



Appeal Decision

Site visit made on 26 August 2025

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

an Inspector appointed by the Secretary of State

Decision date: 23rd September 2025

Appeal Ref: APP/C1570/W/25/3364102

Land south of Birchanger Lane, Birchanger, Bishops Stortford CM23 5QH

- 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 Ms Christine Dobbs against the decision of Uttlesford District Council.
 - The application Ref is UTT/24/0642/FUL.
 - The development proposed is erection of 9 no. new dwellings.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) the effect of the proposal on the setting and significance of the Grade II listed building 'Barn Approximately 210 Yards East of Birchanger Hall, Birchanger Lane';
 - ii) the effect of the proposal on highway safety;
 - iii) whether or not the proposal would be inappropriate development in the Green Belt;
 - iv) the effect of the proposal on the purposes of the Green Belt; and
 - v) if the development would be inappropriate, whether the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

3. The appeal proposes nine dwellings on a parcel of land to the rear of dwellings on Birchanger Lane which is currently in equestrian use and which includes stables, a floodlit manege and paddocks. Unit 1 would be served by a northern access onto Birchanger Lane running between Gower Barn and 232 Birchanger Lane, while Units 2-9 would be served by a southern access joining the highway between Old Cottage and 266 Birchanger Lane.

Listed Building

4. Gower Barn is a Grade II listed building as 'Barn approximately 210 yards east of Birchanger Hall' ('the Barn'). In accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA Act'), I have had special regard to the desirability of preserving the listed building, its setting and any features of special architectural or historic interest which it possesses.

5. The Barn has a timber frame, and includes a steeply pitched tiled roof with half-hip and gable features to the ends and a weatherboard and rendered exterior. Although now converted to residential use, its vernacular form and traditional materials are distinctive and its historic use and function as a working agricultural building remains legible. Insofar as it relates to the current appeal and from the information before me, I consider that the listed building would derive significance from the historic and architectural interest of its built form and fabric as a 17th Century aisled barn.
6. In terms of its setting, the Council indicates that the Barn was formerly part of a farmstead associated with agricultural land to the north and south of Birchanger Lane. Now though, it sits amongst development and no longer shares any direct connection with agricultural land in the wider vicinity.
7. Immediately to the south east side of the Barn however, there is a grassed parcel crossed by a public footpath. Given its relatively small size set within surrounding residential development, I did not find this parcel to have a strong agrarian character in the present day. The appellant also asserts that they have an existing vehicular right of access over the site and I noted a timber five-bar gate and a dropped kerb to the frontage. Nevertheless, I saw no clear visible indication of such an access running through the parcel at the time of my visit. Instead, I observed an undeveloped area of grassland leading to a well-vegetated footpath with further vegetation to much of its boundaries. Whether or not there is a right of access, the parcel consequently has a pleasant open and verdant quality which reflects the historic rural character of the listed building's surroundings.
8. Given also the lack of any visual demarcation, the parcel appears closely associated with the Barn, including from Birchanger Lane alongside and from points along the right of way which runs through it. Despite being a small and relatively isolated remnant of the building's historic rural context, I find as a result that it informs some understanding of the Barn's historic purpose and role in the rural economy. It also provides attractive surroundings within which this side of the listed building can be appreciated and experienced. Consequently, I find that the parcel makes some contribution to the significance of the listed building as part of its setting.
9. The northern access to the proposed development would cross the parcel to the south east side of the Barn. The appellant suggests that suitably sympathetic surfacing materials could be secured by a planning condition. Be that as it may, the surfacing would cover a considerable proportion of the existing grassed area and would continue along the route of the footpath where vegetation would be cleared. I appreciate that the parcel would remain generally open and that vegetation to be removed may not in itself be of particular landscape value. However, there would still be a significant reduction in the verdant quality of the parcel and I consider that the introduction of surfacing and vehicular movements associated with residential development would inevitably cause urbanisation in comparison to the existing undeveloped condition of the site.
10. In my view, the indicated position of the access passing so very close to the listed building but with no apparent connection or relationship to it would also result in an

uncomfortable juxtaposition which would appear awkward and intrusive against the Barn.

11. I appreciate that levels of activity, noise and vehicle movements would be likely to be very limited given that the access would serve only a single dwelling (Unit 1). Vehicle movements would also be transient and the access would not cause existing views of the Barn to be blocked. Even so, I consider given the above factors that there would still be a notable and unwelcome intrusion to the remaining rural setting of the listed building which would detract from how the listed building is experienced and understood.
12. The appellant suggests that vehicular access through the parcel could be upgraded and surfaced at any time for agricultural purposes under permitted development rights. However, there is no compelling evidence before me to indicate a realistic prospect of this occurring, let alone that it would be likely given reference to existing alternative accesses to the agricultural land which limits the weight that I afford to this as a potential fallback.
13. Given the above, I find that the proposal would fail to preserve the setting of the Barn as a listed building and would cause harm to its significance.
14. In reaching this view, I have noted a previous appeal decision for a dwelling on part of the appeal site where no harm was identified to the listed building¹. However, that decision did not consider effects on the listed building as a main issue. Furthermore, it concluded that the proposal would preserve the setting of the listed building 'given the distance between the listed building and appeal site', but the section of the current appeal site on the grassed parcel to the south east side of the Barn would be in very close proximity to the listed building. Although the previous appeal decision refers to vehicle movements and a lack of evidence that there would be harm to the structure of the Barn, it does not discuss effects on the setting of the listed building of surfacing to any access within this parcel. It is consequently unclear to me what if any, assessment was made in relation to this aspect of development.
15. In the absence of such consideration or a clear determination referring to the effects of the access, the previous appeal decision does not in my view establish that the current proposal would not cause harm to the listed building. Nor that harm would be acceptable. The previous appeal decision does not therefore alter my assessment of the current proposal which I have considered according to its specific merits and the evidence before me.
16. The National Planning Policy Framework ('the Framework') advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. It goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that any such harm should have a clear and convincing justification.
17. The proposal would not directly affect the form or fabric of the listed building and would affect only part of its setting. I therefore find that the degree of harm caused

¹ Appeal reference APP/C1570/A/14/2227094

to the significance of the Barn as a listed building would be less than substantial in the terms of the Framework and at the lower end of the range within this category. Nevertheless, the harm attracts considerable importance and weight.

18. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, the Framework advises that this harm should be weighed against the public benefits of the proposal.
19. The proposal as a whole would provide nine dwellings towards the supply of housing locally. 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 main parties refer to the results of the Housing Delivery Test indicating that past housing delivery has been well below requirements.
20. Against this context and in light of the Framework which seeks to significantly boost the supply of homes and to make effective use of land, the provision of housing is an important benefit which would attract substantial weight. The proposal also includes 3-bedroom homes which saved Policy H10 of the Uttlesford Local Plan 2005 ('the LP') indicates are a priority. However, the contribution that nine dwellings would make to the supply of housing and consequently the magnitude of the benefit would be limited. Moreover, only a single 5-bedroom dwelling would be served by the northern access and it is unclear from the information before me that the remaining dwellings could not be delivered in the absence of Unit 1. On that basis, the benefit to housing supply dependent on the northern access which would be the cause of harm to the listed building would in itself be even more limited.
21. Occupiers of the development would have some access to local services and facilities as well as public transport links. There would also be economic and social benefits associated with the construction process and longer-term on occupation of the development including employment opportunities in construction, and expenditure by residents which could help to support local services and facilities. I afford moderate weight to these benefits, although they would again be limited given the small scale of the development, and even more so if associated just with the single dwelling served by the northern access.
22. The appellant's Preliminary Ecological Appraisal identifies opportunities for ecological enhancements including native planting, and features for bees, birds, bats, insects and hedgehogs. If secured through a planning condition, these measures could provide for biodiversity net gain. However, while I afford moderate weight to this as a public benefit of the proposal, I consider from the information before me that the extent of the benefit would be likely to be comparatively limited in actual terms and there is no compelling evidence to the contrary.
23. The appellant argues that the proposal would improve the existing network of footpaths around the site, and I note that vegetation clearance and surfacing of routes could improve accessibility and that the dwellings would offer natural surveillance. However, the proposal would also result in vehicle movements associated with residential development along parts of the routes. Notwithstanding the appellant's references to existing rights of vehicular access, the Transport

Statement suggests a small number of movements associated with the site currently and assumes no existing movements for the purposes of assessing trip generation. In contrast, it forecasts 44 movements across a daily 12-hour period associated with the proposed development. I find no compelling evidence that this would cause undue harm to safety on the rights of way, but the greater use of routes by vehicular traffic would in my view detract from the pedestrian experience offsetting any potential benefit to users of the footpath network.

24. Moreover, the appellant's evidence refers to three existing accesses to the main parcel of the appeal site including a vehicular and pedestrian access through the Harrisons estate as well as the proposed northern and southern accesses. It is unclear from the evidence before me that nine dwellings would be unachievable on the site without use of the northern access adjacent to the listed building. This raises doubt in my mind that the benefits of the proposal could only be realised with harm to the listed building.
25. In this context, I am not persuaded that there is a clear and compelling justification for the proposal and notwithstanding the existing housing supply position, I find that the public benefits of the proposal would be insufficient to outweigh the harm to the significance of the listed building through development within its setting which attracts considerable importance and weight.
26. Given the above, I conclude that the proposal would fail to preserve the setting and significance of the Grade II listed building 'Barn approximately 210 yards east of Birchanger Hall'. It would fail to satisfy the requirements of the LBCA Act and the Framework. There would also be conflict with saved Policy ENV2 of the LP insofar as it sets out that development proposals that adversely affect the setting of a listed building will not be permitted.

Highway Safety

27. As part of the appeal, the appellant provided an Access Technical Note ('ATN') including further information in respect of visibility at the proposed accesses to Birchanger Lane.
28. The ATN indicates provision of 2m x 43m visibility splays in both directions at the junction of the northern access. The Council comments that the splays would extend across the front of Gower Barn and 232 Birchanger Lane, but the Highway Authority advises that the splays can be delivered on land that is under the applicant's control and/or highway land. Noting also that it would be a direct access serving a single property and the surrounding environment, the Highway Authority has withdrawn its objection to the northern access advising that it would now be considered achievable and appropriate. I have no firm reason to take a different view and am satisfied that there would be adequate visibility at the northern access.
29. Noting that the proposed southern access would serve 8 dwellings, the Highway Authority has considered it as a priority junction and advises that visibility splays where it would meet Birchanger Lane should meet standards in Design Manual for Road and Bridges ('DMRB') and Manual for Streets ('MfS').

30. Policy DM7 of Essex County Council's Development Management Policies 2011 ('ECCDMP') seeks compliance with standards contained within DMRB unless otherwise agreed, but DMRB is aimed at the trunk road network. Birchanger Lane provides direct access to a number of properties and is subject to a 30mph speed limit as it passes the site. Given its character, it seems to me that MfS would offer more appropriately relevant guidance in this case. Indeed, I note that the visibility splays of 2.4m by 43m which the Highway Authority argues should be provided reflect the guideline standards in MfS.
31. The ATN indicates provision of 2m x 43m visibility splays to the southern access, although offset into the carriageway by 1m in the primary direction and 1.4m in the secondary direction. This would be a departure from guidance in MfS insofar as it does not suggest offset and indicates that the distance back along the minor arm from which visibility is measured (the 'X' distance) should normally be 2.4m in most built-up situations, representing a reasonable maximum distance between the front of the car and the driver's eye.
32. However, it is important to consider the guideline standards having regard to the specific context of any proposal.
33. In this case, the Highway Authority has not raised specific concern about the offsets, and given that approaching vehicles would remain clearly visible at this point, I see no firm reason that this would result in inadequate standards of visibility.
34. In terms of the X distance, MfS comments that a minimum figure of 2m may be considered in some very lightly-trafficked and slow speed situations. With reference to the results of traffic surveys in September 2019 recording an average of 1,100 vehicles a day, the Highway Authority suggests that Birchanger Lane is not a lightly trafficked route. I have not been provided with any more recent survey data, but my observations of levels of traffic using Birchanger Lane past the site which I monitored during part of my visit were not significantly out of step with that average. There were often reasonable gaps between any passing vehicles and although I acknowledge that it represents only a snapshot, my impression was not of a heavily trafficked road.
35. Moreover, although I would not go so far as to describe it as 'very' lightly trafficked, I saw that the alignment of Birchanger Lane in the vicinity of the southern access is relatively straight offering approaching vehicles good forward visibility towards vehicles emerging from the southern access. As MfS notes, using a 2m X distance means that the front of some vehicles could protrude slightly into the running carriageway. Nevertheless, I am satisfied given the forward visibility and traffic conditions that approaching drivers or cyclists would be able to see any overhang at the southern access from a reasonable distance and manoeuvre around it without undue difficulty.
36. I acknowledge that it would not strictly conform to MfS guidance, but I consider having regard to the above factors and the specific circumstances of the site that the indicated dimensions of the visibility splays for the southern access would not pose an unacceptable risk of conflict with other highway users nor meaningful detriment to highway safety.

37. The visibility splays to the southern access would pass in front of Old Cottage and 266 Birchanger Lane, but are shown to be within highway land at these points. The secondary visibility splay towards the north would cross a very small part of the frontage of an area which is not indicated to form part of the highway and which the information before me indicates is village green owned by the parish council. At the time of my visit, the village green was being used for parking. The appellant disputes that such a use is authorised, but has in any event drawn my attention to advice in MfS which advises that parking in visibility splays in built-up areas is quite common, yet it does not appear to create significant problems in practice. Furthermore, I observed vehicles parked in the location of the junction of the southern access and the appellant's evidence indicates that this is not an uncommon occurrence. It therefore seems that there are already incidences of vehicles joining Birchanger Lane at this point, and I have no firm evidence that such manoeuvres and the available visibility taking account of parking has resulted in conflict.
38. The designation as village green could further be expected to impose restrictions on other future activity or features that might enclose land or otherwise cause obstruction to visibility across it. Given the specific context, I am not persuaded that the visibility splay crossing the village green land would in itself unacceptably compromise visibility.
39. I further note that it is the secondary visibility splay which would cross the front of the village green such that oncoming traffic in that direction would generally be on the opposite side of the lane. Given these factors and the conditions that I observed on Birchanger Lane including the good forward visibility afforded to approaching vehicles, and multiple other driveways such that emerging vehicles would not be unusual or unexpected, I find that this situation would not present undue hazard likely to cause detriment to highway safety.
40. Drawing these matters together, the proposed access arrangements would not fully adhere to guidance in MfS or DMRB as referenced in Policy DM7 of the ECCDMP in respect of visibility. However, I consider having regard to the specific circumstances of the site and the evidence before me that visibility at the site accesses to Birchanger Lane would be acceptable and I conclude that the proposal would not cause unacceptable harm to highway safety. As a consequence, I find no conflict with saved Policy GEN1 of the LP which includes a requirement that the design of development does not compromise road safety. The proposal would also be in general accordance with the Framework insofar as it seeks safe and suitable access.

Whether Inappropriate Development

41. The appeal site is within the Green Belt. It is not one of the locations where Saved Policy S6 of the LP indicates that development may be acceptable in relation to designated Green Belt. However the terms of Policy S6 do not specifically preclude development elsewhere. I do not therefore identify conflict with this policy, and I further note that Paragraph 2.2.7 of the LP suggests that development within the Green Belt may be permitted if it accords with national planning policy on green belts.

42. Such policy is now set out within the Framework which provides that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework identifies that development is inappropriate unless specified exceptions apply. Of these, the appellant refers particularly to exceptions for limited infilling in villages and limited infilling or the partial or complete redevelopment of previously developed land which would not cause substantial harm to the openness of the Green Belt. They also refer to paragraph 155 of the Framework which indicates that development should not be regarded as inappropriate where specified criteria apply including that it would utilise grey belt land.

Framework Paragraph 155 and Grey Belt Land

43. Of the criteria specified at paragraph 155 of the Framework, a. requires that the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.
44. The definition of 'grey belt' land within the Framework excludes land where the application of policies relating to the areas or assets listed in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development. Given my conclusion on the first main issue, policies relating to designated heritage assets which are listed within footnote 7 would in my assessment provide a strong reason for refusing/restricting development.
45. Irrespective of the contribution of the site to Green Belt purposes which is also part of the definition, the site would not therefore comprise grey belt land.
46. As a consequence and even if it would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan, the proposal would not comply with a. of Framework paragraph 155.
47. There is no dispute between the main parties that there is a demonstrable unmet need for the type of development proposed as required by b. of paragraph 155, and that requirements of the 'Golden Rules' referenced in d. would not be applicable here. In addition, I have found in relation to the second main issue that access would be acceptable and the Council considers that the site is close to bus services, that provision can be made to encourage walking and cycling, and that reliance on use of private vehicles would not weigh against the proposal. As such and in the absence of compelling evidence to the contrary, I consider that the development would be in an acceptably sustainable location in accordance with c.
48. Nevertheless, paragraph 155 requires that all of the criteria set out at a. to d. apply in order for development to not be regarded as inappropriate. Given the failure to meet a., I find on the basis of the evidence before me in this appeal that paragraph 155 of the Framework does not indicate that the development should not be regarded as inappropriate.

Limited Infilling in Villages

49. The main and interested parties refer to Birchanger as a village and I have no firm reason to depart from this view. The appeal site is outside of Birchanger's defined

settlement boundary, but that is not in itself determinative that the site would not be 'in' the village for the purposes of the Framework exception.

50. However, while there are existing dwellings around part of the site, they typically have rear elevations facing the site boundary. In addition, the main part of the site is broadly between the rear gardens of dwellings at Harrisons and 260-266 Birchanger Lane, but the rear sections of these gardens remain in the Green Belt and I observed that they predominantly comprise open areas of landscaping with only modest outbuildings or relatively low level boundary treatment. The lack of significant built form results in a sense of openness and together with the presence of mature vegetation provides for a semi-rural quality. For the most part, the appeal site itself is also open and undeveloped, with only modest structures which are generally focused to the south west corner. In addition, the track which runs along the south west side of the site is relatively narrow without formal surfacing and has sections that run between fairly dense vegetation to either side, beyond which is open agricultural land or the site and neighbouring gardens noted above. In my view, these attributes give the impression of a path through countryside rather than a feature which is appreciated as part of the existing built up area.
51. The site may sit broadly between residential land uses. Given the above factors though, I agree with the comments in a Pre-Application report provided by the Planning Inspectorate² ('the S62A Pre App') that the main parcel is effectively located behind existing concentrations of residential development as opposed to being within or between them, and I find that the site is not 'in' the village.
52. Furthermore, Units 2-9 would sit notably behind the existing rear building line of the neighbouring groups of dwellings to either side, comprising five large, two-storey buildings, as well as two cartlodes and associated areas of parking and access. Notwithstanding the neighbouring gardens, these units would not follow a logical line between existing buildings and the layout, scale and clear contrast of the built form against the condition of the adjacent gardens and track means that I find the proposal in this position would not comprise limited infilling.
53. I note examples of other appeals referenced by the appellant where proposals have been found to comprise limited infilling in villages. Having regard to the particular circumstances of the appeal site and proposal however, I find taking the above factors together that the development before me would not result in limited infilling within a village and it would instead be appreciated as a clear extension beyond the existing village edge.
54. The degree of extension beyond the village may be relatively limited, but I therefore find that the exception specified within the Framework for limited infilling in villages would not apply in this case.

Limited Infilling or Redevelopment of Previously Developed Land

55. The definition of previously developed land within the Framework includes 'land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the

² Application ref S62A/2022/0010 (pre-app)

curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed)'.

56. Structures on the appeal site are generally concentrated to the south west corner of the main parcel where the stables, storage barns, tack room, floodlit manege, muck bunker and parking are located. The remainder of the main parcel comprises grassed paddocks marked by low post and rail/wire fencing.
57. The Council accepts that the south west corner of the site would comprise previously developed land and I have no firm reason to take a different view in respect of this part of the site. Moreover, the appellant's evidence explains that the use of the stables depends on the paddocks to provide a turn out area and grazing and that the size of the paddocks is the minimum necessary to accommodate four stabled horses, indeed, extra hay and feed are required. The paddocks are therefore unsuited to use for any additional horses not stabled at the site. I have not been provided with any compelling evidence to the contrary.
58. I do not dispute that the open and undeveloped grass paddocks have a materially different character to the area at the south west corner where built development is focused. Nevertheless, the Framework definition of previously developed land specifies that it includes the curtilage of the developed land. On the basis of the specific information and circumstances before me in this case, I consider that the paddocks form an integral part of the equine use on the site and are part of the curtilage of the developed land. On balance, I find that the site would therefore meet the Framework definition of previously developed land. The S62A Pre App reached a different view, but the appellant indicates that view was reached without full details of the interdependent relationship between the paddocks and stables.
59. However, even if the site comprises previously developed land, the exception in the Framework would only apply if the proposal would not cause substantial harm to the openness of the Green Belt.
60. The appellant's Landscape and Visual Impact Assessment ('the LVIA') concludes that the proposal would have a minor effect on the landscape and an insignificant impact on the visual amenity of the area. The appellant further suggests that the site contributes little to the attractiveness of the Green Belt. As the LVIA notes however, Green Belt is not a measure of landscape value. Nor is Green Belt designated for its appearance. Instead, the essential characteristics of Green Belts are their openness and their permanence.
61. The existing structures on the appeal site are of generally modest scale and no more than single storey height. The manege has a reasonably large footprint, but the surface is of low height above the ground and the low post and rail fencing around it is of relatively lightweight appearance with large gaps which limits the physical presence of the development. The effect of these features on the impression of openness is therefore modest. In addition, I have noted above that the built development is largely focused on the south west corner. To the remainder of the site, the grass paddocks enclosed by low post and rail/wire fencing provide for a highly open character and quality.
62. The appellant suggests that there may be a need for 1.8m close board fencing on the site in future. However, they do not indicate any current need and it is unclear

that such an outcome would be likely. In any event, while such fencing would result in a greater degree of enclosure, this would be to a relatively modest height with open views above fencing affording an appreciation of the largely open condition of the land within the site.

63. Neither main party has provided a full comparison, but in spatial terms, I am in no doubt that the nine two-storey dwellings along with three cartlodge structures would result in a considerable increase in the height, volume and overall scale of built form on the site relative to the existing structures. The dwellings and cartlodges would also span nearly the full width of the site and together with the parking, access and boundary treatment that would accompany residential development would lead to a significantly greater spread of built form across the site than the existing arrangement.
64. I note comments in the S62A Pre App report suggesting that 'it is possible that a small number of dwellings (provided that their scale is limited) could be proposed without resulting in much more than a moderate reduction in spatial openness'. Having regard to the number of dwellings, scale and layout of the development before me in this appeal however, I find given the above factors that the proposal would overall have a much greater physical presence and coverage on the site than the existing development. This would lead to a substantial loss of openness on the site in spatial terms.
65. In visual terms, the LVIA indicates that the development would be of limited visibility within the wider landscape. However, while vegetation could provide some screening, this would not be complete and the development would be clearly apparent from public viewpoints along the rights of way which run along the site boundaries. In these views, the proposal would be seen together with existing residential development in Birchanger and I have no firm reason to find that the design of the development would in itself be incongruous or would fail to assimilate sympathetically with the existing settlement edge. Nevertheless, the presence of the development would have an adverse visual impact on the openness of this part of the Green Belt in comparison to the existing situation.
66. The evidence before me further indicates that the proposal would increase activity and vehicle movements to and from the site which would be apparent from the adjoining rights of way with some further detriment to the impression of openness.
67. The effect of the proposal would be relatively localised and contained. Nevertheless, and irrespective of the relationship of the site with wider areas of Green Belt, I find taking into account all of the above factors and particularly the pronounced spatial impact that there would be substantial harm to the openness of the Green Belt here.
68. Accordingly, the exception specified within the Framework for limited infilling or the partial or complete redevelopment of previously developed land would not apply.

Conclusion on Main Issue

69. The appellant has drawn my attention to permission that was granted for the extension of the garden to 18 Harrisons onto former agricultural land and the enclosure of this and other Green Belt land with fencing to form gardens to

14-19 Harrisons. I do not know the full circumstances around these sites, but use of land as a garden would not in any event be directly comparable to the current proposal for nine dwellings with associated development which I have considered according to its merits and in light of current policies and guidance.

70. The appellant has also drawn comparisons with an appeal decision in Clanfield, West Oxfordshire including in respect of the edge of settlement location of development. However, that decision does not indicate that the site was located within Green Belt so as to be directly comparable to the appeal before me.
71. For the reasons above, I conclude that exceptions specified in the Framework would not apply and the proposal would comprise inappropriate development in the Green Belt which the Framework identifies is, by definition, harmful to the Green Belt. There would also be substantial harm to the openness of the Green Belt on the site.

Purposes of Green Belt

72. The Framework identifies that Green Belt serves five purposes. Of these, there is no firm evidence before me to suggest that the proposal would be detrimental to the setting or special character of any historic town. Nor is it clear how there would be conflict with the Green Belt purpose of assisting in urban regeneration by encouraging the recycling of derelict and other urban land.
73. In addition, I have noted that the main and interested parties refer to Birchanger as a village. From my observations and the evidence before me, I am not persuaded that Birchanger could reasonably be described as either a town or a large built-up area. Given too the intervening expanses of Green Belt to the nearest such areas and the relationship of the site with surrounding buildings and defined areas of open land, I am satisfied that there would not be conflict with the Green Belt purposes relating to checking the unrestricted sprawl of large built-up areas and preventing neighbouring towns merging into one another.
74. The Framework also identifies a Green Belt purpose of safeguarding the countryside from encroachment. In this respect, I have found above that the appeal site is not 'in' Birchanger. The largely open quality of much of the appeal site and its equestrian use provide for a generally rural character and despite being adjoined by residential curtilages on three sides, I consider that it is appreciated as forming part of the countryside around the village.
75. On that basis, development on the site would result in some encroachment to the countryside. However, while there would be harm to the openness of the Green Belt, I consider the development would assimilate reasonably well with its surroundings. It would also be contained by the adjacent track which would provide some separation to the agricultural land beyond. Taken together with the development's limited and localised visual impact, I find that the resulting impression of encroachment to the countryside in conflict with the purpose of Green Belt would be very slight.
76. I therefore conclude that the proposal would result in conflict with one of the purposes of including land within the Green Belt, but that the harm in this respect would be limited.

Other Matters

77. The Council's appeal statement suggests that there would be substantial harm to the character and appearance of the area. However, this is not clearly explained within its evidence and while its first reason for refusal refers to rural character in the context of Green Belt, there is no reason for refusal in respect of character and appearance more generally. I further note that the section of its officer report considering design, landscaping and heritage does not identify conflict with LP Policy GEN2 which includes a requirement for development to be compatible with the scale, form, layout, appearance and materials of surrounding buildings. Nor does it suggest conflict with section 12 of the Framework which the report notes seeks development that, amongst other things, responds to local character, reflects the identity of its surroundings and is visually attractive as a result of good architecture.
78. That said, while the Council has not provided compelling evidence that there would be unacceptable harm to the character or appearance of the area, I am not persuaded that the proposal would go as far as to enhance the village edge as the appellant asserts. The existing site is somewhat untidy, but it is not unpleasant and I did not find it to be incongruous or conspicuous as part of countryside around Birchanger. In my view, the proposed development would not result in clear enhancement to the appearance of the site or its relationship with its surroundings overall so as to be a benefit of the proposal.
79. Interested parties have disputed the appellant's claimed rights of vehicular access to the site. Birchanger Parish Council as owners of the village green along Birchanger Lane at the point of the southern access have further indicated that they would not permit use of this land to form an access route to the development. However, legal rights of access or ownership would be a private matter for the relevant parties outside of my jurisdiction. A grant of planning permission would not establish or override any legal rights of access or ownership, and these matters do not affect my assessment of the main issues in this appeal.
80. I have noted a range of additional concerns raised by interested parties including in relation to effects on ecology and biodiversity, trees, living conditions for neighbouring occupiers and traffic levels. As I am dismissing the appeal on other grounds, it is not necessary for me to consider these matters further in this instance.
81. The appellant indicates that they were encouraged to make the appeal application following pre application advice. Nevertheless, the S62A Pre App report confirms that the nature of the advice request was narrow pertaining only to the principle of development and access and that a decision-maker on an application will need to take into account a far broader range of issues. I note in particular that the report makes no reference to Gower Barn as a listed building and it is therefore unclear that there was any consideration of potential effects on this asset. Furthermore, the report acknowledges that assessments in respect of Green Belt would depend on the specifics of a proposal including the number, scale and design of development and that issues pertaining to the principle of development are largely based on planning judgement. I have considered this appeal having regard to the specific circumstances and merits of the scheme and the evidence before me.

Planning Balance

82. I have found that the proposal would not cause unacceptable harm to highway safety. Having considered the public benefits of the proposal however, I have found that there would not be a clear and compelling justification for harm that the proposal would cause to the significance of a listed building. The proposal would also be inappropriate development in the Green Belt, and it would cause substantial harm to the openness of the Green Belt as well as limited harm to one of the purposes of Green Belt.

Whether the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development within the Green Belt

83. Where development is inappropriate in the Green Belt as in this case, paragraph 153 of the Framework indicates that substantial weight should be given to any harm to the Green Belt, including harm to its openness. I therefore give substantial weight to the harm to the Green Belt by reason of inappropriateness and the harm to openness and one of the purposes of Green Belt.
84. There would also be harm to a designated heritage asset, but this harm has effectively informed my conclusion that the proposal would be inappropriate and the consequent finding of harm to openness and one of the purposes of Green Belt. In these specific circumstances, I have not therefore afforded separate weight to this heritage harm as part of my Green Belt balance.
85. Against the harm to the Green Belt, and for the reasons set out in the first main issue including the current lack of a five year housing supply and results of the Housing Delivery Test, the provision of nine dwellings towards the supply of housing, including 3-bedroom properties, is an important benefit which would attract substantial weight. However, while I accept that the proposal would make effective use of a previously developed site, the contribution to supply that the proposal would make and consequently the magnitude of the benefit would be limited.
86. The economic and social benefits associated with the construction process and occupation of the development and access to services and facilities for future occupiers attract moderate weight, but are again limited by the relatively small scale of the development. Ecological enhancements and potential to provide for biodiversity net gain similarly attract moderate weight but are likely to result in a benefit of comparatively limited extent.
87. The appellant's evidence includes reference to provision of an affordable housing commuted sum, but the details before me do not indicate that any such provision has been secured. In addition, I have found that potential enhancements to the existing network of footpaths around the site through accessibility and surveillance would be offset by increased vehicular traffic on the routes such that there would be no overall improvement. While I am satisfied that the development would not cause unacceptable harm to the character or appearance of the area, I do not identify meaningful enhancement overall either. These factors do not therefore weigh in favour of the proposal.

88. The Framework identifies that inappropriate development should not be approved except in very special circumstances. It sets out that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. In this case, the harm to the Green Belt would be localised but even having regard to the current housing supply position, the totality of the other considerations in favour of the proposal are in my assessment insufficient to clearly outweigh the cumulative harm to the Green Belt.
89. Accordingly, very special circumstances which would be necessary to justify the development within the Green Belt do not exist. On that basis, the proposal would conflict with the Framework insofar as it broadly seeks protection of Green Belt.

Overall Balance

90. Given the absence of a five year supply of housing land and the Housing Delivery Test result, paragraph 11 d) of the Framework would apply. In light of the above however, I find that policies in the Framework that protect designated heritage assets and land designated as Green Belt provide a strong reason for refusing the development proposed. Accordingly, the presumption in favour of sustainable development at paragraph 11 d) does not indicate that permission should be granted in this case.
91. Furthermore, the proposal would be contrary to the Framework insofar as it seeks conservation and enhancement of heritage assets and protection of Green Belt land. There would further be conflict with saved Policy ENV2 of the LP. The appellant suggest that the proposal would accord with a number of saved LP policies including H4 which relates to backland development, and that while the site is not within the development limits of Birchanger it would otherwise accord with H3 which relates to windfall housing within development limits. Be that as it may, I consider having regard to the importance of the matters raised that the proposal would conflict with the development plan when it is read as a whole.
92. Even taken together, I find that the cumulative benefits of the proposal are insufficient to outweigh the harm that would be caused and the resulting conflict with the development plan and the Framework. I find as a result that the proposal would conflict with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached.

Conclusion

93. For the reasons given above, I conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR