



Appeal Decisions

Site visit made on 8 January 2025

by R Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2025

Appeal A Ref: APP/C1570/W/24/3353540

58 Hazel End, Hazel End Lane, Farnham, Essex CM23 1HB

- 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 Tom Humphreys against the decision of Uttlesford District Council.
 - The application Ref: is UTT/24/1853/HHF.
 - The development is insertion of new roof lights, replacement of old doors and general repairs.
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Appeal B Ref: APP/C1570/Y/24/3353541

58 Hazel End, Hazel End Lane, Farnham, Essex CM23 1HB

- 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 Tom Humphreys against the decision of Uttlesford District Council.
 - The application Ref: is UTT/24/1702/LB.
 - The works are insertion of new roof lights, replacement of old doors and general repairs.
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Decisions

Appeal A Ref: APP/C1570/W/24/3353540

1. The appeal is dismissed.

Appeal B Ref: APP/C1570/Y/24/3353541

2. The appeal is dismissed.

Procedural Matters

3. The application form confirms that the works (which are also development) commenced on 1 September 2023 and were completed on 2 November 2023. I have determined the appeals on this basis. As the proposal relates to a listed building in a conservation area, I have had special regard and paid special attention to the requirements of sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) in my determination of the appeals.
4. In Appeal A the Council's decision notice refers to the setting of 'the Grade II listed Grange'. However, no reference is made to this property within the officer report or the Council's built heritage consultation response upon which the delegated reports for both appeals rely. I also saw no such building or property with that name on my site visit. I therefore consider that the reference was made in error and I have determined the appeals on this basis.
5. In both appeals the address used by the Council in the decision notice is different to the application and appeal forms but the Council have not provided any further clarification. For the purposes of this particular appeal I have therefore used the address given by the appellant of 58 Hazel End and not 58 and 59 Hazel End. Were the appeals to be allowed I would have sought further clarification from the parties.
6. I have used the description given on the application and appeal forms rather than that given in the Council's decision notice, which, in Appeal A superfluously refers to legislation and the term 'retrospective', and in Appeal B to 'retention'. The appellant's name was also incorrectly spelt as 'Humphries' and not 'Humphreys' on the application forms but I am satisfied the applicant and appellant are the same person and have used the corrected spelling provided by the appellant in the banner heading above.
7. A revised National Planning Policy Framework (the Framework) came into force on 12 December 2024 but given the issues in dispute and the nature of those revisions I did not consider it necessary to seek further comments from the parties.

Main Issue

8. The main issue is whether the proposal preserves 58 Hazel End, a Grade II listed building and any features of special architectural or historic interest it possesses.

Reasons

The listed building

9. Formerly two stone estate cottages the appellant confirms¹ that the Grade II listed building remains as two self-contained properties (listing ref: 1305632). It is a mid-19th century two storey flint building with red brick quoins and dressings and appears to also have been known locally as 'Stone Cottages' or 'Flint Cottages'. The front façade's ground and first floor windows have hexagonal tripartite cast iron lights remaining at the southern end with timber

¹ Paragraph 2.4 of appellant's planning statement of case.

windows at the northern end although the rear and side facades are plainer in detail. The dual pitch roof has fish scale tiles as well as ornate bargeboards on its gables. The lower roofs are, again, plainer in detail and there is also a mono pitch single storey red brick rear extension.

10. The outbuilding subject of these appeals lies a short distance to the rear and appeared to be used as accommodation in association with the residential occupation of the cottages. It is a single storey flint outbuilding with a pale pallet of brick quoins and dressings. The northeast (front) façade features three doors and a single light window. The southeast façade features a two-light window. The southwest (rear) façade features a chimney stack, which appeared to have been repaired, and a glazed panel door finished in a black colour. The roof is hipped at both ends with red clay tiles and there are two black framed conservation style rooflights in the southwest (rear) roof.
11. For the purposes of the Act, a listed building includes any structure that is within its curtilage which has existed since before 1st July 1948. The parties do not dispute that due to its physical layout, ownership, and functional links the outbuilding is listed by virtue of being within the curtilage. I agree. Whilst not in the list description, listings are primarily for identification purposes and do not usually provide an exhaustive or complete description of the special interest. 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.
12. The special interest of the listed building is primarily associated with the surviving historic fabric and architectural and aesthetic value. It is an attractive repository and expression of past building and working traditions and technologies demonstrating the skills of the craftsmen of the time with a valuable aesthetic quality within a retained agrarian setting. It also has historic cultural significance relating to the evolution of agrarian built form and local vernacular craftsmanship which positively contributes to an understanding of how agrarian buildings have evolved over time.
13. There is no substantive evidence before me to demonstrate or describe the appearance of the outbuilding prior to the works taking place and I have therefore made a decision based on my own observations of the proposal as implemented. I have also been referred to the chimney stack being reinstated and repaired but again, no details have been provided by either party and Google Streetview evidence referred to by the Council is not before me.
14. The outbuilding has a simple functional appearance with limited openings. Internally, a large wooden board and fixings, presumed to be electrical, have been fixed directly onto the exposed flintwork resulting in some minor damage to the historic fabric of the building. The rooflights facing to the rear are new openings in what would have likely been an otherwise unpunctured roof plane with a resulting loss of historic fabric. They may be of a conservation style but they are also disproportionate in scale, overly prominent and uncharacteristic for a historical subservient and utilitarian element of the cottages.

15. Given the likely rather simple fenestration of the building with traditional wall to fenestration proportions reflecting former costs associated with glazing and a more functional use, the proposed extent of glazing at the rear appears over scaled and visually excessive, its prominence exacerbated by its black finish. The replacement windows also contain trickle vents which are more modern features and the openings have not been given appropriate lintel expression. Whilst I do not agree with the Council there is an 'inevitability' in terms of adverse impacts, the eye is unacceptably drawn to the works from several locations within the curtilage and the black colour of the fenestration appears in jarring contrast to the white fenestration of the cottages.
16. I acknowledge that the works are not readily visible from the public realm, but 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.
17. Overall, the proposal fails to preserve the special architectural and historic interest of the Grade II listed building and causes harm to its significance. The proposal conflicts with Policy ENV2 of the Uttlesford Local Plan (the LP) insofar as its requirement that such development should be in keeping with its scale, character and surroundings and not consist of alterations that impair the special characteristics of a listed building.

Other Matter

18. The appeal site is located within the Hazel End Conservation Area (the HECA) but I note that the Council do not raise any concerns in this regard. The outbuilding's elevated position from the lane and siting behind the cottages means the development is not visible apart from within the rear garden area and on the approach along the elevated access road which limits any wider visual experience of it. The combination of its location and the nature of the works preserve the character and appearance of the HECA, as a whole.

Other considerations – The balancing exercise

19. In this case I am determining both s20 and s78 appeals. However, 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 plan, the relevant provisions are still capable of being material considerations.
20. In Framework terms, the harm from the proposal is less than substantial but nonetheless must be given considerable importance and weight. I acknowledge that the proposal provides improvements to the current living arrangements for the appellant as an outside workshop space for art and pottery but these are private benefits. On the evidence before me the continued viable use of the cottages is not dependent on the proposal as there is nothing to suggest that their ongoing residential use would cease in its absence.
21. The public benefits are not sufficient to outweigh the considerable importance and weight that I must give to the less than substantial harm that has occurred. Even if Policy ENV2 of the LP was deemed to be not entirely consistent with the Framework due to its wording the outcome of the heritage

balancing exercise means that the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. Consequently, the presumption in favour of sustainable development set out within paragraph 11 d) ii is disapplied by 11 d) i. The proposal would not therefore be sustainable development.

Conclusion

22. For the reasons given above, in both appeals the proposal would fail to preserve the special architectural and historic interest of the building, thus failing to satisfy the requirements of the Act, the Framework and development plan policies. Material considerations do not indicate that decisions should be made other than in accordance with the development plan.
23. Having regard to all other matters raised I therefore conclude that both Appeal A and Appeal B should be dismissed.

R Aston

INSPECTOR