
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: 27 August 2025

Appeal Ref: APP/C1570/W/25/3365451

Land South of Hampit Road, Arkesden, Clavering, Essex CB11 4HJ

- 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 Mark Kinnard of Constructive Approach against the decision of Uttlesford District Council.
 - The application Ref is UTT/24/1676/FUL.
 - The development proposed is a new residential dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the application form, though I note it was described as the proposed erection of 1 no. self build dwelling on the decision notice.
3. After the determination of this application a revised National Planning Policy Framework (The Framework) was published in December 2024. As the appeal was made in May 2025, I am content that both main parties have had the opportunity to comment on any implications for the appeal.
4. The procedural guide for planning appeals advises that the appeal process should not be used to evolve a scheme; What is considered by the Inspector should be essentially the same as was considered by the Council and interested parties at the application stage. Any amended plans provided during an appeal must be considered in the context of whether they involve a "substantial difference" or a "fundamental change" to the application, and whether the proposed amendments would cause unlawful procedural unfairness to anyone involved in the appeal.
5. The appellant's statement of case refers to their medical needs, resulting from a serious health condition. Few additional details are provided, but the appellant states that the proposed dwelling has been designed to accommodate an occupant with a serious health condition, to ensure flexibility and long-term suitability for their care needs, and to allow them to remain near their family and support network.
6. I appreciate that the appellant withheld this information during the application process due to its sensitive nature. However, if, as the appellant contends, their medical needs give rise to significant public benefits to be weighed against any less than substantial harm to the significance of a designated heritage asset, justify the siting of the proposed development in the countryside, and affect the

sustainability impacts of travel associated with the development then, by definition, those needs must make a substantial difference or fundamental change to the application that was before the Council.

7. The Council did not have the opportunity to assess, consult upon, and consider the appellant's medical needs. For me to consider them in my determination would cause unlawful procedural unfairness. I therefore proceed without doing so.

Main Issues

8. The main issues are:

- Whether the site is in a suitable location for the proposed development having regard to local and national planning policies and access to services and facilities;
- The effect of the proposed development on the character and appearance of the area, including the setting of the Grade II listed building known as Hedders Cottage.

Reasons

Location

9. The appeal site (the site) is at the edge of the village of Arkesden. The Framework describes the purpose of the planning system as being "to contribute to the achievement of sustainable development", an aim containing an environmental objective of mitigating and adapting to climate change. This includes moving to a low carbon economy achieved, in part, by the promotion of walking, cycling and public transport. Paragraph 164 requires new development to avoid increased vulnerability to the range of impacts arising from climate change.
10. Policy GEN1 of the Uttlesford Local Plan (2005) (the Local Plan) states that development will only be permitted if, along with other things, it encourages movement by means other than driving a car. As such, it accords broadly with the Framework.
11. Arkesden contains so few services and facilities that occupiers of the proposed development would have frequent need to travel further afield. The nearest general shops and primary school are over 2 miles away in Clavering. The nearest doctor's surgery, train station, and secondary school are over 3 miles away in Newport. The routes from the appeal site to either of these two settlements are made up in large part of unlit country lanes without pavements. The distances and conditions described above would severely discourage walking and cycling, particularly after dark or in poor weather.
12. I am informed that bus services, including a school bus, operate locally. The nearest bus stop identified by the appellant is described as being within the village. I have little evidence that the route from the site to this bus stop is safe and encouraging to pedestrians, and I observed that Hampit Road is narrow and lacks pavements and lighting. Moreover, I also have little evidence that local bus services are so frequent and comprehensive as to offer a genuine alternative to car use in any event.

13. Though occupiers of the proposed development may work from home, it cannot be ensured that they would do so either immediately or in perpetuity. The presence nearby of Stanstead airport offers air travel opportunities, but does not mitigate the fact that occupiers of the proposed development would rely on car use to meet their daily needs.
14. Whilst the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, it is highly likely that occupiers of the proposed development would be all but wholly dependent upon the private car. The site is not in a suitable location for the proposed development having regard to local and national planning policies and access to services and facilities, contrary to Policy GEN1 of the Local Plan and the Framework.

Character and appearance

15. Arkesden is a picturesque rural village set in open, arable land. Though it is modest in size, the village has a discernible centre formed of, amongst other things, the village hall, St Mary the Virgin Church, and the Axe & Compasses public house. Much of the residential development near the village centre is arranged along its main thoroughfares, with modest gaps between dwellings. The combination of these factors gives the village centre a somewhat inward facing, sociable feel, to which the open countryside beyond provides a gentle, unintrusive backdrop.
16. The appeal site is to the west of the village centre, connected to it by a section of Hampit Road where the footprint of the village begins to thin out. Here, the gaps between buildings are greater, and the openness of land beyond the village becomes increasingly apparent.
17. The appeal site is a portion of largely undeveloped land near a small, separated cluster of buildings at the westernmost reach of Arkesden (the cluster). The site is alongside the dwelling Farriers, which is the first or final building on the southern side of Hampit Road, depending on one's direction of travel. This illustrates and emphasises the outlying nature of the cluster, and that the site is not a small gap in development. The limited degree of built development, the separation from the rest of the village, and the closeness of open, agricultural countryside are highly prominent characteristics of the cluster. They provide it with a sparse, secluded, and rural feel.
18. As well as being alongside Farriers, the site is opposite the main body of buildings in the cluster, which are arranged on the northern side of Hampit Road. The openness of the site allows views from within the cluster and from the road of the open fields beyond to the south and west, which rise away from the site. It plays a key role in the open, agricultural setting and feel described above.
19. The proposed development includes the erection of a detached two-storey house and a garage, set out with the widest elevations of each arranged broadly parallel to the road. As it would occupy largely open land at the edge of the village, the proposed development would be highly prominent from within the cluster and to those travelling the road.
20. The development would severely inhibit views of open land beyond, disturbing the sense of connection between the cluster and the countryside. It would erode the openness so characteristic of the area, creating an invasive sense of enclosure.

Even though it would continue the broadly linear pattern of development in the village and the cluster, both of which display a mix of architectural styles, in building on open land at the edge of the settlement the proposed development would, overall, appear far more incongruous than in keeping with its surroundings.

21. Whilst landscaping may soften the appearance of the proposed development, it would not screen it. As such it would do little to mitigate the effects described above.
22. The proposed development would have a harmful effect on the character and appearance of the area, contrary to Policy S7 of the Local Plan where it requires development only be permitted if its appearance protects or enhances the particular character of the part of the countryside in which it is set.

Heritage

23. 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.
24. Opposite the appeal site is a listed building (the building) known as Hedders Cottage and as The Cottage¹. The building dates back to C17. It is timber framed and plastered, with small casement windows and a distinctly traditional thatched roof. Given the proximity of the site to the building and the lack of intervening features, the former is in the setting of the latter. For the purposes of this appeal, the significance of the building is in its quintessentially traditional, rural characteristics. The site contributes to the setting of the building through its openness and verdancy; these lead to the building being experienced in a largely open, rural setting, including direct intervisibility between the building and the agricultural countryside beyond the site.
25. Whilst partial views of the land behind the site would remain available, overall the proposed development would significantly erode the open and verdant nature of the site, physically impeding and visually disrupting the connection between the building and the countryside beyond, including the existing intervisibility described above.
26. I recognise that the proposed dwelling would be positioned on the western part of the site, not directly opposite the building, and that the view from the building includes the featureless flank wall of the dwelling at Farriers. However, the connection between the building and the open land beyond the site is not limited to that directly opposite the building, it includes the sweep of land from the south to the west. This is an expansive vista, which Farriers interrupts only in small part. As such, the offset position of the proposed dwelling and the presence of Farriers carry little weight in my determination.
27. My attention has been drawn to nearby developments in the document entitled *Shepherds Cottage Planning Precedents*. These are dwellings in Duddenhoe End and Upper Langley purportedly built near what are described as heritage cottages (Precedents 1-6). However, I have been provided with very little to show that the

¹ List Entry Number 1322427.

planning considerations in each of these developments were so directly comparable to those before me as to set a precedent. Principally, and notwithstanding their appearance, I have no evidence that the cottages shown are listed buildings, let alone that their significance and their settings are the same or similar as at Hedders Cottage. Indeed, the photographs provided give me very little reason to believe that any of the cottages in question faced outward immediately on to open, agricultural countryside. As such, I attach minimal weight to the cited examples.

28. The proposed development would not preserve the setting of the Grade II listed building known as Hedders Cottage 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, and with the historic environment protection policies of the Framework, which are not inconsistent with the Local Plan. Given all of the above, I would qualify the degree of harm to be less than substantial under the terms of the Framework, but towards the more significant end of the scale therein.

Other Matters

29. Third party objections to the appeal scheme have raised issues other than those covered above. The Council, having assessed these objections, did not consider them to comprise reasons for refusal. Based on the evidence before me, including the Council officer report, I see no reason to view matters differently.
30. I note representations of support for the appeal scheme, but have assessed the merits of the proposals as set out above.

Heritage and Planning Balance

31. 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.
32. Though the Council is unable to demonstrate a 5 year housing land supply, I have found that the proposed development would harm the setting of the adjacent listed building and therefore not accord with policies of the Framework. Consequently, those policies provide a strong reason for refusing the development proposed and, as per footnote 7, the provisions of paragraph 11(d) are not engaged in the balance below.
33. That said, the appellant has cited a sustained, increasing shortfall in the supply of housing land in the district. I have been provided with no reason to doubt this, or to doubt the situation regarding a new plan is as set out in the appellant's statement of case. I also do not doubt that this has played a part in a number of planning decisions, including those listed by the appellant. I proceed on that basis.

34. The proposed development would provide a net gain of one new windfall, self-build house. That is a moderate benefit given the scale of the scheme, but it attracts additional weight given the housing land supply position.
35. The appeal site is not remote, and the development would provide economic benefits during construction, likely providing employment locally, as well as longer term economic and social benefits associated with occupation thereafter. These would support Arkesden, and neighbouring villages as well. The Framework is supportive of these features, and they weigh in favour of the proposal.
36. Though I am informed the proposed dwelling would provide bio enhancements through a community orchard, I have no specific details to show that these would exceed normal requirements of policy. Similarly, I have little evidence that the dwelling being constructed so as to: accord with Building Regulations part M; reduce water and energy use; provide an acceptable internal layout; facilitate recycling; avoid adverse effects on privacy or daylight; avoid overbearing impacts, overshadowing, and; allow the safe movement of traffic, amount to anything more than expectations of policy, even when taken together. Accordingly, these aspects carry minimal weight.
37. It is contended that the proposed dwelling would help to reduce the potential for crime by increasing surveillance, but I have little evidence that crime is a problem in the area, or that the existing dwellings in the cluster provide inadequate surveillance if so. This contention attracts minimal weight as a result.
38. Whilst I acknowledge the benefits described above, given I have found the site is not in a suitable location for the proposed development having regard to local and national planning policies and access to services and facilities, that it would harm the character and appearance of the area, and particularly that it would not preserve the setting of the Grade II listed building known as Hedders Cottage and, as a result, conflicts with Section 66(1) of the Act, the benefits do not outweigh the less than substantial harm to the significance of a designated heritage asset.

Conclusion

39. 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