



Appeal Decision

Site visit made on 9 December 2025

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 19th December 2025

Appeal Ref: APP/C1570/W/25/3373107

Woodlands Grange Green, Tilty, Dunmow CM6 2EQ

- 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 Marc Loppas against the decision of Uttlesford District Council.
 - The application Ref is UTT/25/1086/FUL.
 - The development proposed is the demolition of existing dwelling and erection of replacement self-build dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the banner heading above, I have used the address and description of the proposed development given in the appellant's appeal form, as this more accurately identifies the location and nature of the proposal.
3. As the decision-maker, I must consider this appeal in light of the statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which requires that special regard shall be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework (the Framework) sets out that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. It further advises that great weight should be given to the conservation of designated assets, regardless of the level of harm. The more important the asset, the greater the weight that should be applied.
4. Although the Council did not reference harm to the setting of nearby listed buildings in its decision notice, this was highlighted in the Delegated Officer Report, and the matter has been addressed in the Appellant's Appeal Statement. In accordance with the above statutory duty, I have included this matter in the main issue.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the surrounding area, including the setting of nearby listed buildings.

Reasons

6. The appeal property lies in a relatively large, grassy plot on the northern side of the road, on the edge of the hamlet of Tilty. The existing property is a one and a

half storey house of modest proportions, constructed in brickwork and render with a tiled roof and is set back from the road frontage and positioned centrally within the plot. It has a neat, hedge to the road frontage with more mature hedges and trees to the side and rear boundaries. To the immediate rear and east of the appeal site are several listed buildings, together with a scheduled monument just beyond to the north. The Grade II listed Church Cottages (Ref.1169128) lies alongside the appeal site. The list description mentions that the cottages date from the 19th century and are built in red brick with a slate roof and describes their form and architectural features. Clerks Cottage, which is also Grade II listed (Ref.1112182) lies to the rear of the appeal site and the list description mentions that the building dates from the 18th century and is timber framed and plastered with a tiled roof. It mentions that it is of one storey with attics and describes its building features. Alongside, is the Church of St Mary the Virgin, a Grade I listed building (Ref.1169090). The list description mentions that the church was formerly part of the nearby Cistercian Abbey dating from the 13th century. It describes its form and materials, the dates of parts of the building and its architectural features.

7. Adjoining this collection of historic buildings is the site of Tilty Abbey, a scheduled monument (Ref.1002164). The National Heritage List identifies that the scheduled site is extensive and shows its extent running from the boundary of the appeal site and to the rear of the above listed buildings, where the land slopes down towards a brook. Within this area the Ruins of Tilty Abbey of St Mary is a further Grade II listed building (Ref.1112183). The Cistercian Abbey is described as dating from the early 12th century and notes that the remains are fragmentary.
8. Church Cottages and Clerk Cottage are identified as having group value and, alongside the church and abbey, with few modern buildings nearby, demonstrates that this is an area of high heritage sensitivity. Notable features are the relatively diminutive scale of most of these buildings, including the church, and their mainly vernacular construction and appearance. The buildings are set within an isolated, agricultural landscape with a generally open character with long distance views over rolling countryside. Based on my observations, and the submitted information, for the purposes of this appeal, the significance of the designated heritage assets is derived from their age, historic fabric, architectural features and their historical and functional relationships.
9. The glossary of the Framework states that the significance of a heritage asset derives not only from the asset's physical presence but also from its setting. It defines the setting of a heritage asset as the surroundings in which an asset is experienced. These are not fixed and may change over time. The Framework indicates that any harm to the significance of a heritage asset, or from development within its setting, should require clear and convincing justification. In relation to this appeal, the relationship of the buildings to each other and the land around them, including the agricultural landscape, is an intrinsic part of their significance. The topography of the landscape contributes greatly to the area's character and shapes attractive views into and out of this picturesque grouping.
10. The appeal building is on slightly elevated ground compared to the nearby listed buildings, but I saw on site that its relatively modest height, form and scale, and the mature boundary planting, meant that its presence was not especially noticeable in the surrounding landscape or in views alongside the listed buildings. Nevertheless, I saw that although the boundary planting filters many views, there was some intervisibility particularly between the appeal building and Clerks

Cottages and the church. It was clear to me that changes to the appeal site would have the potential to impact the environment in which the listed buildings are experienced and appreciated, and therefore, their significance.

11. The proposed replacement dwelling would be of two storeys with red brick walls and a plain tile roof. It would be in approximately the same position on the plot as the existing building and would share a similar orientation. However, the dwelling would be of a significantly greater height, scale and massing which would give it a far greater prominence in views from the road and from more distant views in the surrounding landscape. Furthermore, the more ordered, classical design of the dwelling with symmetrical gabled facades to the front and rear, decorative quoins, cornices, the suggestion of uniform sash windows and other detailing indicate a building which would have a grand and commanding presence over its surroundings. This would considerably increase the presence of a dwelling on this plot. Even though this is a relatively large plot with established landscaping, the proposed scale and design of the dwelling would be wholly inappropriate and incongruous compared to the typically vernacular details of the houses nearby and their more diminutive scale, along with that of the church. That presence would be exacerbated by its more elevated position. Whilst I recognise that the Framework encourages high quality, beautiful buildings, it also advises that decisions should ensure that development is sympathetic to local character and history.
12. Historic England has also raised concerns regarding the bulk, massing and the approach to the proposal's design. Its consultation mentions that the proposal would be too dominant and would compete with and detract from the surrounding designated heritage assets, eroding the legibility of the group and harming significance.
13. Despite the retention of the surrounding mature boundaries to the sides and rear, the building would still be seen in conjunction with views of the nearby listed buildings, including views to and from the churchyard and Clerks Cottage. These views would be through gaps in the vegetation, and in some positions, it is likely that the proposed dwelling would be seen rising above that vegetation. Most probably the rooftop of the proposed dwelling would also be seen rising above Church Cottages when approaching from the east along the road. These views would be more apparent when the vegetation is not in leaf or if boundary planting was reduced in height. Even if the boundary screening could be bolstered, the visual harm of the proposed dwelling would still be apparent. It would have an unexpected and inappropriate presence in this rural location alongside the isolated cluster of listed buildings, including a Grade I listed church of the highest significance.
14. It is suggested by the appellant that the current dwelling could be extended to create a much larger and less coherent structure under permitted development rights and that this would represent a reasonable 'fallback position'. Drawing Ref.2025-960-030 shows indicative details including raising the ridge height by 3m, and side and rear extensions. However, the appellant does not appear to have submitted or obtained a Certificate of Lawfulness to demonstrate that the building could be lawfully extended. Even if that was the case, and I have had regard to the suggested works that could potentially be carried out under permitted development rights, I am not provided with adequate certainty that this is a realistic prospect were the appeal to be dismissed. For example, there is little to suggest that the fallback option would achieve the size and layout of accommodation sought

through the appeal proposal. Also, there is an insufficient level of detail to demonstrate that the fallback scheme would be significantly more harmful than the appeal proposal. I can therefore only give this speculative consideration very limited weight, and it does not justify the proposal which would cause clear and obvious harm to the character of its surroundings.

15. It is suggested that the existing building does not positively contribute to the setting of the surrounding listed buildings. However, I have found that the existing building sits quietly in its surroundings, not unduly drawing the eye. The same could not be said for the appeal proposal given its scale and design; it would be a dominant and visually intrusive building. Therefore, the proposal would be wholly inappropriate in this sensitive historic context and would detract from the ability to appreciate and understand the significance of nearby listed buildings and the legibility of their relationship with each other.
16. Whilst the proposal would cause no physical harm to the heritage assets, the proposed dwelling would cause visual harm to the environment in which a range of listed buildings and a scheduled monument are experienced. I find the harm in the context of the significance of the designated heritage assets, to be a low level of less than substantial harm in this instance. This commands considerable importance and weight and is not to be treated as a less than substantial objection to the proposal. The Framework advises that the harm should be weighed against the public benefits of the proposal. In undertaking this balance, I have taken account of the Planning Practice Guidance which explains what constitutes a public benefit.
17. The appellant states that the development would provide a dwelling and suggests that the Council has an acknowledged housing deficit. However, the Council confirms that it has a Framework compliant housing land supply. In any case, there is already a dwelling on the site, and the proposal would not deliver additional housing. This is not a public benefit. The appellant also suggests that the proposal would create a modern, sustainable, self-build family home, meet future housing needs and offering energy efficiency and environmental upgrades which would exceed those of the existing dwelling. Although these details are limited, these factors attract a small amount of weight as public benefits.
18. I have already dealt with the fallback option and found that this is not a realistic prospect. Therefore, the claim that the proposal would prevent a more unsightly fallback scheme is unsubstantiated and carries little weight as a public benefit. Nor do I find that there would be any particular public benefit derived from the demolition of the existing dwelling. There would be slight economic benefits during construction, but these would be limited and temporary.
19. However, the Government places great weight on protecting designated heritage assets. Accordingly, I attach great weight to the identified harm, amplified by the Grade I status of the church and scheduled monument.
20. Although I acknowledge the very limited weight deriving from the public benefits of the scheme in general terms, they would not outweigh the identified harm. As such, the proposal would not comply with the Act and Framework. In addition, there is no clear and convincing justification for the harm to the significance of the heritage assets. There would also be harm to the wider character and appearance of the surrounding area. It would therefore fail to meet the requirements of policy

S7, H7 and GEN2 of the Uttlesford Local Plan (2005) which, amongst other things, seek to underpin the statutory and policy objectives.

Other Matters

21. Policy H7 of the Uttlesford Local Plan supports the principle of replacement dwellings. Although the Council accepts that its local plan is out of date, the broad thrust of this policy appears to still accord with the Framework and remains relevant to this decision. In any event, under Paragraph 11d)i. the application of policies in the Framework that protect assets of particular importance provides a strong reason for refusing the development proposed.
22. The proposal may be acceptable in terms of highways, amenity, ecology and flooding but these are neutral matters in the planning balance and weigh neither for nor against the proposal

Conclusion

23. For the above reasons, and having taken all other matters raised into account, there are no material considerations that indicate the proposal should be determined otherwise than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

G Bayliss

INSPECTOR