



Appeal Decision

Site visit made on 16 April 2025

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th June 2025

Appeal Ref: APP/C1570/W/24/3356475

Land Adjacent Goodacres , Church End , Broxted , Essex CM6 2BX

- 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 Stepton Limited (c/o Ceres Property) against the decision of Uttlesford District Council.
 - The application Ref is UTT/24/0323/FUL.
 - The development proposed is a single dwellinghouse with associated access, parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single dwellinghouse with associated access, parking and landscaping at Land Adjacent Goodacres, Broxted, Essex CM6 2BX in accordance with the terms of the application, Ref UTT/24/0323/FUL, subject to the conditions in the attached schedule.

Applications for costs

2. The appellant has applied for full costs against Uttlesford District Council. This application is the subject of a separate decision.

Preliminary Matters

3. As the proposal relates to the setting of a listed building, I have had special regard to section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

4. The main issue is the effect of the appeal scheme on the character and appearance of the area, including the setting of grade II listed 'Thatched Cottage'.

Reasons

5. The decision notice refers to a single reason for refusal relating to character and appearance and the setting of the adjacent listed building. Policies GEN2 and ENV2 of the Uttlesford Local Plan (the LP) are referred to and seek that new development be in keeping with the scale, character and surroundings including listed buildings.
6. The appeal site lies amongst a cluster of residential properties. I saw at the site visit that while development became notably less dense to the northwest of the village core, nonetheless the appeal site and adjacent properties do not appear to be

detached from the settlement. The settlement of Broxton accommodates dwellings of a variety of different sizes, scales and architectural style. Immediately adjacent to the appeal site the dwellings are fairly modest in scale and located on generously sized plots.

7. The submitted plans show that the proposed dwelling is a 1.5 storey chalet style bungalow and is set back from the road. The dwelling appears as being of a modest scale and massing, particularly the front elevation. The proposed dwelling is shown as being of some depth as a result of an outrigger style projection to the rear. I note that the submitted plan is annotated detailing the ridge height of the proposed dwelling is 6m and that the adjacent properties are 2 and 1.5 storeys high respectively. As such, the appeal scheme is broadly comparable to the neighbouring properties in this regard.
8. The proposed outbuilding, referred to as a store, is shown as being an open fronted timber structure, set back from the front elevation of the house and adjacent to the boundary with the listed property, Thatched Cottage, though markedly to the rear of that dwelling.
9. Moreover, the submitted plans show that while the proposed development occupies a significant portion of the width of the plot, there still remains a clear separation between the proposed dwelling, outbuilding and the adjacent properties. With regards landscaping, the plans show the retention of many existing trees and the use of hedgerow and traditional fencing to the boundaries of the site.
10. For these reasons I am satisfied that overall, the proposed dwelling is of a modest scale and massing, is therefore in keeping with the context of the site and I do not consider that the appeal scheme dominates the neighbouring properties. As such I do not consider that the appeal scheme would harm the character and appearance of the area.
11. Turning to heritage matters, Thatched Cottage is a grade II listed dwelling and the thatched roof, from which the property takes its name and the majority of its significance, is a feature to in the immediate area. The Council details that the dwelling was historically a relatively isolated dwelling, this isolation has been eroded over the years by the erection of nearby dwellings.
12. The Planning Practice Guidance (PPG) defines the setting of a heritage asset as “the surroundings in which a heritage asset is experienced” and that “Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral”¹
13. I saw at the site visit that there is a visual relationship between the appeal site, currently open grassland, and Thatched Cottage. Albeit the existing boundary treatment of hedgerow and trees offers a substantial buffer between the sites. As such, I consider that the appeal site forms a part of the setting of the listed building that also includes other residential properties.
14. Paragraph 212 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. Paragraph 213 goes on to advise that significance can be harmed or

¹ Paragraph 013 of Planning Practice Guidance ID: 18a-013-20190723 – ‘What is the setting of a heritage asset and how can it be taken into account?’

lost through alteration or destruction of the heritage asset or development within its setting and that this should have a clear and convincing justification.

15. The proposed development would change the appeal site from an open grassed field to a domestic property and curtilage. However, the submitted plans show a modest 1.5 storey dwelling and open fronted timber outbuilding, with retention of trees and hedges in addition to proposed planting reinforcing the existing established boundary. Furthermore, I have previously found that the appeal scheme would not harm the character and appearance of the area.
16. Therefore while the parties both identify that the appeal scheme would result in less than substantial harm to the setting of Thatched Cottage, I consider that, given the clear separation between the proposed dwelling and Thatched Cottage, the modest scale of the proposed dwelling, proposed planting and retention of trees as shown on the submitted plans and the prevailing character of detached dwellings on individual plots in the local area, the appeal scheme would change the character and appearance of the appeal site and the setting of the listed building but I am nonetheless satisfied that the appeal scheme would have a neutral effect on the setting of the listed building given the prevailing character of the area including existing dwellings.
17. Even if I were to conclude otherwise, the public benefits of the appeal scheme are weighed against any harm. In this instance the Council acknowledges that the 5 Year Housing Land Supply (5HLS) now stands at 3.46 years with the Housing Delivery Test now stands at 46%. This is a significant shortfall and as such the provision of the proposed dwelling attracts significant weight in favour of the appeal scheme and am satisfied that it would outweigh the harm, to which I attach great weight, to the setting of the listed building identified by the parties.
18. To conclude this main issue, I am satisfied that the appeal scheme is in keeping with the character and appearance of the area and would not harm the setting of the listed building. As such the appeal scheme is not in conflict with policies GEN2 and ENV2 of the LP and the provisions of the Framework.

Other Matters

19. Policy S7 seeks to restrict the development of sites in the countryside, such as the appeal site. It is acknowledged by the council that Policy S7 is not fully consistent with the National Planning Policy Framework as the policy is, in seeking to protect the countryside for its own sake, more restrictive. Nonetheless policy S7 also seeks to protect and enhance the natural environment, which is an important element of the Framework. I therefore afford the policy and resulting conflict of the appeal scheme, moderate weight in this instance.
20. The appeal site is located outside of the settlement limits detailed within the LP but within the built-up area of the settlement. With regards to access to services, the appeal site is located remote from many day-to-day services and the roads to access these services are generally unlit with an absence of pavements and with only narrow verges. However, the settlement does benefit from, albeit somewhat limited, bus service and as recognised in the Framework development in one settlement could support local services in nearby villages. On this basis I am satisfied that the appeal site is a sustainable location for the appeal scheme in this instance. Therefore, I am satisfied that the appeal scheme is not contrary to policy GEN1 of the LV.

21. The appeal site comprises grade 2 agricultural land and as such is part of the area's best and most versatile land. Policy ENV5 of the LP seeks to protect such land and consequently the appeal scheme is contrary to the provisions of ENV5. The Framework requires that decisions should recognise "the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land".
22. The appeal site appears as a distinct plot and does not appear to form part of a wider agricultural holding. Moreover, as stated in the officer's report, "good quality agricultural land is plentiful within the locality".² Therefore in absence of any significant harm, I afford the loss of this agricultural land limited weight in this instance and in any event the loss is outweighed by the great weight attributed to the provision of a house as referred to earlier.

Conditions

23. I have had regard to the planning conditions detailed in the Officer's report and considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents
24. For clarity and to define the permission I have included conditions relating to the commencement of development and the approved plans. In the interests of highway safety and compliance with Development Plan policies I have included a condition requiring additional details of the access to the site from the public highway.
25. In the interests of the character and appearance of the area I have included conditions relating to the external materials of the development, hard and soft landscaping and the implementation thereof. In the interests of the environment, I have included conditions relating to the mitigation measures contained within the Preliminary Ecological Appraisal, a Great Crested Newt Method Statement and contaminated land.
26. In the interests of the living conditions of the occupiers of neighbouring properties I have included a condition requiring the submission of and adherence to a Construction Method Statement.
27. In the interests of the living conditions of the occupiers of the proposed development, I have included a condition relating to noise mitigation measures. In the interests of aviation safety and the environment I have included conditions relating to external lighting and birds.
28. In the interest of the environment, I have included a condition regarding renewable energy and water efficiency. In the interests of the living conditions of future occupiers I have included a condition required the construction of the dwelling be in accordance with the optional requirement M4(2) of the Building Regulations.
29. I have not included the council's suggested condition relating to the restriction of the future use of other permitted development rights because I am not satisfied that it has been demonstrated that such a condition would be reasonable or necessary.

² Officer's Report paragraph 14.3.6

Planning Balance and Conclusion

30. I have found that weighing in favour of the appeal scheme a single additional dwelling, in the context of the absence of a 5HLS, would be created in a sustainable location I have afforded the benefits of the appeal scheme significant weight. That the dwelling would be created without harming the setting of the adjacent listed building is of neutral weight.
31. I have identified some limited conflict with the local plan in respect of the loss of some best and most versatile land and development in the countryside. I have afforded these conflicts limited and moderate weight.
32. On this basis I am satisfied that the benefits of the appeal scheme outweigh the harm and I conclude that the appeal should be allowed.

Mr M Brooker

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos Location Plan 2022.569.01; Proposed Site Plan 2022.569.03; Proposed Elevations 2022.569.05; Proposed Floor Plans; 2022.569.04; Proposed Store Plans and Elevations 2022.569.06; Constraints Plan 2022.569.02; and, Means of Access Plan ST-3312 711.
- 3) Notwithstanding condition no.2 no development shall take place until full details of the access, including visibility splays, gates, surface materials and vehicle and cycle parking have been submitted to and approved in writing by the local planning authority. There development shall be carried out in accordance with the approved details.
- 4) No development [above ground level] shall take place until details / samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.
- 5) No development above ground level shall take place until a scheme of hard and soft landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include details of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) Prior to the commencement of the development hereby approved, all mitigation measures and/or works shall be carried out in the details contained in the Preliminary Ecological Appraisal (James Blake December 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. Thereafter, the appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

The enhancement measures and/or works shall be carried out strictly in accordance with the approved details and shall be maintained as such thereafter.
- 8) Prior to the commencement of development hereby approved, a Great Crested Newt Method Statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary

mitigation measures and/or works to reduce potential impacts to Great Crested Newt during the construction phase.

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

- 9) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- : the parking of vehicles of site operatives and visitors;
 - : loading and unloading of plant and materials;
 - : storage of plant and materials used in constructing the development;
 - : the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - : wheel washing facilities;
 - : measures to control the emission of smoke and dust in accordance with the advice of Stansted Airport and the Civil Aviation Authority;
 - : a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - : delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 10) No development shall take place until a Phase 1 Desk Study report documenting the ground conditions of the site with regard to potential contamination has been submitted to and approved in writing by the Local Planning Authority. This report shall adhere to BS10175:2011.

Where shown to be necessary by the Phase 1 Desk Study, a Phase 2 Site Investigation adhering to BS 10175:2011 shall be submitted to and approved in writing by the Local Planning Authority. Where shown to be necessary by the Phase 2 Site Investigation a detailed Phase 3 remediation scheme shall be submitted for approval in writing by the Local Planning Authority. This scheme shall detail measures to be taken to mitigate any risks to human health, groundwater and the wider environment. Any works which form part of the Phase 3 scheme approved by the local authority shall be completed in full before operation use of the development approved.

The effectiveness of any scheme shall be demonstrated to the Local Planning Authority by means of a validation report, unless an alternative period is approved in writing by the Authority. Any such validation should include responses to any unexpected contamination discovered during works.

If during any site investigation, excavation, engineering, or construction works evidence of land contamination is identified, works shall cease and it must be reported in writing immediately to the Local Planning Authority. The contamination shall be investigated by a competent person in accordance with the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers' and The

Environment Agency Land Contamination Risk Management (LCRM) and other current guidance deemed authoritative for the purposes, to the satisfaction of the Local Planning Authority, to ensure that the site is made suitable for its end use.

Where remediation is necessary, a remediation scheme must be prepared and submitted for the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared and approved in writing by the Local Planning Authority.

No part of the development should be occupied until all remedial and verification works are approved in writing.

- 11) Prior to the occupation of development, details of a scheme of noise mitigation measures in full compliance with all recommendations of the submitted acoustic report (Environmental Noise Assessment, dated 14th June 2024, ref.ENV380-BROX-001) shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, all approved noise mitigation measures shall be implemented prior to the occupation of the development and thereafter retained unless otherwise agreed in writing by the local planning authority.

- 12) Prior to commencement of the development hereby approved, details of renewable energy/climate control and water efficiency measures associated with the development shall be submitted to and approved in writing by the local planning authority. Thereafter, all approved measures shall be implemented prior to the occupation of the development and thereafter retained.
- 13) Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill.
- 14) During construction and in perpetuity, robust measures to be taken to prevent species of birds that are hazardous to aircraft being attracted to the site. No pools or ponds of water should occur/be created without permission.
- 15) The dwelling shall not be occupied until the Building Regulations Optional requirement M4(2) (Accessible and adaptable dwellings) has been complied with.

End of schedule