed two separate fields, with the appeal site forming the rearmost field.
20. Owing to a dense laurel hedge that has grown along the boundary between the appeal site and Conyers, whilst the appeal site is visible from Pepples it is not visible from Conyers. However, when passing along Pepples Lane the site is seen in sequence with Conyers and so visually lies within its setting.
21. Moreover, the surroundings in which a listed building is experienced can be more than visual. In this case, both buildings date from between the C16 and C18, when the population of the country and the scale of agricultural production was far smaller than it is today. As a result of this historical relationship, the listed buildings also have a shared historic setting which includes the appeal site and the surrounding countryside.

22. Consequently, the appeal site, which has the appearance of a well-tended field of pasture, makes a positive contribution to the significance of the two listed buildings. The urbanising effect of the proposed development, which I have described in my reasoning in relation to the previous main issue, even if laid out in the form of a farmstead as shown on the indicative plans, would therefore harm the setting of both listed buildings. This harm could not be overcome by careful design in relation to layout, appearance and landscaping at reserved matters stage.
23. The harm caused to the significance of Pepples and Conyers would be less than substantial. Paragraph 213 of the Framework requires clear and convincing justification for any harm to the significance of a designated heritage asset. Paragraph 215 advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.
24. In accordance with the statutory duty, I attach considerable importance and weight to the harm that would be caused by the proposed development. On the other side of the balance, the unchallenged position of the appellant is that the revised Framework means that the Council's housing land supply shortfall has worsened. The proposed dwelling would provide an additional home which would increase the housing stock of the District and help address the need for housing, but only by a nominal amount.
25. Taking all these matters into account, my overall conclusion is that the public benefits of the proposal do not outweigh the considerable importance and weight that I attach to the harm that would occur to the setting of the two listed buildings.
26. Accordingly, the proposal would not preserve the setting of the Grade II listed buildings, Pepples and Conyers, contrary to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). Conflict would also occur with policy ENV2 of the Local Plan, as well as with the provisions within the Framework, which seek to conserve and enhance the historic environment.

Other considerations

27. The proposal would have social and economic benefits. However, they would be limited: as I have noted, an additional unit would make little difference to the overall supply of housing, and the support that construction of the dwelling and one extra household would provide to the local economy and services would be insignificant.

Overall Conclusions: the Planning Balance

28. The Local Plan dates from 2005 but the weight to be attached to it does not depend on its age. As paragraph 232 of the Framework makes clear, due weight should be given to existing policies according to their degree of consistency with the Framework. Unlike the Local Plan, the countryside is not protected for its own sake by the Framework. However, its intrinsic character and beauty is recognised by the Framework. The Framework also expects development to prioritise sustainable modes of transport such as walking and cycling and to conserve designated heritage assets. Therefore the conflict between the proposal and policies S7, GEN 1(e) and ENV2 of the Local Plan should be given significant weight in this appeal.

29. No development plan policies have been referred to which support the type of development proposed within the countryside. Given that the proposal would be contrary to the policies referred to above, the proposal would therefore clearly be in conflict with the development plan as a whole.
30. At present though the Council cannot demonstrate a five year housing land supply and on the basis of the appellant's unchallenged assertion it appears that the notable shortfall has materially worsened. In such circumstances paragraph 11 d) of the Framework advises that the policies that are most important for determining the application are out of date and that planning permission should be granted, subject to two exceptions. The first of these exceptions is where the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development.
31. As designated heritage assets, listed buildings are of particular importance. In this case, I have found that the harm that the proposed development would cause to the setting of two listed buildings would not be outweighed by the public benefits of the scheme and so would be contrary to the policy contained within paragraph 215 of the Framework. In my assessment, the application of this policy provides a strong reason for refusing the development proposed.
32. The considerations put forward in favour of the proposal are insufficient to outweigh the harm that would be caused by the scheme and its non-compliance with the development plan and the Framework considered as a whole. Material considerations therefore do not indicate that the proposal should be determined other than in accordance with the development plan and the Framework. For the reasons set out above, I therefore conclude that the appeal should be dismissed.

Ian Radcliffe

Inspector