



Appeal Decision

Site visit made on 15 October 2024

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 13 February 2025

Appeal Ref: APP/C1570/W/24/3339343

Land at Bran End, Dunmow, CM6 3RS

- 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 Matthew Belcher of Net Zero Carbon Developments Ltd against the decision of Uttlesford District Council.
 - The application Ref is UTT/23/1456/FUL.
The development proposed is the erection of 1 no. dwelling, detached garaging and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the determination of the application by the Council, the National Planning Policy Framework (Framework) was updated in December 2024. The main parties have had the opportunity to comment on any changes arising from this update during the appeal process and I have taken those comments into consideration in my determination of the appeal.
3. The proposal relates to works that would affect the setting of nearby listed buildings. Therefore, I have had special regard to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), which requires me to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
4. The appellant has submitted a revised site plan¹ with the appeal, which was unavailable during the application stage. Following the Holborn Studios case², regarding the substantive test, I find that the plan does not fundamentally change the application, particularly in relation to the reasons outline in the Council's decision notice. Regarding the procedural test, the Council has had the opportunity to make representations on these findings in their statement. While it is unclear whether consultees and third parties were consulted, the revised plan merely indicates where a potential location for a passing bay. Therefore, based on the evidence before me, I consider it fair to accept the revised site plan. Thus, mindful of the guidance set out in the Inspectorate's 'Procedural Guide: Planning appeals – England' published guidance, I will accept this plan.

¹ (0028 (00)001 D BE Site Plan

² Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823

Main Issues

5. The main issues are:

- the effect of the development upon the character and appearance of the site and its surroundings; and
- whether the proposed development would preserve the setting of the Grade II listed buildings known as 'Tanners Farmhouse'³ and 'Bran End Mill'⁴.

Reasons

Character and Appearance

6. The appeal site is vacant pastureland and is currently free from built form. The appeal site and its immediate surroundings are bounded by native trees and hedgerows, within a wider undulating landscape which is comprised of wooded areas, agricultural land, and dispersed forms of residential development. While some boundaries are densely vegetated, the site remains highly visible from the public right of way which runs alongside it, such that there is currently very limited screening from public views. It is situated between two existing clusters of built form: Tanners Farmhouse and the buildings at Barns at Tanners Farm. Where development has occurred within the area, it is of a limited nature, allowing the area to retain a distinctly countryside appearance. These elements combine to give the street scene a strong rural character and pastoral feel.
7. The proposed development would introduce a two-storey dwelling, with a detached triple garage and a gravel forecourt. Although the proposed dwelling is comparable in height to other buildings in the surrounding area, the land's current lack of built form means that the introduction of the development would have a disruptive effect, which is uncharacteristic of the verdant and spacious character of the area. As such, the proposed development would give the appeal site a more urban appearance, detracting from the sylvan appearance of the local area and the established pattern of development which is predominantly defined by wide-open rural spaces. Additionally, although it would be contained within the appeal site, the proposed development would be highly prominent due to its siting close to the public right of way and the relatively open aspect of the site frontage. Consequently, notwithstanding the limited effect of the proposed planting and boundary treatment, the proposed development would remain readily apparent from the public domain, such that it would have a significant influence on the appearance of the local area.
8. During my site visit, I observed that the adjoining site at Barns at Tanners Farm contains several existing barns and the Council has confirmed that permission has been granted for a new dwelling at this site. The appellant has also indicated that residential development has occurred along both sides of the road and to the north of the site. However, there is limited information before me regarding the particular circumstances of these developments, and it is imperative that I consider the appeal scheme on its own merits. These new dwellings do not, in themselves, justify additional residential development in the area or the resulting harm to the rural character of the countryside. This is particularly true for the appeal site, which remains undeveloped and serves an important role as a visual buffer, being vacant

³ List entry number 1322317

⁴ List Entry number 1112771

pastureland. Whilst there are other residential developments in the area, this does not undermine the requirement for the appeal scheme to respect the prevailing local character where such developments are not a common feature.

9. In conclusion, the proposal would harm the character and appearance of the site and its surroundings. It would not protect or enhance the particular character of this area of the countryside, contrary to Policy S7 of the LP⁵. While the Council has found Policy S7, in its entirety, to be only partly consistent with the Framework, its provisions on character and appearance remain aligned with Section 12 of the Framework. Therefore, despite some limited conflict with the Framework, I give full weight to the policy in this respect.
10. The Council also cites conflict with Policy GEN1(e) of the LP and Policy STEB22 of the NP⁶. However, these policies are not determinative for this main issue, as they relate respectively to Access and Promoting Sustainable Transport.

Heritage

11. Adjacent to the appeal site is the Grade II listed Tanners Farmhouse, described in its listing as a two-storey hall and crosswing, with additions and alterations dating back to the 16th and 17th centuries. On the opposite side of the B1057 is the Grade II listed Bran End Mill, described in its listing as a two-storey watermill, with basement and loft, dating back to the mid to late 19th century. It is not contested between the parties that an 1840 tithe map of the district shows that Tanners Farmhouse, the appeal site, and Bran End Mill were all once under the same ownership and occupation. As a result, the appeal site has a historic functional link with these listed buildings as part of its wider agricultural farmland.
12. The significance of these buildings, with regard to their settings, lies in their preserved layout as dispersed structures that contribute to the understanding and appreciation of the historic farmstead. The setting is characterised by green spaces, the waterway, trees, and mature vegetation, reflecting the wider undulating landscape of agricultural land and dispersed residential development. These elements combine to give the street scene a strong rural character and pastoral feel. Positioned along the road, Bran End Mill is highly visible from public viewpoints. Conversely, Tanners Farmhouse is comparatively less visible due to the distance from the road. Although some development has occurred in the area, the broader context of limited development allows these buildings to maintain an attractive and harmonious connection to the local area. The appeal site, as undeveloped land, positively contributes to the historical setting of the listed buildings by preserving their openness, highlighting the rural surroundings, and supporting the functional connection with the historic farmstead.
13. The proposed development would introduce new built form into the area which would inevitably affect views of the setting of the listed buildings. For people familiar with the area, this would erode the historic functional relationship between the appeal site, as agricultural land, and the listed buildings, particularly in the context of the historic farmstead's operation and maintenance. The visual effect would be most pronounced from the public right of way, where there are clear views of both the appeal site and Tanners Farmhouse. The proximity of the development to Tanners Farmhouse, without sufficient intervening vegetation,

⁵ Uttlesford Local Plan 2005

⁶ Stebbing Neighbourhood Development Plan 2022

would make it highly visible from public vantage points. While the visual effect on Bran End Mill would be more limited due to distance and intervening foliage and structures, there would still be harm to the broader historic farmstead's setting.

14. Consequently, the proposed development would erode the open setting of the listed buildings and their relationship with the historic farmstead, which is integral to their significance. These changes would have a permanent and adverse impact on the ability to experience and appreciate the listed buildings within the context of the farmstead. In this regard, the proposed development would harm the significance of heritage assets through development within their settings.
15. In reaching this view, I have considered that the proposed landscaping and retention of vegetation may be capable of limiting public views into the appeal site, as well as some views between the appeal site and the surrounding listed buildings. However, partly due to the appeal site's slightly elevated position, it has not been satisfactorily demonstrated that the proposed boundary treatment would effectively mitigate views from the public right of way or Tanners Farmhouse. Although the Council has not indicated any significant concerns regarding the design of the dwelling, the introduction of additional built form and loss of undeveloped land would detract from the open character of the area and its relationship with the historic farmstead. While there has been an increase in built form around Tanners Farmhouse and the adjacent buildings at Barns at Tanners Farm⁷, these developments have been contained to their specific sites. They do not have a comparable impact on significance of the setting of the heritage assets.
16. Drawing the threads of my assessment together in respect of the nearby listed buildings I have found that there would be harm to the significance of the setting of Tanners Farmhouse and Bran End Mill. I find the harm arising in this case to be less than substantial, and I recognise that there is no dispute between the parties on this point. Therefore, such harm needs to be weighed against the public benefits of the proposal.
17. The development would introduce a new dwelling built by a local developer, modestly increasing housing availability, providing an associated economic uplift through the construction process and future spending by occupiers, and delivering a biodiversity net gain which is greater than current development plan targets. The positive management of the nearby Stebbing Brook pond could also be facilitated through a suitably worded Grampian condition. The appellant describes the proposal as the first deployment of a Hemspan Biohaus house, setting a benchmark for carbon-negative performance with sustainable design and construction. It would incorporate energy-efficient methods to Passivhaus standards, including hemp-based materials, renewable timber, solar gain optimisation, and rainwater and grey water recycling. As a pilot project, it would support the transition to net-zero by 2050, paving the way for energy-positive developments. The Framework advises that significant weight should be given to the need to support energy efficiency and low carbon heating improvements. However, this relates to the development of existing buildings rather than new ones, such as has been proposed here. As there are no existing buildings to improve, this section of the Framework has limited relevance. As such, while commendable, even taken together, these benefits would be relatively moderate modest. Furthermore, The Framework emphasises that when considering the

⁷ Application reference UTT/19/1898/FUL, subsequently revised by UTT/21/1573/FUL

impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation. Any harm to the asset's significance must be clearly and convincingly justified. I find no public benefit sufficient to outweigh the harm it would cause.

18. In conclusion, the proposed development would not preserve the setting of the Grade II listed buildings known as Tanners Farmhouse and Bran End Mill. Instead, they would harm to the significance of their settings. This would fail to satisfy the requirements of the Act and, by adversely affecting the setting of a listed building, would also conflict with Policy ENV2 of the LP and Policy STEB1 of the NP.

Other Matters

19. Several letters of support have been received from various neighbours. While community feedback is an important aspect of the planning process, the presence of supportive responses does not justify the identified potential harm.
20. While I acknowledge the appellant's comments regarding the construction of a new barn-style dwelling at Barns at Tanners Farm, this approval does not justify new buildings, nor residential development on the appeal site. The appeal site remains undeveloped, whereas Barns at Tanners Farm already featured several storage barns. Accordingly, it would not be inconsistent to determine them differently⁸. Although the courts have established that like cases should be decided in a like manner, this principle does not require identical outcomes when the individual merits of each case differ. Therefore, this consideration carries limited weight.

Planning Balance

21. The Council cannot currently demonstrate a five-year supply of deliverable housing sites in accordance with the Framework. As such, paragraph 11 of the Framework states that permission should be granted unless the application of policies in the Framework that protect assets of particular importance provides a strong reason for refusing the development proposed. The relevant footnote states that such policies include those related to designated heritage assets, which includes listed buildings.
22. Accordingly, the harm identified to the character and significance of the listed buildings provides a strong reason for refusing the development proposed as set out at sub-paragraph 11 (d)(i) of the Framework. Therefore, any presumption in favour of granting planning permission as set out under paragraph 11 of the Framework does not apply.

Conclusion

23. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

S Lo

INSPECTOR

⁸ North Wiltshire District Council v Secretary of State for the Environment (1993) 65 P & CR 137