
Appeal Decision

Site visit made on 30 July 2025

by **A Price BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19th August 2025

Appeal Ref: APP/N1540/W/24/3347043

Valley View Roydon Road, Harlow, Essex CM19 5DT

- 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 T Shimmen against the decision of Harlow District Council.
 - The application Ref is HW/FUL/24/00047.
 - The development proposed is the construction of 2no. chalet bungalow style dwellings following the demolition of two existing domestic sheds within the garden land of Valley View, with associated landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposed development relates to the setting of listed buildings. Accordingly, I have had regard to the statutory duty set out in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area;
 - whether the proposed development makes adequate provision for Biodiversity Net Gain; and
 - whether the proposed development would preserve the settings of nearby heritage assets.

Reasons

Character and appearance

4. The appeal site comprises a parcel of land to the south of, but setback from, Roydon Road. It is positioned behind a site that accommodates a residential development, currently under construction, originally approved at appeal under Ref APP/N1540/W/21/3267464. The appeal site is bounded to the west by a public footpath and to the south by a band of woodland. It has a semi-rural character and appearance and forms part of a transition between the ribbon development along Roydon Road with the rural landscape to the south.

5. Properties near to the site are of a varied scale and design, many of which having been altered over time. Despite this variety, there are nonetheless consistent features in this location. In particular, properties generally sit within large garden plots and are arranged traditionally, fronting onto established roads.
6. The proposed development would introduce built form where this does not currently exist, setback a considerable distance from the nearby established built form. The properties, featuring large footprints, would be readily visible from the adjoining public right of way, from Roydon Road through gaps between dwellings and from private vantage points.
7. Whilst the proposed development would be viewed within the context of established and emerging built form, and effort has been made to take design cues from the surrounding varied development, the siting and cul-de-sac design of the scheme would not reflect the prevailing layout. The proposed development would be uncharacteristically setback behind properties which principally front Roydon Road, and by a considerable distance. The proposed development would appear discordant and incongruous in this location, out of keeping with the established pattern of development in this part of Harlow. It would also have a harmful urbanising effect here.
8. I acknowledge the comments raised by the appellant that the site has historically formed part of the curtilage of Valley View and that landscaping would be increased. Nevertheless, even were I to agree with that position, this does not mean that any development on the site will automatically be appropriate. The definition of previously developed land in the National Planning Policy Framework (the Framework) sets out that 'it should not be assumed that the whole of the curtilage should be developed'. In respect of landscaping, this cannot be relied on in perpetuity to provide the same level of screening, as it may be reduced or removed over time.
9. Overall, I conclude that the proposed development would harm the character and appearance of the surrounding area, contrary to the relevant provisions of Policy PL1 of the Harlow Local Development Plan (LP, 2020). This policy, in summary, seeks to ensure high quality design in development that respects its context, including patterns of development and urban form.

Biodiversity Net Gain

10. Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 (as amended) introduced a statutory framework for Biodiversity Net Gain (BNG). The mandatory BNG condition requires developers to deliver a BNG of at least 10%. However, this applies to proposals submitted after 2 April 2024 for minor development. The appeal proposal was submitted on 6 February 2024. The Council acknowledges that it therefore predated the national BNG requirements.
11. Nevertheless, LP Policy PL9 clearly sets out that development should contribute to and enhance biodiversity or geodiversity assets, to ensure a net gain in biodiversity. Whereas nationally there is a 10% BNG requirement, there is no specific requirement under LP Policy PL9.
12. I acknowledge that the appellant had previously submitted landscaping and biodiversity enhancement proposals. However, they have not provided substantive evidence to demonstrate how BNG, of any level, may be achieved.

13. I acknowledge that Planning Practice Guidance makes clear that proposals that involve self-build and custom build, as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015, can form an exception to national requirements. Although there is nothing before me to demonstrate that this is relevant to local plan requirements, this is argued, by the appellant, to form an exception in this case. Even were I to agree with this position, there is no substantive evidence before me to demonstrate that self-build housing would be secured as part of the appeal scheme, such as through a planning obligation. Without such evidence, I cannot be certain that the proposed development would meet this exception.
14. I also note that the appellant has suggested a condition that they consider could be imposed relating specifically to BNG. However, without any baseline information before me, I cannot be certain that the requirements of LP Policy PL9 could reasonably be achieved by condition. Accordingly, I do not consider this to be an appropriate route.
15. Overall, I conclude that the proposed development fails to demonstrate adequate provision for BNG. Accordingly, there would be conflict with LP Policy PL9, which requires developments to achieve net gain in biodiversity. Even were I to find this main issue acceptable, it would not overcome or outweigh the harm I have identified above.

Heritage assets – special interest and significance

Eastend Farmhouse (also referred to as East End Farmhouse)

16. Eastend Farmhouse lies to the north-west of the appeal site. It is a Grade II listed building, originating from around the 17th century, with earlier elements. It is of timber framed construction with a red plain tile roof over. The special interest and significance of the listed building is largely derived from its historic and architectural interests. Important contributors in these regards are its surviving historic fabric and illustration of a vernacular farmhouse.
17. Pertinent to the appeal, in relation to the settings of the listed buildings and the contribution they make to the special interest and significance of assets, I have had regard to the definition of setting within the Framework.
18. The enclosed grounds of the house, and wider farmyard, have an historic, visual and functional connection with the heritage asset. These grounds are clearly defined at its boundaries. In my view, these grounds form the asset's immediate setting and it is from here that the asset is best appreciated. This immediate setting contributes considerably to the asset's special interest and significance, albeit this has been compromised to a degree by more modern utilitarian agricultural development. Beyond this, the surrounding area is made up of both open, rural land and more recent residential development along Roydon Road. This surrounding area forms the asset's wider setting.
19. The later residential development to the immediate east of the asset has compromised the wider setting to a degree. Whilst the asset might once have formed a more prominent building set within undeveloped rural surroundings, the nearby contemporary residential development has altered how the asset is experienced and moderates the contribution this wider, once open, setting makes to its special interest and significance. Accordingly, the wider setting, which

includes the appeal site, makes only a limited contribution to the asset's special interest and significance

Old House

20. Old House lies to the north-east of the appeal site. It is a Grade II* listed building, originating from around the 17th century. It is of oak framed construction, with jettied element across its the front elevation. The special interest and significance of the listed building is largely derived from its historic and architectural interests. Important contributors in these regards are its age, surviving historic fabric and illustration of a vernacular rural house.
21. The enclosed grounds of the house have an historic, visual and functional connection with the heritage asset. These grounds are clearly defined at its boundaries. These grounds form the asset's immediate setting and it is from here, along with the immediately adjacent part of Roydon Road, that the asset is best appreciated. This immediate setting contributes considerably to the asset's special interest and significance. Beyond this, the surrounding area is made up of both rural land and more residential development. This surrounding area forms the asset's wider setting and makes a modest contribution to its special significance.

Heritage assets – appeal proposals and effects

Eastend Farmhouse

22. There would be a degree of intervisibility between the heritage asset and proposed development. However, Eastend Farmhouse faces to the west, effectively turning its back to the site and established residential development to its east. The now physically and functionally separate relationship between the appeal site and listed building would be maintained and the asset's historic and architectural interest would remain unaffected by the proposed development. The immediate setting and most of the wider setting that contributes to the asset's significance would remain undisturbed by the proposed scheme.

Old House

23. In a similar vein to the above, the physically and functionally separate relationship between the appeal site and listed building would be maintained and the asset's historic and architectural interest would remain unaffected by the proposed development. The retention of a considerable separation distance and intervening landscaping features and development would all reinforce this.
24. Taking these factors into account, the proposed development would not compromise the settings of these listed buildings, rather it would have a neutral effect that would not detrimentally alter how the assets would be experienced and would not adversely affect the ability to appreciate their significance. Consequently, the settings of the listed buildings and the contribution that they make to the significance of the assets would be preserved.
25. Overall, I conclude that the proposed development would preserve the settings of Grade II listed building, Eastend Farmhouse, and Grade II* listed building, Old House, and cause no harm to the significance of these heritage assets. Consequently, the proposed development would accord with the requirements of Section 66(1) of the Act and the relevant provisions of LP Policy PL12. This policy, in summary, seeks to protect heritage assets and their settings.

26. Since I have identified no harm to the heritage assets, there is no need to balance the public benefits of the scheme for this main issue.

Other Matters

Heritage

27. The appeal site is located within the wider surroundings of further Grade II listed buildings, including Skins Farm. Mindful of the statutory duty set out in s66(1) of the Act, I have had special regard to the desirability of preserving their settings. A nearby row of heavily altered cottages is also considered by the Council to form non-designated heritage assets. The verdant surroundings of the buildings, interspersed with built form, positively contribute to their significance. Nevertheless, given the location and extent of the proposed development, I consider that it would preserve the settings of these listed buildings and the contribution they make to their significance.

Other considerations

28. I acknowledge that the site is not located within the Green Belt or within a conservation area. I also note that the proposed development would meet some other planning policy objectives, including in respect of highways, affordable housing and flood risk. Nevertheless, the lack of harm in those respects is neutral in my determination of the appeal.

Public benefits

29. The proposed development would represent several benefits, as set out by the appellant. This includes a contribution of two dwellings to housing supply in the district. This would be a clear public benefit, irrespective of the precise housing land supply position. There, too, would be some other social, environmental and economic benefits, including supporting employment during construction and the efficient use of a small site, located relatively close to services and facilities. Nevertheless, these benefits, either in isolation or cumulatively, would be relatively limited by reason of the scale and nature of the development. I give these matters limited weight.
30. In respect of the proposed self-build nature of the scheme, this is a matter I give moderate weight. However, as set out above, there is no substantive evidence before me to demonstrate that self-build housing could be secured as part of the appeal scheme.
31. Overall, the identified adverse impacts of the development and the conflict with the development plan, to which I have afforded significant weight, would significantly and demonstrably outweigh the benefits outlined above.

Conclusion

32. For the reasons set out above, having regard to the development plan as a whole and all other matters raised, I conclude that the appeal should be dismissed.

A Price

INSPECTOR