



Appeal Decision

Site visit made on 16 April 2025

by **J Bell-Williamson MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 May 2025

Appeal Ref: APP/C1570/W/24/3356689

Builders yard adjacent Burnt House Farm, Stebbing, Dunmow, Essex CM6 3TE

- 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 David Walsh against the decision of Uttlesford District Council.
 - The application Ref is UTT/24/1444/FUL.
 - The development proposed is demolition of existing builders yard structures and conversion of the site for a detached dwelling and garage with a parking and turning area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024 after the appeal was made. The content of the revised Framework has been considered but in light of the facts in this case it does not alter my conclusion.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the appeal site and surrounding area, and on the setting of Burnt House Farmhouse, a Grade II listed building;
 - whether there is sufficient information to assess the physical effects of the proposal on the adjacent outbuildings within the curtilage of the listed building; and
 - whether there is adequate information to assess any effects of the proposal on protected species.

Reasons

Character and appearance, and setting of Burnt House Farmhouse

4. The appeal site is a former commercial yard in a rural setting with sporadic residential development of varied age, design and appearance set along Stebbing Green Road. The surrounding area is predominantly open land in agricultural use. The appeal site is adjacent to Burnt House Farmhouse, a Grade II listed building.
5. Properties along this part of the road are largely detached dwellings on relatively generous plots with substantive gaps between the built forms with well-planted

gardens, reflecting the rural setting. Consequently, the street scene is open, spacious and verdant in character and appearance. While the appeal site includes a number of buildings of limited size, it is largely open and with adjoining land to the east, also forming part of the same yard, it provides a good degree of separation between Burnt House Farmhouse and its associated outbuildings, and two recently constructed detached dwellings. This sense of space and openness, therefore, is not only an important characteristic of the street scene, as found above, but also makes a positive contribution to the setting of the listed building.

6. Burnt House Farmhouse is described as a house with early nineteenth century bricking up and eighteenth century or earlier timber-framed and plastered rear wing. The regular layout of casement windows, central porch, red-tiled roof and central chimney inform its significance as a well-preserved, traditional farmhouse in the rural setting. The extensive outbuildings within the listed building's curtilage reflect this character and appearance.
7. Extant planning permission exists for a single storey detached dwelling immediately to the east of the appeal site on land that is also part of the commercial yard¹. The proposed single storey dwelling with a detached garage to the front would mirror the design and layout of the approved dwelling. However, this layout of the approved dwelling retains a substantive degree of the site's openness by being set away from the boundary with Burnt House Farm.
8. The proposed dwelling and detached garage would replace the existing small building to the site's frontage as well as the outbuildings adjacent to the boundary. The subdivision of the former yard would result in two plots of roughly equal size for the approved and proposed dwellings. Due to the limited width of the newly-created plot, the proposed dwelling would be substantially closer to the outbuildings at Burnt House Farm than is characteristic of the surrounding layout of dwellings.
9. Moreover, it would be relatively close to the approved dwelling, which in turn is directly next to the recently built two large detached dwellings. Consequently, this would create an uncharacteristic series of built forms in close proximity, with the appeal proposal in particular resulting in a cramped and incongruous form of overdevelopment due to its layout directly next to the neighbouring outbuildings. As a result, the proposed dwelling would be a contrived addition that would not reflect the characteristic space between built forms and the openness of the street scene. For the same reason, it would harmfully impinge on the open setting of the listed building and its associated outbuildings.
10. I have had regard to the appellant's argument concerning the set back of the proposed dwelling from the road frontage and its screening by planting. Despite this, however, the cramped layout and appearance of the dwelling would be readily apparent, not least because it would be visible through the site access and in particular during winter months when the vegetation is not in leaf. Moreover, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building or any of their curtilage structures can be gained.
11. Accordingly the proposed dwelling would fail to preserve the setting of Burnt House Farmhouse. The Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight

¹ Ref UTT/23/2977/FUL.

should be given to the asset's conservation². Based on the above findings, I consider the harm to be less than substantial in this instance, but nevertheless of considerable importance and weight.

12. Under such circumstances, the Framework advises that this harm should be weighed against the public benefits of the proposal³. I acknowledge that the proposal would involve a self-build dwelling and that it would support the continuation of an established family business. I give these benefits moderate weight, but the harm to the designated asset is of considerable weight and, therefore, the proposal would not provide sufficient public benefits that would outweigh the harm that has been found. Changes to the current appearance of the site which, it is contended would be improved, are not reliant on this particular proposal and, therefore, I give this matter little weight.
13. Therefore, for the above reasons, I conclude that the proposed dwelling would have an unacceptably harmful effect on the character and appearance of the appeal site and surrounding area, and would not preserve the setting of Burnt House Farmhouse, a Grade II listed building. Consequently, the proposal is contrary to the following policies from the Uttlesford Local Plan (2005): S7, which requires development to protect or enhance the character of the countryside; GEN2, which requires development to be compatible with the surrounding layout; and ENV2 concerning the effects of development on listed buildings, including on their setting. It is also contrary to Policies STEB1 and STEB9 of the Stebbing Neighbourhood Plan 2019-2033 (2022), which require development to preserve local character, including designated heritage assets. Policy GEN7 of the Local Plan, concerning nature conservation and Policy STEB22 of the Neighbourhood Plan concerning sustainable transport are not relevant to this issue.
14. In reaching this conclusion I am particularly mindful of the statutory requirement for decision makers to have special regard to the desirability of preserving the setting of a listed building⁴.

Outbuildings within the curtilage of the listed building

15. The proposal involves the demolition of the existing structures on the north-western site boundary, which adjoin outbuildings within the curtilage of Burnt House Farmhouse. The Council's concern is that the effect of the structures' demolition on the outbuildings associated with a designated heritage asset is not assessed as part of the proposal.
16. The intention to demolish the structures was shown on the plans for the approved dwelling, but they were not within the red line area of the application site. As such, this issue should be addressed under the current proposal as the principal reason for the structures' demolition is to accommodate the new dwelling.
17. While there is a modern internal wall separating the buildings as I saw at the site inspection, no details are provided in terms of a structural survey or other impact assessment of how the neighbouring buildings as a whole would be affected and their integrity protected during the demolition process. I note in this regard that the occupier of the neighbouring property raises concerns about the effect of the proposal on the buildings' shared roof structures.

² Paragraph 212.

³ Paragraph 215.

⁴ Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

18. Therefore, based on these findings, I conclude that there is insufficient information to assess the physical effects of the proposal on the adjacent outbuildings within the curtilage of Burnt House Farmhouse. As such, the proposal is contrary in this regard to Policy STEB1 of the Stebbing Neighbourhood Plan 2019-2033, which requires development proposals to conserve relevant heritage assets and their setting.

Protected species

19. The application the subject of this appeal was accompanied by an ecological survey which the Council considered to be out-of-date and, therefore, there was inadequate information to assess any effects of the proposal on protected species. An updated survey, dated October 2024, was subsequently submitted by the appellant, but the Council has not seen this and had the chance to comment on it.
20. While it would be possible to refer back to the Council and other parties for comment, given the conclusions on the first two main issues, this issue is not determinative for the appeal. As such, I have not considered the issue any further.

Other Matters

21. I have had regard to the representations made by an interested party, which largely concern matters addressed under the main issues. While I have had regard to other matters raised these do not lead me to reach a different overall conclusion. The fact that there were no other objections to the proposal does not overcome the harm that has been found.
22. The Council cannot identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing, as required by the Framework⁵. Consequently, the policies which are most important for determining the application are out-of-date⁶. However, the above findings with regard to the effect of the proposal on the setting of a designated heritage asset provides a strong reason for refusing the proposal in accordance with the Framework⁷. For this reason, the presumption in favour of sustainable development does not apply.

Conclusion

23. The proposal is contrary to development plan policies as it would cause unacceptable harm and there are no other material considerations that outweigh the conflict with the development plan. Accordingly, it is concluded that the appeal should be dismissed.

J Bell-Williamson

INSPECTOR

⁵ Paragraph 78.

⁶ Footnote 8 to paragraph 11d).

⁷ Paragraph 11d)i. and footnote 7.