

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: 19th February 2025

Appeal Ref: APP/C1570/W/24/3340022

Brewers End, Millers, Dunmow Road, Takeley, Essex CM22 6QL

- 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 JGL Construction and Development Ltd against the decision of Uttlesford District Council.
 - The application Ref is UTT/23/2644/FUL.
 - The development proposed is the erection of Single Chalet Style Dwelling (Revised Proposal Following Refusal of UTT/21/0885/FUL) for Single Dwelling.
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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 an opportunity to comment on any changes arising from this update during the appeal process.
3. While the application form and appeal form refer to the appellant as "JGL Contruction and Development Ltd", the appellant's Planning Statement and associated documents use the name "JGL Construction and Development Ltd". Following further correspondence with the appellant, I have confirmed the correct name to be the latter. The banner heading has been updated to reflect this correction.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the setting of the Grade II listed 'Millers', Grade II listed 'Stable to East of Millers' and Grade I listed 'Church of the Holy Trinity';
 - the effect of the proposed development on highway safety, with regard to use of the Church Lane / B1256 Dunmow Road junction; and
 - the effect of the use of the proposed access on the safety of pedestrians, cyclists and drivers using Church Lane.

Reasons

Setting of the Heritage Assets

5. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
6. The appeal site is undeveloped land within the garden of Grade II listed 'Millers', an early 19th-century house. Adjacent to Millers is the Grade II listed 'Stable to East of Millers'. The evidence indicates that these listed buildings each individually hold architectural and historic value. Additionally, they collectively formed part of a historic farmstead, offering insight into how previous generations lived and worked the land. Their configuration with each other and the wider land is, therefore, an important part of their significance. There is a close and important link with the remaining rural landscape and the appeal site, because it formed part of this farmstead. It is physically close to both listed buildings and had a historic functional connection as it was historically an orchard. It is therefore a notable part of the rural setting within which these listed buildings are experienced. Consequently, it contributes to and reinforces the significance of both as designated heritage assets.
7. The proposed development would occupy this undeveloped land, resulting in an urbanising effect that disrupts its functional and historic relationship with the farmstead and the setting of the listed buildings within it. Additionally, although the appeal site is currently moderately screened from public views by vegetation, the proposed development would become prominently visible from Church Lane due to the introduction of the vehicle access point and front parking area. As such, the proposed development would have a negative and visible effect on the setting of the listed buildings. This would diminish the historic relationship between the appeal site and these nearby listed buildings, due to its connection to the broader context of the farmstead.
8. In reaching this view, I have considered that the farmstead has already been subdivided, with a fence separating the site from the farmhouse. This subdivision has already diminished the ability to appreciate the functional relationship of the appeal site within the context of the farmstead and the farmhouse. Nonetheless, the introduction of a separate residential dwelling would further diminish the appeal site's contribution to the farmstead. Even if limited to one and a half storeys and set back within the plot, it would still undermine the setting of these listed buildings and thereby erode their significance. Although the appeal site is currently well screened and the retention of the existing landscaping could be secured through a condition, this would not adequately mitigate the harm I have identified.
9. Further along Church Lane is the Grade I listed 'Church of the Holy Trinity', which dates back to the 12 Century. The significance of the church relates to the historic fabric of the building and the surrounding grounds which includes a graveyard. However, due to the distance and lack of a functional

connection, the proposed development site would not directly affect the setting of this heritage asset.

10. Overall, there would be harm to the setting of the 'Millers' and the 'Stable to East of Millers'. This would run counter to the expectations in the Act. Furthermore, while this harm would be less than substantial, this does not equate to less than substantial weight being attributed to it, rather the Framework advises that 'great weight' should be given to the conservation of designated heritage assets. In these circumstances, the Framework states that this harm should be weighed against the public benefits of the proposal. This accords with the approach taken in the Little Easton appeal decision¹.
11. The development would add an additional dwelling, modestly increase housing availability in the area, as well as an associated economic uplift from the construction process and future spending of occupiers. However, those benefits would be relatively modest, and I find that these public benefits would be insufficient to outweigh the harm that the proposed development would cause. This contrasts with the approach taken in the Little Easton appeal decision where substantial public benefits were identified.
12. In conclusion, the proposed development would have a harmful effect on the setting, and therefore the significance of the Grade II listed 'Millers' and the Grade II listed 'Stable to East of Millers'. The proposed development would be contrary to policy ENV2 of the LP², which amongst other things, seeks to protect the setting of listed buildings from adverse development.

Highway Safety – Church Lane / B1256 Dunmow Road junction

13. The plans indicate that access to the appeal site is solely via Church Lane. According to the appellant, the lane has been resurfaced and widened since previous applications. However, it remains a narrow single-track road with no observed lighting. An unsurfaced passing place was noted during the site visit, located some distance from the junction. Additionally, a new passing place has been indicated on the plans for the proposed development. As the primary vehicular access to the Church, the lane is likely to experience year-round use and result in a consistent level of traffic.
14. The proposed development would increase vehicular traffic at the junction of Church Lane and B1256 Dunmow Road. Visibility at this junction is already limited on one side due to the visual obstruction caused by the Stables building. Church Lane, being a narrow single-track road, relies on a passing point for vehicles to pass one another. Consequently, any vehicle entering Church Lane would likely force any opposing traffic to reverse to the nearest passing point, creating potential conflict and disruption to the flow of vehicles along the lane. Although the new passing point would be closer to the junction, any vehicular conflict would still be hazardous, particularly at night or when pedestrians are simultaneously using the lane. As such, any increase in movements at this junction would have a detrimental effect on highway safety by increasing the likelihood of vehicular conflict.

¹ APP/C1570/W/21/3289755

² Uttlesford Local Plan (2005)

15. In forming this view, consideration has been given to the improvements made to Church Lane and its junction with the B1256 Dunmow Road since previous applications. The appellant references the Site Visibility Splays plan, stating that 2.4m x 65m visibility is achievable at the junction. However, this does not resolve concerns about traffic flow entering Church Lane. Although there have been new housing developments opposite the junction, they do not directly impact traffic flow at this junction. While no accident records have been reported and traffic speeds have been reduced near the appeal site, this does not conclusively eliminate the potential for the location to become more hazardous as a result of the proposed development.
16. In conclusion, the proposed development would have a harmful effect on highway safety, with regard to use of the Church Lane / B1256 Dunmow Road junction. The access to the main road network would not be capable of safely carrying the additional traffic generated by the development, contrary to Policy GEN1 of the LP.
17. The Council also cites conflict with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011. However, these documents do not appear to have been submitted as part of the appeal, nor has any specific wording within them that pertains to this main issue been identified. In any event, the appeal has been determined in accordance with the LP, and as such, these documents have not been referenced in this conclusion.

Highway Safety –Church Lane

18. The entry point from the appeal site onto Church Lane is flanked by dense vegetation and mature hedgerows on both sides. As the lane is a narrow, unlit track, caution would be required when entering, as visibility from both sides is likely to be limited. The plans submitted by the appellant do not indicate that a visibility splay is available for this entry point. As a result, adequate visibility has not been demonstrated, creating an unacceptable hazard for all highway users. This remains an issue regardless of whether the Council requested such a splay.
19. In forming this view, consideration has been given to the highway details set out in Appendix 3 of the appellant's Planning Statement. However, the visibility splay information on the relevant plan does not pertain to the entry point from the appeal site onto Church Lane. As such, there is insufficient evidence to demonstrate that visibility from the appeal site onto Church Lane would be adequate. It is therefore likely that the proposed development would result in an increase in hazardous driving conditions. In the absence of more precise details as to what the necessary works would entail, I am not convinced this is a matter that can be sufficiently addressed by a planning condition.
20. In conclusion, the proposed development would have a harmful effect on the safety of pedestrians, cyclists and drivers using Church Lane. The design of the site would compromise road safety, contrary to Policy GEN1 of the LP.
21. The Council again cites a conflict with the Highway Authority's Development Management Policies, adopted as Supplementary Guidance by the County Council in February 2011. However, these documents have not been

submitted, nor has any specific wording relevant to this main issue been identified. In any case, the appeal has been determined in accordance with the LP. As such, these documents have not been referenced in this conclusion.

Other Matters

22. The proposed development would contribute to meeting local housing need in an area where there is unmet need and make more efficient use of land already in residential use. There would also be economic benefits through its construction and future support for local services and facilities by occupiers of the development.

Planning Balance

23. 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 is engaged. Sub-paragraph 11 (d)(i) 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.
24. In this case, the identified harm to the significance of the listed buildings conflicts with national policy which seeks to protect the historic environment and, provides a strong reason for refusing the development. Accordingly, the presumption in favour of granting planning permission as set out under paragraph 11 of the Framework does not apply.

Conclusion

25. 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