



Appeal Decisions

Site visit made on 5 August 2025

by **J Bowyer BSc(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19th August 2025

Appeal A Ref: APP/C1570/W/24/3353759

Land Rear of Tudor Hall, Brick End Road, Pledgdon Green, Henham, Essex CM22 6BN

- 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 and Mr Davis-Moull against the decision of Uttlesford District Council.
- The application Ref is UTT/23/1732/FUL.
- The development proposed is 'change of use from previously development land to construction of 3no residential dwellings.'

Appeal B Ref: APP/C1570/W/25/3364721

Land Rear of Tudor Hall, Brick End Road, Pledgdon Green, Henham, Essex CM22 6BN

- 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 and Mr Davis-Moull against the decision of Uttlesford District Council.
- The application Ref is UTT/24/2259/FUL.
- The development proposed is 'change of use from previously development land to construction of 2no residential dwellings.'

Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. There are two appeals before me which relate to the same site. The address of the site in the banner headings above is taken from the planning application forms, but with an amendment to refer to it as 'Land Rear of Tudor Hall'. This is how the site is described on the Council's decision notice and the appeal form for the Appeal B proposal, as well as on the submitted plans and I consider it to better reflect the location than 'Tudor Hall' as was stated on the application forms.
4. The road to the front of the site is referred to as both Brick End Road and Brick End Lane within the evidence before me. I have used Brick End Road which is consistent with the application and appeal forms and the Council's decision notices.
5. Both appeals include two dwellings to the west of a realigned access track through the site. Appeal A additionally includes a third dwelling to the east of the track. I have considered each appeal on its individual merits but to avoid duplication, I have dealt with the two schemes together, except where otherwise indicated.

6. The descriptions of development in the banner headings above are taken from the planning application forms. The Council's decision notices give different descriptions of 'Change of use of paddock to residential and construction of 3 no. residential dwellings' (Appeal A) and 'Change of use from paddock to residential and construction of 2no. self-build residential dwellings' (Appeal B) but I have no written confirmation that the appellants agreed to the changes. I nevertheless note that the application forms refer to the existing use of the site as a paddock. This reflects my observations at my visit and I have considered the appeals accordingly.
7. The Council's second reason for refusal of the Appeal A application refers to effects on Wood Farmhouse which is a Grade II* listed building. However, its evidence discusses effects on Wood Farmhouse together with effects on the Grade II listed 'Five Bay Barn Circa 25 Metres to North West of Wood Farmhouse' ('Five Bay Barn') which sits between Wood Farmhouse and the appeals site. Under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA Act'), I am under a duty to have special regard to the desirability of preserving listed buildings and their setting. I have therefore considered effects on Five Bay Barn in my assessment below.
8. In addition, interested parties have referred at both application and appeal stages to effects of the proposals on biodiversity including species of principle importance ('Priority Species') listed in Section 41 of the Natural Environment and Rural Communities Act 2006 ('the NERC Act'), in some cases with detailed comments and references to supporting information. At s40(1), the NERC Act establishes a duty that every public body must, in exercising its functions, have regard to the purpose of conserving biodiversity. Although not part of the Council's reasons for refusal of either application, the matter of effects on biodiversity was clearly before the appellants as part of the appeals and they have consequently had a fair opportunity to comment as part of the process. I have therefore considered effects on biodiversity as a main issue in both appeals, and I am satisfied that no party would be unfairly prejudiced by my taking this matter into account.
9. Subsequent to the Council's decision on the Appeal A application, the Government published a revised version of the National Planning Policy Framework ('the Framework') in December 2024. The main parties were given the opportunity to comment on the relevance of the Framework to Appeal A, and I have had regard to the representations made.
10. Finally, I have noted references to the emerging Uttlesford Local Plan 2021-2041 ('the eLP'). The Council indicates that examination hearing sessions have taken place and that the Inspector's post-hearing letter is awaited. While the eLP has therefore reached an advanced stage, I cannot be sure that policies will be adopted unchanged. That said, neither main party has argued that there would be a significant change to the approach or relevant considerations from those that would apply under the adopted development plan such that my decision would turn on the eLP. On that basis, further reference to eLP policies has not been necessary.

Main Issues

11. The main issues in both appeals are:
 - i) the effect of the proposal on biodiversity;
 - ii) whether or not the proposal would be suitably located having regard to relevant development plan policies and the effect of the proposal on the

- character and appearance of the countryside; and
- iii) the effect of the proposal on heritage assets.

Reasons

Biodiversity

12. The appellants provided a Preliminary Ecological Appraisal/Low Impact Ecological Impact Assessment dated June 2023 ('the PEA') as well as biodiversity checklists as part of both applications. The PEA concludes that no further species-specific surveys are necessary and that subject to avoidance and precautionary methods, development can be made acceptable with minimal impact to biodiversity.
13. The PEA states that the 'report is valid until December 2024, after which habitats are reasonably expected to have changed to warrant an updated survey'. Although it is now some months beyond that date, I appreciate that the applications were both submitted before December 2024 and so this is not in itself determinative. However, the time that has elapsed and the absence of any details indicating that the PEA has been subject to review or update raises some doubt in my mind as to the extent to which the conclusions reached would remain valid.
14. In addition, mapping within the PEA indicates the presence of designated sites within identified search areas around the site, including particularly a Local Wildlife Site at Pledgdon Green in fairly close proximity which an interested party suggests could be affected by vehicle movements associated with development on the site. However, while there is brief mention of the relationship of the site with priority habitat, the presence of other designated sites is not discussed further in the PEA. The lack of explanation means that I am somewhat unclear of the basis for the assertion within the PEA that no designated sites would be affected.
15. Moreover, great crested newt ('GCN') are a Priority Species which the PEA notes require both terrestrial and aquatic habitat. There are no ponds on the appeal site, but the PEA identifies a number of ponds within reasonably close proximity, and well within the distance that GCN are known to disperse. Those located on or adjacent to the road are assessed in the PEA as being unsuitable for GCN. However, an interested party advises that the pond around 100m north of the site which is on land shown to be within the appellants' control is likely to be a key breeding pond, and that they have been informed of GCN being present on the property in the past. They also refer to GCN having been recorded at Wood Farm.
16. Although I am unable to substantiate these claims, the interested party indicates that they have relevant professional experience and knowledge of ecology matters. The appellants have not disputed the veracity of the comments and I have no firm reason to doubt their credibility. Given also that the PEA does not assess all nearby ponds, including particularly that on the wider Tudor Hall site, I find no compelling basis to conclude that nearby ponds would not offer suitable GCN habitat. Even if the main part of the appeal site is not suitable terrestrial habitat, its position close to and between ponds which may offer suitable habitat suggests a reasonable chance of use by GCN for commuting. Development on the site could therefore affect GCN.
17. Circular 06/2005¹ sets out that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by proposed

¹ Biodiversity and geological conservation – statutory obligations and their impact within the planning system

development is established before planning permission is granted. I appreciate that Place Services who provide ecological advice to the Council were satisfied that there was sufficient ecological information to determine the applications and that effects of development could be made acceptable. However, their comments do not discuss the presence of additional ponds which are not assessed within the PEA, including at Tudor Hall. For the reasons above, I consider that there is a reasonable likelihood that GCN could be present and affected by the proposals and there is insufficient evidence to demonstrate otherwise. The Circular is clear that ecological surveys should only be left to planning conditions in exceptional circumstances. I have no firm evidence that any such circumstances would apply here. I further cannot be confident that any necessary mitigation or compensation measures to address effects of the proposals could be properly secured and would be effective. In view of the uncertainty and the evidence before me, I am not satisfied that these matters could be appropriately deferred to planning conditions.

18. In addition, the PEA notes that Barbastelle bat which are a rare, light-sensitive Priority Species have been recorded in the wider area. I note suggested conditions to secure a Wildlife Sensitive Lighting Strategy. However, an interested party raises concerns that there is no detailed lighting assessment to demonstrate that suitably low lux levels to ensure that there would not be adverse effects on Barbastelle bat could realistically be achieved. This matter has not been addressed by the appellants and in the absence of evidence to show that Barbastelle bat are not present at the site, it raises some question in my mind that the suggested planning conditions would be adequate and effective to prevent harm.
19. Cumulatively, the above factors taken together mean I am not satisfied that there is sufficient, robust evidence to determine that the proposals would not result in adverse effects on biodiversity and protected species. I conclude that Appeal A and Appeal B would each be contrary to saved Policy GEN7 of the Uttlesford Local Plan 2005 ('the LP') which includes requirements for surveys and measures to mitigate and/or compensate potential impacts of development on wildlife.

Location and Character and Appearance of the Countryside

20. The appeals site is outside of any defined settlement development limit boundary and is within the countryside in planning policy terms. In such locations, saved Policy S7 of the LP sets out that permission will only be given for development that needs to take place there, or is appropriate to a rural area. It advises that this will include infilling in accordance with paragraph 6.13 of the Plan. Given the use of the term 'including', it seems to me that this would not necessarily preclude infilling elsewhere. Indeed, I note specific provision at paragraph 6.14 of the LP advising that opportunities for sensitive infilling of small gaps in small groups of homes outside development limits but close to settlements will be acceptable if development would be in character with the surroundings and have limited impact on the countryside in the context of existing development. The evidence before me indicates that this provision was given weight in an appeal decision at The White House Pledgdon Green and I have no firm reason to take a different approach.
21. From the information before me, the proposal would not have a particular requirement to be located in the countryside. However, the site adjoins existing residential development at Pledgdon Green which is a small hamlet of predominantly detached buildings on generous plots which are for the most part arranged in a loose ribbon along Brick End Road, or around the Green itself.

22. The appeals site sits on a bend in Brick End Road between The Wick and Wood Farm. Although the dwelling on Plot 3 of the Appeal A scheme would sit somewhat askew from the bend, I am satisfied that the proposals would in each case form a continuation of the present ribbon of buildings and would be understood and appreciated as part of the existing built frontage. On that basis, I consider that both appeals would result in infilling which could be considered appropriate in the countryside under the terms of LP Policy S7. For the development in each case to be acceptable however, Policy S7 further requires its appearance to protect or enhance the character of the part of the countryside within which it is set.
23. Much of the length of Brick End Road near to the site is fairly narrow and closely lined by dense vegetation. Where there are buildings, these are generally set well back from the road within generous plots, often with vegetated boundaries including hedgerows and trees along frontages which are supplemented by open verges and Pledgdon Green itself. These factors provide for an attractive verdant quality and there is a distinctly rural character which is enhanced by the surrounding open fields marked by tree and hedgerow boundaries and woodland parcels.
24. The appeal site has an existing access from Brick End Road which serves an informally surfaced track, and which links to a public right of way which runs across the front part of the site up to the east boundary. The site otherwise comprises part of a grassed paddock. As an undeveloped parcel with boundaries including hedgerows and trees, the site contributes to the rural quality of this part of the countryside.

Effect of Appeal B

25. Appeal B would transform the part of the appeal site closest to The Wick to a housing development, resulting in the loss of this part of the paddock. However, the development would be contained by the access track through the site, albeit surfaced and slightly realigned, with the part of the site to the east side of the track maintained as open paddock.
26. The dwellings themselves would occupy reasonably generous plots. They would front Brick End Road from behind a shared driveway similar to the arrangement at The Wick and Coppins and the nearby recent development at The White House, and would be set back significantly from the road with a landscaped buffer including existing and new planting along the frontage of the site. I am satisfied that the resulting layout would be suitably sympathetic to the general pattern of development in Pledgdon Green.
27. In addition, the scale and massing of the buildings would not stand out against other development nearby, and they would be of individual but generally traditional style and materials. The Council has not raised concerns in respect of their design and I find that the buildings would be appropriate to their surroundings.
28. Given these factors, I consider that the Appeal B proposal would integrate well with existing development at Pledgdon Green. It would be appreciated as a logical and sensitive addition to the existing settlement, and would result in only very minor incursion into the landscape.
29. Furthermore, the access would not be an entirely new feature in the Brick End Road street scene, and views of the remainder of the development would be likely to be limited given the existing vegetation along the frontage of the site which would

be supplemented by new planting. There may be glimpses from the road, and views would also be likely from the right of way which crosses the front part of the site. However, the separation and intervening areas of landscaping mean that the development would not be prominent in these views. Overall, I consider that the visual impact would be very localised and limited.

30. The introduction of residential development would inevitably cause some urbanisation and loss of openness on the site. Given the above factors however, the Appeal B proposal would assimilate well with Pledgdon Green and its surroundings and I find that resulting harm to the rural character and appearance of the countryside would be very limited. In this respect, the proposal would accord with paragraph 6.14 of the LP. However, it would not strictly protect or enhance the character of the countryside as required by Policy S7 of the LP.
31. I therefore conclude that the Appeal B development would cause harm, albeit very limited, to the character and appearance of the countryside resulting in conflict with Policy S7 of the LP such that it would not be suitably located.

Effect of Appeal A

32. Plots 1 and 2 of the Appeal A scheme reflect the Appeal B development. However, there would also be an additional dwelling on Plot 3 to the east of the realigned access track so that the full width of the site would be transformed to a housing development. Although I cannot agree with the Council's description of the area of landscape affected as 'vast', it would certainly be a markedly larger area than would be transformed in Appeal B, and there would be an increased loss of openness through the additional built form on Plot 3.
33. As with Appeal B, I am satisfied that the scale, massing, style and materials of the buildings themselves would be suitably sympathetic to their surroundings. The additional dwelling on Plot 3 would also have reasonably generous grounds and it would be set back from the frontage. However, it would be offset from the alignment of Brick End Road with its front elevation facing partly towards the grounds of the Wood Farmhouse complex, albeit at a slight angle, rather than the road. In my view, this would give the impression of an awkward projection out from the characteristic ribbon following Brick End Road.
34. Furthermore, existing and new planting could provide some screening, but the position of the Plot 3 dwelling in relation to the access means that at least partial views of it and the comparatively large area of hardsurfacing at the junction of its driveway with the access would still be likely from Brick End Road. Given the closer proximity, it would also be likely to be much more prominent from the right of way that crosses the front of the site than Plots 1 and 2, even with potential for screening by vegetation. Although still localised, the visual impact would accordingly be much greater than would occur under the Appeal B scheme.
35. Taking these factors in combination, I find that the Appeal A proposal as a whole would result in a marked incursion of urbanising development to the countryside with notable detriment to the rural character and appearance of the area. It would not therefore accord with paragraph 6.14 of the LP which requires a limited impact on the countryside, and it would also be contrary to the requirement in Policy S7 of the LP that development protects or enhances the character of the countryside.

36. For these reasons, I conclude that the Appeal A development would cause unacceptable harm to the character and appearance of the countryside resulting in conflict with Policy S7 of the LP, and it would not therefore be suitably located.

Listed Buildings

37. Wood Farmhouse is a two-storey timber-framed house with gabled crosswings. Insofar as it relates to the current appeals, I consider that much of its significance as a listed building would derive from its historic and architectural interest as a farmhouse which the listing description dates to the early 16th Century or earlier, albeit with later extensions and alterations.
38. The Farmhouse sits within a former farmyard complex which includes Five Bay Barn, a timber-framed structure with a weatherboard exterior and gabled midstorey. Although now converted to residential use, it remains legible as a former working building. The list entry notes that Five Bay Barn is included for group value and insofar as it relates to the current appeals, I consider that much of its significance would derive from its historic and architectural interest as an early 19th Century barn associated with the Wood Farmhouse complex.
39. The listed buildings derive some further significance from their setting. Most closely from their relationship with one another and the wider former farmyard complex and grounds which inform an understanding of their historic status and agricultural use, as well as their relationship with Brick End Road from where they are most clearly appreciable in wider views.
40. In addition, mapping in the appellants' Heritage Statements indicates that Wood Farmhouse and its attendant buildings including Five Bay Barn historically sat apart from development around Pledgdon Green within open countryside. The degree of any historic functional connection that they may have shared with the surrounding land is unclear from the information before me. However, the rural, agrarian quality of the surroundings inform an understanding and appreciation of their historic context, role and function. Intervisibility with the appeals site may be limited, but the site nevertheless adds to the rural quality of the area around the listed buildings, and in doing so, contributes to their significance.

Effects of Appeal A

41. I have found above that the Appeal A scheme would result in a marked incursion of urbanising development to the countryside with detriment to the rural character and appearance of the area. Whether or not it would be visible from the listed buildings themselves, it would be appreciated in conjunction with them including on travelling along Brick End Road and on the right of way which crosses the site. I find as a result that the development would detract from how the listed buildings are experienced and understood within their historic rural setting, causing harm to their significance.
42. There would be no direct effects on either listed building, and the proposal would affect only a small part of their overall setting. I find as a result that the harm to each of the listed buildings would be 'less than substantial' in the terms of the Framework, and towards the lower end of the range within this category.
43. In accordance with the Framework, this harm should be weighed against the public benefits of the proposal and I return to this matter in my planning balance below.

Effects of Appeal B

44. I have found above that the Appeal B scheme would assimilate well with Pledgdon Green and its surroundings and that harm to the rural character and appearance of the countryside would be very limited. Furthermore, the retained area of paddock to the east part of the site would provide an open, landscaped buffer between the listed buildings and the development with its associated access and activity. The Council has not identified that the Appeal B proposal would cause harm to listed buildings and given these factors, I agree and am satisfied that the significance of both Wood Farmhouse and Five Bay Barn would be preserved.
45. I therefore conclude that the Appeal B proposal would not cause unacceptable harm to listed buildings. It would accord with the LBCA Act, and there would be no conflict with the Framework or saved Policy ENV2 of the LP insofar as they broadly seek the conservation and enhancement of heritage assets including listed buildings.

Other Matters

46. I acknowledge that the Appeal A application was recommended for approval by Council officers. However, I must come to my own view on the basis of the evidence before me, and this is not a matter which alters my findings on the main issues or planning balance.
47. My attention has been drawn to planning permissions granted on appeal or by the Council for development on other sites. I have referred to the decision at The White House which also concerned development at Pledgdon Green in my assessment above, but there is otherwise little evidence to demonstrate that the developments are directly comparable to the full individual circumstances of the appeals before me. I therefore give limited weight to these decisions and have considered the proposals on their own specific merits according to the evidence provided.
48. I have noted representations by interested parties raising a number of additional concerns with the proposals including effects on highway safety, the accessibility of the site and effects on a proposed Conservation Area at Pledgdon Green where a draft Conservation Area Appraisal and Management Plan has been subject to consultation. However, I am dismissing the appeals on other grounds and because they could not alter my overall conclusions, it is not necessary for me to consider these matters further.

Benefits of the Proposals

49. The Council indicates that it is unable to demonstrate a five year supply of housing, with a current supply position of 3.46 years. In my view, this is a significant shortfall. In addition, the results of the most recent Housing Delivery Test show that past housing delivery has been well below requirements.
50. The Framework seeks to significantly boost the supply of homes. Both proposals would make effective use of the site and contribute to meeting needs for housing which are currently going unmet and I afford significant weight to the delivery of three dwellings in Appeal A and two dwellings in Appeal B. That said, while not diminishing the weight that I afford, the benefit would in both cases be very limited in scale.
51. There would be economic benefits associated with the construction process including opportunities for employment. Spending by future occupiers could support

the local economy, as well as offer support for local services in the wider rural area that could help to sustain their viability. The scale of the proposals means that the effects in each case would be likely to be limited, and more so in Appeal B given its smaller size. Construction effects would further be temporary. Nevertheless, the Framework outlines that housing should be located where it will enhance or maintain the vitality of rural communities and highlights the need to support economic growth and I give these benefits moderate weight in each appeal.

52. The appellants indicate that the developments embrace environmental sustainability and that dwellings would be built to high energy efficiency standards and would seek to minimise energy and water use and carbon emissions. Biodiversity enhancements are also indicated. However, the magnitude of these benefits would be relatively limited by the scale of the site and proposals, and I afford them limited weight in each appeal.

Planning Balance

53. Although I have found that the Appeal B proposal would preserve the setting and significance of nearby listed buildings, the Appeal A proposal would cause harm to the significance of Wood Farmhouse and Five Bay Barn.

Heritage Balance – Appeal A

54. The Framework advises that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. It states that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be.
55. The harm to Wood Farmhouse and Five Bay Barn would in each case be less than substantial and at a low level. It nevertheless attracts considerable importance and weight, with the harm to Wood Farmhouse attracting greater weight given its Grade II* listing which denotes that it is a particularly important building of more than special interest.
56. Against the harm, the delivery of three dwellings attracts significant weight, and I give moderate weight to the associated social and economic benefits and limited weight to environmental factors. However, the magnitude of each of these benefits would be limited. Moreover, a significant proportion of each of the benefits could be delivered under the Appeal B scheme without causing harm to the significance of listed buildings.
57. In my judgement, the cumulative public benefits of the proposal would not be sufficient to outweigh the harm to Wood Farmhouse, nor the harm to Five Bay Barn albeit that the balance in that case would be more marginal. Accordingly, I am not persuaded that there is a clear and convincing justification for the harm that Appeal A would cause to the significance of listed buildings.
58. Even setting aside the harm to Five Bay Barn noting that this was not specifically referenced in the Council's reason for refusal, the Appeal A development would therefore be contrary to the LBCA Act and it would conflict with the aims of the Framework as it would fail to sustain the significance of Wood Farmhouse and public benefits would not outweigh the harm. It would also be contrary to saved

Policy ENV2 of the LP which sets out that development proposals that adversely affect the setting of a listed building will not be permitted.

Planning Balance – Appeal A

59. The Appeal A proposal would cause harm to the character and appearance of the countryside such that it would not be in a suitable location and there would be harm to heritage assets which would not be outweighed by public benefits. There is also insufficient evidence to determine that there would not be adverse effects on biodiversity and protected species, and the proposal would conflict with saved Policies S7, GEN7 and ENV2 of the LP.
60. Noting its more protective approach to development in the countryside, the Council accepts that Saved Policy S7 of the LP is only partly consistent with the Framework. Nevertheless, the requirement for development to protect or enhance the character of the part of the countryside within which it is set would be broadly consistent with the Framework insofar as it requires recognition for the intrinsic character and beauty of the countryside. The conflict with Policy S7 in these regards is therefore a matter to which I give weight.
61. Saved Policy ENV2 of the LP does not include the heritage balances outlined in the Framework, but it reflects the general approach seeking broadly to conserve and enhance the historic environment and given my findings on the heritage balance in this case, I see no reason to reduce the weight that I afford to the conflict with this policy. Saved Policy GEN7 is not wholly consistent with the Framework, but broadly reflects the general objective seeking to protect and enhance biodiversity such that I give significant weight to the conflict with this policy.
62. Taking these matters together, I find that the Appeal A proposal would conflict with the development plan when it is read as a whole.
63. The absence of a five year supply of housing land and the results of the Housing Delivery Test mean that paragraph 11 d) of the Framework is relevant. In light of the above however, I find that policies in the Framework that protect designated heritage assets provide a strong reason for refusing the development proposed in Appeal A. On that basis, the presumption in favour of sustainable development at paragraph 11 d) does not indicate that permission should be granted.
64. Even setting aside the harm to Five Bay Barn, I consider the harm that the Appeal A proposal would cause to the character and appearance of the countryside together with the harm to the significance of Wood Farmhouse and the failure to demonstrate that there would not be adverse impacts on biodiversity and protected species, mindful of the duty at s40(1) of the NERC Act, would attract significant weight. I find that the limited benefits of the proposal would be insufficient to outweigh the harm and the resulting conflict with the development plan when it is read as a whole.

Planning Balance – Appeal B

65. The Appeal B proposal would cause harm to the character and appearance of the countryside which means that it would not be suitably located and would conflict with saved Policy S7 of the LP. There is also insufficient evidence to determine that there would not be adverse effects on biodiversity and protected species in conflict with saved Policy GEN7.

66. I have noted above that Policy S7 is only partially consistent with the Framework, and while I give weight to the conflict with the requirement for development to protect or enhance the character of the part of the countryside within which it is set, the harm in this case would be very limited. For the reasons above however, I give significant weight to the failure to demonstrate that there would not be adverse effects on biodiversity and protected species and the conflict with saved Policy GEN7 of the LP in this respect. I find that the Appeal B proposal would conflict with the development plan when it is read as a whole.
67. Noting my findings that the Appeal B proposal would preserve the setting and significance of nearby listed buildings, there are no Framework policies that protect areas or assets of particular importance which would provide a strong reason for refusing the Appeal B development. Paragraph 11 d) of the Framework therefore provides that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes.
68. I give significant weight to the effective use of the site to deliver two dwellings, moderate weight to the associated social and economic benefits and limited weight to environmental factors. However, the magnitude of each of these benefits would be very limited.
69. On the other hand, the failure to demonstrate that there would not be adverse effects on biodiversity and protected species would be contrary to the Framework's requirements seeking to protect and enhance biodiversity. I have no firm reason to find that harm to biodiversity or protected species would be necessary to realise the benefits of the proposal, and I give this matter significant weight. The proposal would also be contrary to the Framework insofar as it requires recognition for the intrinsic character and beauty of the countryside and while the harm would be limited, this also weighs against the proposal.
70. Taken cumulatively, I find that the adverse impacts of the Appeal B proposal would significantly and demonstrably outweigh the limited benefits, when assessed against the policies in the Framework taken as a whole. The proposal would not therefore benefit from the presumption in favour of sustainable development within the Framework. Neither do I find that material considerations would justify a decision otherwise than in accordance with the development plan.

Conclusion

71. For the reasons given above, I find that Appeal A and Appeal B would each conflict with the development plan when it is read as a whole, and material considerations do not indicate that decisions contrary to the development plan should be reached. I therefore conclude that Appeal A and Appeal B should each be dismissed.

J Bowyer

INSPECTOR