
Appeal Decision

Site visit made on 11 June 2025

by **S Rawle BA (Hons) Dip TP Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 7th July 2025

Appeal Ref: APP/C1570/W/25/3358973

Land adjacent to Swan Farmhouse, School Lane, Takeley, Essex, CM22 6PJ

- 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 Sharon Weston against the decision of Uttlesford District Council.
 - The application Ref is UTT/24/1611/FUL.
 - The development proposed is the erection of 2 self-contained detached dwellings with associated landscaping, access and parking.
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Decision

1. The appeal is dismissed.

Applications for costs

2. The appellant has made an application for costs against the Council which is subject to a separate decision.

Preliminary Matters

3. I have amended the address from that included on the application form to that included on the appeal form and have also included the postcode as this provides a more definitive address for the appeal site.

Main Issues

4. The main issues are:
 - whether or not the proposed development would preserve the setting of nearby Grade II listed buildings; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Listed Buildings

5. The appeal site comprises an area of land located adjacent to Swan Farmhouse which is a Grade II Listed Building. In the determination of the appeal I have taken account of the statutory duty as set out in Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which sets out that in considering whether to grant planning permission for development which affects a listed building or its setting I need to have special regard to the desirability of preserving the building or its setting.

6. There has been a previous appeal decision¹ that relates to the same site. Like the previous Inspector, the evidence before me indicates that the site was previously used for growing trees. When I visited the site, it comprised a large expanse of grassland. Like the previous Inspector, I observed that the site is still surrounded by relatively dense hedgerow and tree planting on three sides. The previous Inspector noted that the appeal site was fairly open in terms of its relationship with Swan Farmhouse with only a few sporadic trees planted along the boundary to the side.
7. I observed that there was some relatively new planting along the boundary between the farmhouse and the appeal site. This had a very different appearance to the more mature and natural look of the vegetation and trees along the other three boundaries and looked a rather superficial attempt to separate the appeal site from the farmhouse. Moreover, despite the introduction of this vegetation, there remains a clear visual relationship between the appeal site and Swan Farmhouse as the farmhouse and its curtilage is clearly visible from many parts of the appeal site and would continue to do so even if the vegetation along the boundary matured. As a result, notwithstanding that views from the farmhouse itself are rather limited the appeal site remains fairly open in terms of its relationship with Swan Farmhouse.
8. The appearance of this part of School Lane is materially different from that part closer to Molehill Green which has a more close-knit feel. Whereas as you progress along the lane away from Molehill Green there is a far greater rural feel with sporadic dwellings interspersed between open generally agricultural land.
9. I agree with the previous Inspector that Polley Luray Cottage (also known as Carters Farm) primarily derives its significance from its historical architectural appearance with distinctive features including a thatched roof and red brick chimney stacks. However, I also agree with him when he found that the appeal site does not make any significant contribution to the setting of this Grade II Listed building given the distance involved and the intervening vegetation. As a result, the proposed development would not be harmful to the significance of this designated heritage asset.
10. Swan Farmhouse derives its significance from its architectural appearance comprising a timber framed structure with plastered walls and a red plain tile roof with end chimney stacks, as well as its agricultural setting. Consequently, its significance derives to a significant extent from its architectural interest as well its historic association with its agricultural context.
11. The appellant has submitted a heritage statement (HS). The image included within the HS showing the view from the northwest corner of the site looking towards Swan Farmhouse is consistent with my own observation about the fairly open relationship between the appeal site and the listed building.
12. The HS acknowledges that the appeal site is clearly part of the agrarian setting and closely associated with the agrarian function. However, due to the fact that the house has not been involved in the active farming function for over 20 years and the appeal site for longer than that, the HS sets out that this diminishes the contribution that the land offers to the significance of the farmhouse.
13. The HS also sets out that due to the fact that the appeal site is relatively enclosed, does not offer any wider views across the fields and does not enhance the space or

¹ APP/C1570/W/21/3282320

create a sense of openness the appeal site does not positively contribute to its setting. Overall, the HS sets out that the appeal site is considered to have a neutral/low contribution to the significance of the listed building.

14. However, I do not agree. Rather, consistent with the previous Inspector I find that the appeal site contributes positively to the setting of Swan Farmhouse. I say that because along with surrounding land, particularly to the north and west, it reinforces the agricultural context of the house. Although there is mature vegetation along the frontage, the historic agricultural nature of the land adjacent to the listed building is signified by an attractive farm gate which provides access to the appeal site over an existing narrow wooden bridge. The fact that the appeal site has been used to grow Christmas trees in the past does not diminish the importance of the appeal site in providing the open, spacious agricultural setting for Swan Farmhouse.
15. Although there is an existing dwelling to the east of the farmhouse, due to the abundance of existing vegetation and the low-key nature of that building there is very little visual relationship between it and Swan Farmhouse when viewed from School Lane. As a result, the existence of this dwelling does not detract from the important role the appeal site plays in the setting of the Farmhouse.
16. The proposed development would involve the introduction of two detached dwellings along with an access way, vehicular turning and circulation area, parking areas and landscaping. The proposed dwellings would be constructed from appropriate materials and would have a modest height. I also acknowledge that the number of dwellings has been reduced in comparison to the previous appeal proposal.
17. However, the introduction of two dwellings, associated works and paraphernalia would result in development being spread across almost the entire width of the front part of the appeal site which would harmfully diminish the open and agricultural setting of Swan Farmhouse. The proposed landscaping, nor the more recent planting along the boundary between the farmhouse and appeal site adequately mitigates that harm. I appreciate that the rear part of the appeal site would remain open, and the dwellings have been arranged to allow some views towards that open area. However, given the spread of development across the front portion of the appeal as a result of the proposal to introduce two dwellings, any views would be broken up by the proposed development. Moreover, there would not be an adequate block of open land to the west of Swan Farmhouse to retain its important setting.
18. Swan Farmhouse is a designated heritage asset, and the proposal would harm its significance which would result in less than substantial harm, albeit at a moderate level. The result is that the statutory duty set out above would not be met and this is a matter of considerable importance and weight. The Framework requires that great weight should be attached to the asset's conservation, and this is irrespective of the level of harm.
19. I have also considered any public benefits. The Council accept that they can only demonstrate 3.46 years of housing land supply, which is well below Government expectations.
20. The proposal would have a cumulative effect on the supply of housing, albeit only to a limited extent given that the proposal would involve an increase of two

dwellings. It would also have some economic, social and environmental benefits. For example, it would provide some jobs and create demand for materials during the construction phase and would broaden the availability of housing in the area. The proposal would also make a modest contribution to enhance or maintain the vitality of the local settlement. Moreover, I accept that the appeal site is within a reasonable walking distance of Molehill Green which is reasonably well located in terms of public transport links to larger settlements.

21. I also acknowledge that the proposed development would make efficient use of the appeal site, would result in some ecological benefits and some landscape enhancements. Moreover, in architectural design terms the proposed dwellings have been well designed and would incorporate integrated sustainability features. On that basis, I afford the totality of the public benefits significant weight in the determination of the appeal. However, that is still outweighed by the great weight I afford to the harm the proposal would have on the setting of Swan Farmhouse.
22. I therefore conclude that the proposal would unacceptably harm the setting of Swan Farmhouse, and the public benefits are not sufficient to outweigh that harm. Consequently, the proposal would conflict with Policy ENV2 of the Uttlesford Local Plan adopted January 2005 (ULP), which among other things sets out that development that adversely affect the setting of a listed building will not be permitted.
23. The proposal would also be at odds with the National Planning Policy Framework (the Framework) which sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Given my conclusion on this issue the application of policies in the Framework that protects designated heritage assets provides a strong reason for refusing the proposed development.

Character and appearance

24. As outlined above, the appearance of the part of School Lane where the appeal site is located is materially different from that part closer to Molehill Green which has a more close-knit feel. There is a far greater rural feel with sporadic dwellings interspersed between open generally agricultural land. The appeal site is not within a settlement and consequently falls within the countryside.
25. The appeal site comprises a large expanse of grassland which is undeveloped and open, creating a sense of spaciousness next to the Swan Farmhouse which makes a significant contribution to the character and appearance of the area.
26. The proposal would involve the introduction of two detached dwellings. I have set out above that in architectural design terms the proposed dwellings have been well designed, would be constructed from appropriate materials, would have a modest height and the number of dwellings has been reduced in comparison to the previous appeal proposal. I have also taken account of the fact that the proposed dwellings have been sited perpendicularly to allow views through to the open land which is proposed behind the dwellings and the proposal would incorporate green roofs.
27. However, the introduction of the proposed dwellings along with the associated works and domestic paraphernalia would result in an urbanising impact which would significantly diminish openness and the existing sense of spaciousness in

the front part of the appeal site. The spread of development and its urbanising impact would be visible through the proposed access from School Lane. As a result, the proposed development would unacceptably harm the particular character of this part of the countryside.

28. I therefore conclude that the proposal would unacceptably harm the character and appearance of the area. Consequently, the proposed development would conflict with Policies S7, S8 and GEN2 of the ULP which among other things seek to ensure that development protects or enhances the particular character of the part of the countryside within which it is set, would not adversely effect the open characteristics of the area and is compatible with the form, layout and appearance of its surroundings.
29. The proposal would also be at odds with the Framework which seeks to ensure development is sympathetic to local character. I afford the harm the proposal would have on the character and appearance of the area significant weight in the determination of the appeal.

Other Matters

30. I have taken account of the other developments that have been brought to my attention including the fact that an Inspector when allowing an appeal for renovation works to an outbuilding at Swan Farm indicated that as the farmhouse was no longer part of a working farm the domestic character of the outbuilding did not affect the listed building or its setting. However, clearly that situation is materially different from the proposal before me, involving a significantly different development in a different location with a corresponding different relationship with Swan Farmhouse. Consequently, I give limited weight to that case.
31. Similarly, the appellant makes reference to other nearby consents at The Rockies and Carter's Farm. However, again, the circumstances are materially different involving entirely different proposals on separate sites on the opposite side of the road.
32. I accept that these consents and other more recent development have and will continue to change the historic context and the character and appearance of this part of School Lane. However, for the reasons set out above, I find that the appeal site contributes positively to the setting of Swan Farmhouse because along with surrounding land, particularly to the north and west, it reinforces the agricultural context of the house. These other examples do not form part of the surrounding land I have identified. It therefore follows that the circumstances and context of these other examples are materially different and the fact that other permissions have been granted does not justify harmful development at the appeal site.
33. I also note that the appellant has expressed concern that despite initially being positive about the proposal during the early stages of the application process the relevant planning officer's attitude changed following discussion with the relevant heritage officer. However, whether or not the relevant officer was positive during the early stages of the application process does not alter my overall view on the appeal as set out above, nor does it justify harmful development at the appeal site.
34. Further, I acknowledge that the proposal would not result in harm to the living conditions of neighbouring residents or in relation to flooding or highway matters.

However, none of these matters were included as reasons for refusal and the lack of harm in relation to them is a neutral factor in the determination of the appeal.

Planning Balance and Conclusion

35. I have afforded some matters weight as outlined above and overall, I afford the totality of the benefits significant weight in the determination of the appeal. On the other hand, I afford the harm that the proposal would have on the setting of Swan Farmhouse and on the character and appearance of the area, great weight and significant weight respectively.
36. As set out above, the Council can only demonstrate a housing land supply of 3.46 years. This is below Framework requirements and as a result Paragraph 11(d) of the Framework is relevant.
37. However, for the reasons set out above, the application of policies in the Framework that protects designated heritage assets provides a strong reason for refusing the proposed development. Consequently, the presumption in favour of sustainable development, as set out in paragraph 11(d) of the Framework is disengaged and the scheme should be considered under a normal planning balance.
38. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.²
39. In this case, the proposal conflicts with the development plan when considered as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal should therefore be dismissed.

S Rawle

INSPECTOR

² Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990