



Appeal Decision

Site visit made on 8 July 2025

by **A James BSc (Hons) MA MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12th August 2025

Appeal Ref: APP/C1570/W/24/3354219

The Barn, Petts Lane, Little Walden, Essex CB10 1XE

- 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 Dr P Sills against the decision of Uttlesford District Council.
 - The application reference is UTT/24/0518/FUL.
 - The development proposed is demolition of agricultural barn, erection of single dwelling, alteration and refurbishment of cart lodge and ancillary hardstanding.
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Preliminary Matters

1. As the appeal site forms part of 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).
2. The Council granted prior approval for the conversion of the existing barn to a dwelling on 6 July 2022¹, which has now time expired. The appellant submitted an identical prior approval application on 12 May 2025, which was refused by the Council on 17 June 2025². I appreciate that the appellant disagrees with the Council's decision and intends to appeal the prior approval scheme; however, the appellant currently does not have a fall-back position. Nevertheless, the prior approval scheme sought to convert the existing building not to demolish it and provide a new dwelling, which would be larger and higher than the building it would replace. As a result, the prior approval scheme is not comparable.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area, having particular regard to the desirability of preserving the setting of a Grade II* listed building, known as 'Burntwood End' (Ref: 1196099); and,
 - protected species.

Reasons

Character and appearance

4. The appeal site lies within a remote, rural location, some distance away from the nearest settlement. The proposal seeks to demolish a modern, agricultural building and replace it with a new dwelling. The existing barn by reason of its size, simplistic

¹ Ref: UTT/22/1022/PAQ3

² Ref: UTT/25/1272/PAQ3

form and agricultural design does not appear at odds with the rural and predominantly agricultural character of the locality. Given the elevated position of the appeal site within the landscape, the existing building is visible in short and medium distance views from the public realm, including the public right of way that runs to the front of the site.

5. The proposed dwelling would be 1.5 storeys high (with accommodation within the roof). The proposal seeks to replicate an Essex-style barn and that of the barn, which lies within the curtilage of the listed building. I appreciate that the proposal would replace an existing utilitarian building, which is constructed of modern materials, with a new building that would utilise more traditional materials. However, the proposal by reason of its design, including the extent and domestic nature of the windows, rooflights and doors mean that the proposal would be clearly read as a new dwelling, rather than a former agricultural building.
6. The proposed dwelling would be set back from the highway and partially screened by existing vegetation. However, the proposal by reason of its size, height and bulky roof form would be more prominent in the landscape than the existing building. The extent of fenestration, particularly the large scale fenestration on the front elevation and the presence of rooflights results in an overtly domestic appearance. The extent of glazing means that the new dwelling would be prominent during both daytime and night time hours. Overall, I find that the proposal would result in harm to the rural character of the area.
7. Burntwood End is a Grade II* listed building, which dates back to the early/mid-16th century, with 19th century additions. It is two storeys high, with a jettied range and an exposed timber frame. Based on my site visit and the evidence before me, I find that the listed building's special interest, insofar as is relevant to this appeal is derived from its historic and architectural interest, as an illustration of 16th century domestic architecture. Insofar as this appeal is concerned, the setting of this asset, as it contributes to its special interest, derives from its remote rural location and the surrounding, attractive rolling countryside, with which this former farmhouse is visually and historically associated with. The agricultural landscape surrounding the listed building makes a positive contribution to its special interest and reinforces its high status as a Grade II* listed building.
8. Paragraph 212 of the National Planning Policy Framework (the Framework) sets out, 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. Paragraph 213 goes on to state that, significance can be harmed or lost through alteration or destruction of the heritage asset or from development within its setting and that this should have clear and convincing justification.
9. The appeal site is located on higher level land than the listed building. Despite the intervening vegetation and built form, the side elevation of the existing agricultural barn is visible from the listed building. The proposal by reason of its size, height and design would result in a new building which would be domestic in appearance and more prominent in views from the listed building than the building that it would replace. I appreciate that there is soft landscaping along the western boundary of the listed building, including trees which have recently been planted by the appellant. However, the new tree planting will take some time to mature. In any event, the planting would not fully screen the proposal from the listed building. I note the appellant's intention for new tree/woodland planting between the proposal

and the listed building; however, there is limited information before me on such a scheme and I therefore give it limited weight in my decision.

10. I appreciate that there is an electricity pylon and overhead cables in the field that separate the appeal site from the listed building. However, this is essential infrastructure which does not appear out of place in the countryside. I also observed a research park in the locality; however, the research park is much further away from the listed building than the appeal site and consequently does not impact on the setting of the listed building in the same way. Furthermore, there are limited details before me of the circumstances of the research park and I therefore give it limited weight in my decision.
11. There is a converted barn within the grounds of the listed building, which I am advised has consent to be used as an annexe or a holiday let. The converted barn lies on land between the listed building and the appeal site. The converted barn still reads as a former agricultural building and is therefore materially different than the appeal scheme before me, which proposes an entirely new dwelling. I therefore give this argument very limited weight in my decision.
12. The proposed new dwelling would erode the rural landscape and sense of remoteness in which the asset is currently experienced. Accordingly, the proposal would fail to preserve the special interest of the listed building and harm its significance as a designated heritage asset. This would lessen the contribution that this part of the asset's setting makes to its heritage value.
13. In finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. Given the nature and extent of the development proposed, I find the harm to the significance of the listed building to be 'less than substantial' and at the lower end of the scale. However, this should not be equated with a less than substantial planning objection and is of considerable importance and weight. Paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
14. The provision of a new dwelling would align with an objective of the Framework, which seeks to significantly boost housing supply. The Framework also acknowledges the importance of small sites in meeting the housing requirement of an area. The proposal would make a small contribution towards the Council's housing land supply, which I give limited weight in my decision as a public benefit. There is no appropriate mechanism before me to secure the proposal as a self-build dwelling. As a result, I attach very limited weight to the self-build element of the scheme.
15. There would be short-term economic investment from the construction of the development. Future residents would also help to support local services and facilities and add to the social vitality of the area. However, given the short term nature of the construction works and the limited local facilities available, future residents are likely to travel further afield to meet their day-to-day needs. I therefore give these economic and social benefits very limited weight. The proposed environmental benefits include the provision of renewable energy technologies, energy and water conservation measures and the use of locally sourced materials, where possible. Biodiversity enhancement measures such as bird and bat boxes, features for invertebrates and additional planting are also proposed. The proposed environmental and biodiversity enhancement measures are supported but are all

fairly commonplace measures. I give the environmental benefits of the scheme limited weight in my decision.

16. The appellant argues that the restoration of the historic cart lodge within the appeal site would be a heritage benefit, given its historic functional relationship with the listed building. It appears that the cart lodge was constructed in the early-20th century. While some historic timbers are present, the roof has been replaced with corrugated sheeting and the timbers now stand on what appears to be concrete blocks. Based on the evidence before me and my site visit, I find that the cart lodge has limited heritage value and I do not find that restoration of this building would result in an enhancement to the setting or the special interest of the Grade II* listed building. I therefore give this alleged benefit limited weight in my decision.
17. Overall, the proposed public benefits carry limited weight in favour of the development. As a result, the public benefits are insufficient to outweigh the great weight afforded to the preservation of heritage assets.
18. For the reasons given above, I conclude that the proposal would harm the character and appearance of the area and fail to preserve the setting of a Grade II* listed building. The proposal would fail to accord with the requirements of the Act and the historic environment policies of the Framework. The proposal would also conflict with Policies S7, H7, GEN2 and ENV2 of the Uttlesford Local Plan January 2005 (the Local Plan). These policies among other things require that development protects or enhances the character of the countryside and that development that adversely affects the setting of a listed building will not be permitted.

Biodiversity

19. The appellant commissioned a further Preliminary Ecological Appraisal dated October 2024, which was submitted with the appeal. The appeal site lies adjacent to a Local Wildlife Site and is close to an area of ancient woodland. There is reasonable evidence before me that there are protected species on the site or on adjacent land, including badgers, birds and bats. There are no species specific surveys before me. It is therefore not possible to fully assess the impact of the development proposal on protected species e.g. whether construction works would impact badgers and their habitat or whether the development would impact roosting bats (including through light spillage). I do not find that this matter can be dealt with by condition. Accordingly, the proposal would fail to accord with Policy GEN7 of the Local Plan. This policy among other things seeks to ensure that development would not have a harmful effect on wildlife.

Planning Balance

20. The appellant advises that the Council is unable to demonstrate a 5 year supply of deliverable housing sites and this is not disputed by the Council. In such circumstances, paragraph 11 d) of the Framework advises that planning permission should be granted, unless policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
21. The proposal would fail to preserve the setting of a Grade II* listed building. Consequently, the application of policies in the Framework that protect assets of particular importance provide a strong reason for refusing the development. As a

result, the presumption in favour of sustainable development does not apply in this case.

Conclusion

22. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no other material considerations, including the Framework, that would outweigh that conflict. Therefore, I conclude that the appeal should be dismissed.

A James

INSPECTOR