
Appeal Decision

Site visit made on 30 July 2025

by **A Knight BA PG Dip MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 August 2025

Appeal Ref: APP/C1570/W/25/3361465

Saffron House, High Street, Henham, Essex CM22 6AS

- 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 Pelham Structures Ltd against the decision of Uttlesford District Council.
 - The application Ref is UTT/24/1757/FUL.
 - The development proposed is erection of three self build dwellings with garaging and associated landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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 which it possesses.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area, including the Henham Conservation Area (the CA) and the setting of the Grade II listed building known as Henleys.

Reasons

4. The village of Henham is set in arable countryside and reached by country roads and lanes. Within Henham is the CA, divided into three neighbouring areas. Area 2 is focused on the principal, historic thoroughfares that dissect the village. These include Crow Street, which runs on a north to south axis, and the High Street, which runs east to west. The appeal site (the site) is a portion of undeveloped land set back from the High Street, outside of the CA. Due to its proximity and the absence of significant intervening features, the site is within the setting of the CA.
5. The principal thoroughfares are wide, spacious, and intermittently tree lined. It is common for generous verges and ponds to separate a mix of historic and otherwise generally pleasant buildings from the road. That much of the essential character of these environs has remained largely unchanged for some 200 years is readily appreciable.
6. Henham sits on reasonably level terrain, and views of the countryside beyond are limited from within its main thoroughfares. Whilst a treelined ridge to the south is

visible here and there from along the High Street, it lacks dramatic presence and does little to draw attention from the charm of the main thoroughfares. When approaching Henham, the village is appreciated as one surrounded by open countryside. Once there, however, the landscape beyond is not a prominent feature.

7. Modern residential development exists to the north and south of the High Street, beyond the edges of CA Area 2. Enclosed clusters of housing at Highfields, Hall Close, and beyond the Bell House appear to reach out from the village into otherwise open land. Without inferring any presumption as to planning history, I hereafter refer to these as backland developments.
8. The backland developments are, in the main, accessed from the High Street via narrow private drives. The housing they contain is partially visible from Henham's principal thoroughfares and set back a reasonable distance from them. As such, the existing backland developments are an established part of the character and appearance of the village, and do not compete for attention or primacy with the principal thoroughfares.
9. For the purposes of this appeal, with reference to the submissions made on the matter and to the Henham CA Appraisal and Management Proposals document (2012), the significance of the CA is in the historic, spacious layout of the principal thoroughfares through Henham, and in the historic and otherwise pleasant features and buildings found along them.
10. Between the High Street and the appeal site is found the Grade II listed building known as Henleys (the building)¹. It is a detached, two-storey timber framed and plastered building dating from around 1750. In terms of local history, the building has an agricultural past as part of a farmstead on the edge of the village. Architecturally, it is both a handsome house that benefits the village, and also an interesting and well-preserved historic building.
11. The building has an impressive, formal element, derived mainly from its front elevation which, whilst not facing directly towards the High Street, can be seen from it over open verges and through intermittent greenery, or upon approach. Here, the fineness, balance, proportion, and symmetry of the building's well-preserved architectural features are striking. They are complemented and highlighted by a charming front garden, laid out to continue that symmetry and balance.
12. Further interest is found in the building's flank elevations. The position and extent of the chimney breasts are displayed, as is the shape of the structure, with a catslide roof falling to the rear. Glazed openings are inconsistent in size and irregularly positioned, and the two flank elevations do not mirror each other. The flanks have a more practical feel, and reveal something of the actual construction, functioning, and layout of the building that may not be gleaned from the front elevation alone. These insights and inferences are a significant part of appreciating the way the building was designed and built.
13. For the purposes of the appeal the significance of the building is in its age and its role in the history of Henham, how it helps to illustrate that history, and in the way

¹ List Entry Number 1231096.

the combination of its elegant front façade and its less formal flanks allow a rounded, multi-faceted appreciation of its design.

14. The appeal scheme includes the erection of three detached dwellings, each with a garage, set around a central turning area. Access would be from the High Street along an open track leading between the building and Saffron House, a recently erected detached dwelling. The proposed development would be visible to varying degrees from neighbouring land, from nearby bridleway footpaths, from neighbouring dwellings, from within the site, and from the High Street, albeit partially and over a distance in some cases. The character of the site would change significantly from open and undeveloped to formal and residential. It would be apparent that the developed footprint of the village had increased outwards.
15. That said, the appeal scheme would increase residential development beyond the buildings that line the south side of the High Street, rather than introduce it for the first time. Indeed, the scheme would increase it somewhat modestly in comparison to Hall Close, Crow Street, School Lane, and Woodend Green, all of which lay further south than the site. They also lay near to the site, such that the proposed development would appear to be enclosed within, rather than projecting beyond, the village.
16. Moreover, as set out above, contained and discreet backland housing developments are a feature of the village already, and the appeal scheme would not introduce any alien or discordant feature in that respect. Given the distance of the site from the High Street the appeal scheme would not affect the historic, spacious layout of the principal thoroughfares through Henham, or the historic and otherwise pleasant features and buildings found along them. Overall, the proposed development would not have a harmful effect on the character and appearance of the area, including the CA.
17. The site is beyond development limits, and the submissions address the application of Policy S7 of the Uttlesford Local Plan (2005) (the Local Plan), which covers development in the countryside. The Council focuses on the latter half of that policy, which, save for cases where special reasons warrant a different approach, requires development to protect or enhance the particular character of the part of the countryside within which it is set.
18. The site is open and undeveloped. In these respects, it is the beginning of the wider countryside stretching out to the south of Henham. In other ways, however, it is recognisably different to that wider countryside; Whereas the field immediately south of the site is, like those beyond it and like much of the land around Henham, worked, arable land, the site itself appears as scrubland. It is segregated physically and visually from the agricultural land beyond by an established boundary of mature greenery. The Council accepts that it is within the built form of the village as experienced on the ground, and states that the principle of residential development has effectively been established following the grant of planning permission for Saffron House².
19. In this context, derived from the specific circumstances at the appeal site, the proposed development would appear as one taking place within the village rather than intruding into the surrounding countryside. It would comply with Policy S7 of

² Application Ref UTT/13/2470/FUL.

the Local Plan in that it would protect the particular character of the part of the countryside within which it is set.

20. Turning to the listed building, Henleys; Given the proximity of the site to the building and the absence of significant intervening features, the former is part of the setting of the latter. When viewed from the High Street, particularly upon approach to the building, the absence of development to the south is apparent. This gives visual prominence to the building, drawing the eye to its elegant front façade. In seeing the main thoroughfare with its spacious verges, then the building, then openness beyond, one sees a vista preserved in its essence for over two centuries, and which illustrates the history of the building and its role in the village.
21. Looking northwards towards the building, the open nature of the site again provides a view very similar to that which has existed since the building was erected. It allows a partial recreation of the experience of approaching the building across farmland leading up to it, as workers and occupants would have done historically. Furthermore, it allows a full appreciation of the southern flank of the building, which offers interest as I have described above.
22. The proposed dwellings would be separated from the building by, in the case of the nearest, some 25m. Even so, and even with new landscaping, the dwellings would be sufficiently large and tall to dominate the backdrop to the building from the High Street area. They would compete with the building for visual attention, undermining its prominence. The appeal scheme would erode the open nature of the backdrop, harmfully interrupting the valuable historic vista described above.
23. Northwards views of the building would be severely and harmfully disrupted by the appeal scheme, particularly the developments at plots 2 and 3, such that the southern elevation, and the contribution it makes to reading the story of the building, could no longer be fully appreciated.
24. My attention has been drawn to a previous appeal decision at the Bell House³ in which backland development was approved behind, and in the setting of, listed buildings. That scheme is different to the one before me in that the distances from the listed buildings in question to the proposed houses was significantly greater. Furthermore, I have no evidence that the significance of those listed buildings, or the relationship of the setting to them, was the same or comparable to that at Henleys.
25. Overall, and in the terms of the National Planning Policy Framework (the Framework) the appeal scheme would lead to less than substantial harm to the significance of a designated heritage asset. Within that term, and given the above, I find that the level of harm would be greater than moderate.
26. The proposed development would not preserve the setting of the Grade II listed building known as Henleys and, as a result, conflicts with Section 66(1) of the Act. The development fails to accord with Policy ENV2 of the Local Plan which states that development proposals that adversely affect the setting of a listed building will not be permitted.

³ Appeal Ref APP/C1570/W/19/3231568.

Other Matters

27. The decision notice cites Local Plan policy ENV1, but as it refers to development within conservation areas that policy is not pertinent to the appeal proposals.

Heritage and Planning Balance

28. Paragraph 212 of the Framework states that when considering the impact of the development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. I have found the harm in this instance to be less than substantial. Under such circumstances paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
29. The appeal scheme would provide three new self-build dwellings in a sustainable location. Given the Council can only demonstrate 3.46 years of housing land supply and there is a significant shortfall in self-build plots, I consider the provision of such new housing to be a significant benefit. The potential for a net ecological gain and the economic benefits accruing from the construction phase and from ongoing occupation of the site thereafter also weigh in favour of the appeal scheme. Overall, the benefits of the scheme would be significant.
30. Even so, given I have found the appeal scheme would result in a greater than moderate level of less than substantial harm, I find the benefits of the scheme would not outweigh the great weight that should be given to the asset's conservation. The scheme thus conflicts with the historic environment conservation and enhancement policies contained within the Framework and fails to satisfy the requirements of the Act. This provides a strong reason for refusal.
31. My attention has been drawn to previous decisions at land south of Henham Road, Elsenham⁴, and at St Edmunds Lane⁵ in which the benefits of development schemes were found to outweigh harm to the significance of designated heritage assets. I have had regard to these but given that, amongst other things, those schemes provided far more housing than the appeal scheme before me would, I have come to a different conclusion overall.

Conclusion

32. 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. The appeal is dismissed.

A Knight

INSPECTOR

⁴ Application Ref S62A/2022/0007.

⁵ Appeal Ref APP/C1570/W/21/3282098.

