



Appeal Decision

Site visit made on 14 October 2025

by **C Walker BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 October 2025

Appeal Ref: APP/C1570/W/25/3370044

Land Adjacent to Six Acres, Duton Hill, Dunmow CM6 2DT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
- The appeal is made by Mr Martin Newcomb against the decision of Uttlesford District Council.
- The application Ref is UTT/25/0898/OP.
- The development is described as 'construction of two self build/custom build dwellings and associated works including vehicle access, car parking, cycle storage and hard and soft landscaping'

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address is taken from the Council's decision notice as it more accurately describes the location.
3. The appeal scheme relates to an outline proposal with all matters reserved for future consideration. I have dealt with the appeal on that basis.
4. Plans have been submitted which indicate how residential development could be accommodated on the site. These are clearly annotated as illustrative, and I have taken these into account for those purposes only.
5. My attention is drawn to an emerging Local Plan submitted under Regulation 19¹. The Council assert that it attracts limited weight, and the appellant does not seek to rely on it. In any event, I have not been provided with the relevant policies, so I have not had regard to it.
6. The proposal lies close to a number of listed buildings. Accordingly, I have had special regard to section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act).

Main Issues

7. The main issues are:
 - the effect of the proposal on the character and appearance of the countryside; and
 - whether the proposal would preserve a Grade II listed building 'Restcot and adjoining cottage 80 metres south east of Duton Hill Farmhouse'

¹ of The Town and Country Planning (Local Planning) (England) Regulations 2012

(List Ref: 1164915) (the LB), and any of the features of special architectural or historic interest that it possesses.

Reasons

Character and appearance

8. The appeal site lies outside of any defined settlement boundary, in the open countryside. Comprising part of a paddock on the southern side of Duton Hill Road, the appeal site lies within an open and gently undulating landscape. Although a residential dwelling, Six Acres, lies to the east and a cluster of buildings lie to the north on the opposite side of the road, the pattern of development in the vicinity is sporadic. Intervening fields separate the appeal site from the settlement to the west, contributing to the open, rural setting and landscape character.
9. By introducing two new dwellings into the open landscape, the proposal would have a harmful urbanising effect on the character and appearance of the area. Rather than reinforce a settlement edge, I find that the scheme would erode a verdant gap between the settlement to the west and the ribbon development present further to the east. This encroachment into the countryside is incompatible with its surroundings, would block views of the open valley and diminish the open characteristic of the area. This would cause harm to the intrinsic character and beauty of the countryside, contrary to paragraph 187 of the National Planning Policy Framework (the Framework).
10. Although the appellant asserts substantive interventions such as native hedgerows are proposed, I am mindful that landscaping is a reserved matter. In any event, soft landscaping, even secured by condition, would not be capable of fully mitigating the harm to the character and appearance of the area that I have found.
11. For the reasons set out above, I find that the effect of the proposal on the character and appearance of the countryside, would be unduly harmful. This brings the scheme into conflict with Policy S7 of the Uttlesford Local Plan (2005) (ULP) which seeks to protect or enhance the character and appearance of the countryside.

Listed building

12. The LB is a former pair of cottages, dating from the eighteenth century. It is one storey with attics, timber framed and plastered with a part brick front, half hipped gambrel, peg tiled roof with two catslide dormers and a central red brick stack. It also has a peg tiled lean to outshed and peg tiled extension to the north. Its significance derives primarily from its age, evidential and architectural interest as a rural vernacular building of traditional materials and construction.
13. Two other Grade II listed buildings lie immediately north of the cottage; a converted Barn 50m east of Duton Hill Farmhouse (list ref: 1322609) and a Dovecot/Granary (list ref: 1317535) both timber framed buildings. Neither party has suggested that the development would be within the setting of these two listed buildings, and I see no reason to take a different view.
14. However, owing to the prominent roadside position of the cottage, the appeal site forms part of its setting. Its physical surroundings including its relationship with the nearby listed Barn and Dovecot/Granary and the open, agrarian landscape setting within which it lies, contribute to understanding its historic function. Views towards

and including the LB when travelling along Duton Road, reveal its architectural interest, its prominence in the rural street scene and contribute to its significance.

15. Although an outline application with all matters reserved, the amount of development is clear from the description, and the supporting documentation indicates two family sized dwellings. Two modern dwellings within the setting of the LB would adversely affect the way in which it would be experienced, through the introduction of built form and their associated changes of use including increased activity levels, lighting and light spill, domestic paraphernalia and boundary treatments which would have an overly, urbanising effect. Development would also erode the sense of spaciousness that is important to the understanding of its historic setting, truncating the open verdant landscape. Whilst noting the indicative nature of the plans, the development would be unduly conspicuous on approach from both directions along Duton Hill Road and would diminish the visual dominance and the primacy of the LB.
16. Although the presence of the property Six Acres to the east is visible within the same context as the LB, the greater separation distance between it and the LB does not set a precedent for development within the appeal site. Lying directly south of the LB, the appeal site would be read visually as part of its setting despite its physical separation and the intervening road. As scale is a reserved matter and based on the evidence before me, I am not satisfied that the development would be subservient to the LB. Even if the development were to be screened with soft landscaping, listed buildings are safeguarded for their inherent architectural and historic interest, irrespective of whether or not public views of the buildings can be gained.
17. Given the above, I find that the proposal would harm the setting and thereby fail to preserve the special interest of the listed building. Consequently, I give this harm considerable importance and weight in the planning balance of these appeals.
18. Paragraph 212 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 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 this should have a clear and convincing justification. Due to the scale and nature of the proposal, I find the harm to be at the lower end of less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
19. The appellant points to the benefit of the proposal as self/custom build dwellings as an affordable route to home ownership. However, it is not sufficiently clear to me that securing this through condition would meet the tests of enforceability, such that I give this only limited weight. Nevertheless, the development would increase the choice of housing stock for the district in an area where there is an undersupply of housing. This is a public benefit along with the social and economic benefits that come alongside that, including supporting the long-term vitality of the area by bolstering demand for local services and amenities. However, as a scheme for just two dwellings, the benefits would be modest. These are not sufficient to outweigh the harm I have identified.

20. Given the above and in the absence of any significant public benefit, I conclude that the proposal would fail to preserve the special historic interest setting of the Grade II listed building. This would fail to satisfy the requirements of the Act, paragraph 210 of the Framework and conflict with Policy ENV2 of the ULP that seeks, among other things, to ensure that the setting of listed buildings, are not impaired. As a result, the proposal would not be in accordance with the development plan.

Other Matters

21. The Council is currently unable to demonstrate a deliverable five year supply of housing sites and the housing delivery test falls well below 75%. However, paragraph 11(d)(i) of the Framework is clear that the presumption in favour of sustainable development does not apply where the application of policies in the Framework that protect assets of particular importance, including heritage assets, provides a clear reason for refusing development.

Conclusion

22. I have found the proposal would harm the character and appearance of the countryside and would demonstrably harm a heritage asset. I conclude that the development fails to satisfy the requirements of the Act, the Framework, and is not in accordance with the development plan, when read as a whole. There are no material considerations that indicate a decision should be made other than in accordance with the development plan.
23. For the reasons given above, and having considered all matters raised, the appeal should be dismissed.

C Walker

INSPECTOR