
Appeal Decision

Site visit made on 16 December 2025

by **E Dade BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12th January 2026

Appeal Ref: APP/C1570/W/25/3374304

Howletts, The Street, Great Hallingbury, Essex CM22 7TR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
 - The appeal is made by Mr Daniel Chapman against Uttlesford District Council.
 - The application Ref is UTT/25/2108/OP.
 - The development proposed is erection of a single detached self/custom build home on land adjacent to the Howletts, The Street, Great Hallingbury, via an existing access point.
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. On 16 December 2025, government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework). Whilst broad changes are proposed as part of this consultation, these proposals could be subject to further change and can only be given very limited weight at this stage. It has therefore not been necessary to consult the parties on the proposed changes, and in my decision, I have had regard to the Framework published in December 2024.
3. As the proposal relates to the setting of a listed building, I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

4. The Council has confirmed that had it been in a position to determine the proposal, it would have recommended refusal. Based upon the Council's putative reasons for refusal, the main issue in this appeal is the effect of the proposed development on the character and appearance of the area, including whether the proposal would preserve the setting of nearby Grade II listed building, Howletts.

Reasons

5. The appeal site comprises an area of garden to the side of the host property, Howletts, which is a detached dwelling within a large, wide plot. The site is predominantly a grassed area with an existing access over a drainage ditch and through a belt of trees. The site has a natural, vegetated appearance, but nonetheless has the domestic character of garden land.
6. The site is located at The Street, which has a narrow carriageway flanked by wide verges and trees which contribute a verdant character to the street scene. The

surrounding landscape comprises arable fields and paddocks, interspersed with traditional dwellings and agricultural buildings, and some modern development and land which is the subject of recent planning approvals¹. Through its spacious arrangement of development and agricultural land, the area has an open and rural, countryside character.

7. The proposal would introduce additional built form to the site, resulting in a loss of open land within Howlett's dwelling plot. However, the site is predominantly behind the existing, mature tree belt and is therefore well-screened along the front of the site and highway edge, and the illustrative site plan suggests the dwelling would be set back in the site. The visual impact of the development would therefore be limited to views down the reinstated vehicular access and glimpses through gaps in the foliage. Therefore, views of the proposed dwelling from the highway would be highly localised to the immediate frontage and the dwelling would not be visually prominent within the street scene.
8. The host property's garden surrounds the site and includes numerous mature trees, and beyond the rear of the site is a tennis court enclosed by fencing. These features enclose the site and generally obscure views from the wider landscape. Therefore, the proposed development would not be widely seen from public vantage points nor harm cross-valley views or characteristic views across enclosed meadow fields in the locality.
9. Since scale, layout, and appearance comprise reserved matters, there is inherent uncertainty in the effect of the proposal on the character and appearance of the area at this outline stage. However, the proposal suggests the dwelling's height and footprint would be limited in scale so as to achieve a subordinate appearance to Howletts, and indicative landscaping would establish a boundary between plots. Since The Street comprises a sporadic row of existing dwellings in spacious plots, any views of the proposed dwelling would be perceived within the context of other residential development.
10. Whilst the proposal would increase development density at The Street, a generous separation distance would be retained between the proposed dwelling and Howletts and adjoining land to the south. Therefore, the area would retain its low-density character. Whilst the proposal would intensify development in this location, it would not significantly diminish the open and rural character of the area.
11. The host property, Howletts, is a Grade II listed building², and is a timber-framed and plastered 2.5 storey house, dating from the late sixteenth or early seventeenth century. As set out in the Heritage Statement (HS), Howletts retains a high level of architectural interest deriving from its form, historic fabric, and architectural style, including the three-bay arrangement with 'high' and 'low' status ends, visible timber framing, fenestration and door arrangement, roofscape and position of the chimney stack above the ridge, which is covered with old clay tiles. Howletts provides insight into the building practices and architectural fashions and has remained largely unchanged over the centuries since it was first constructed. The HS concludes the special architectural and historic interest of Howletts derives from its form, architectural style, and vernacular post-medieval features and detailing, including its plan-form, layout and external elevations.

¹ For example, Gatehouse, The Street, appeal decision ref: APP/C1570/W/23/3334122

² List entry no: 1112047, 13th June 1983

12. Historic maps show Howletts as an isolated dwelling in an agrarian landscape and suggest it formerly occupied a narrower plot, with the area of the appeal site formerly comprising adjoining agricultural land. The proposal would re-establish this former plot boundary, reinforcing it with a fence and hedge.
13. However, the main characteristics of the building's setting are the open grain of the surrounding streetscape and landscape, green space, trees and vegetation, openness, and a low degree of change over time. The established, vegetated boundary of Howletts' dwelling plot provides distinct separation from adjoining land, and the appeal site comprises open garden land within this plot. Therefore, in its current form as garden land, the site contributes positively to Howletts' setting.
14. The HS indicates the proposal would result in very minor change to some secondary and peripheral views towards and from the surroundings of Howletts. The HS concludes Howletts would continue to be read as a traditional timber-framed dwelling set on a spacious plot with interspersed development along the western side of The Street. The proposed development would not physically or visually isolate Howletts, and would not alter the prominence, dominance or conspicuousness of Howletts within the landscape, and the new building would be relatively inconspicuous, due to existing and proposed boundary treatments.
15. Whilst the scale, layout, and appearance of the proposed dwelling would be the subject of future determination of reserved matters, the proposal has been advanced on the basis the proposed dwelling would be located approximately 35m from the southern gable end of Howletts and set back in the plot, with a laurel hedge and a post and-rail fence boundary treatment in a traditional style, and the design of the dwelling would be traditionally detailed and built of locally appropriate materials, referencing the architectural features of the local building stock, including Howletts. Therefore, the proposed dwelling would not visually compete with or distract from Howletts, and the proposed changes would not detrimentally alter how the asset is understood within a traditional agrarian context.
16. However, the proposal would introduce significant built form within the setting of Howletts. The impact assessment at section 4 of the HS identifies the proposal will result in some change to the land use and land cover, with the currently green site being developed with one house and the land cover and use altered from ancillary garden space into an individual residential plot. As set out at paragraph 5.2, the HS concludes the proposal would result in a very low level of less-than-substantial harm to the significance of the listed building.
17. Therefore, the submitted evidence, including the HS, demonstrates the proposed development has the capacity to give rise to a change to the setting of Howletts through a permanent and irreversible loss of its open character. Consequently, the proposed development within the setting of the listed building would fail to preserve the special interest of the designated heritage asset.
18. The Planning Practice Guidance (PPG) advises that where potential harm to designated heritage assets is identified, it needs to be categorised as either less than substantial harm or substantial harm in order to identify which policies in Framework apply³. Paragraph 213 states 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. Given the

³ Paragraph: 018 Reference ID: 18a-018-20190723

harm would arise through loss of the open character of the listed building's setting, I find the harm to be less than substantial.

19. The PPG goes on to advise that within each category the extent of the harm may vary and should be clearly articulated. As discussed above, the HS concludes the extent of less than substantial harm would be of a very low level. Nonetheless, paragraph 212 of the Framework instructs 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.
20. Under such circumstances, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
21. The appellant is of the opinion that the proposal would be beneficial because the proposal would deliver an additional dwelling within an area with a 3.46 housing land supply, and thus a significant shortfall against the requirement to provide a five-year supply of deliverable sites as set out at paragraph 78 of the Framework.
22. Furthermore, unless exempt, section 2A of the Self-Build and Custom Housebuilding Act 2015 places a duty on the Council to grant suitable development permission in respect of enough serviced plots to meet the demand for self-build and custom housebuilding in its area. The appellant identifies the area has a substantial shortfall in the provision of service plots, and it is intended that the proposed dwelling would contribute to the supply of serviced plots.
23. I have not been provided a planning obligation to secure the provision of a self/custom build dwelling. However, even if I were to accept the proposal would constitute a self-build plot, the proposed dwelling would make an important but small contribution to the section 2A duty and overall housing land supply position. Reflecting the small quantum of development proposed, the provision of a self-build dwelling carries moderate weight in the scheme's favour.
24. In addition, the proposal would provide small economic benefits to local tradespeople and supply chains, and small, localised environmental benefits, such as through lighting, landscaping, and ecology. Reflecting the small scale of the proposal, these matters carry limited positive weight.
25. Consequently, the public benefits of the scheme would not be of sufficient magnitude so as to outweigh the harm to the setting of the listed building, to which I must afford great weight.
26. For the reasons set out above, I am satisfied the proposal would be capable of protecting the character of the countryside and therefore would not harm the character and appearance of the area. In this regard, the proposal would comply with Policy S7 of the Uttlesford Local Plan 2005 (ULP) which protects the countryside for its own sake, permitting development where its appearance protects or enhances the character of the countryside within which it is set.
27. However, in the absence of significant public benefit I conclude that, on balance, the proposal would fail to preserve the setting of the Grade II listed building. This would fail to satisfy the requirements of the Act. The proposal would therefore conflict with ULP Policy ENV2 which requires development which adversely affects the setting of a listed building not be permitted.

Other Matters

28. The appellant refers to other appeal decisions where the provision of self-build and custom housebuilding was a decisive consideration. The Norton, Mid Suffolk district appeal decision⁴ proposes nine self-build dwellings and thus significantly differs in the scale of public benefit than the appeal proposal through a substantially greater impact on the supply of serviced plots. Appeal decisions at Walton, Harborough district⁵ concern the provision of self-build dwellings but did not affect heritage assets, thereby differing in context from the appeal proposal.
29. The West Langton appeal decision granted permission for one serviced plot for self-build and custom housebuilding⁶. The Inspector concluded the cumulative public benefits of the proposal, including the provision of a self-build unit and other considerations such as significant economic benefits, would outweigh the less than substantial harm to heritage assets. The weight to be afforded to public benefits is at the discretion of the decision-maker, and I have weighted harms and benefits on the evidence before me. Given the scale of shortfall in serviced plots and overall housing supply I consider the contribution of a self-build dwelling would be an important benefit which, along with other considerations, weighs in the scheme's favour. Nonetheless, whilst acknowledging the extent of harm to the heritage asset would be of a very low level, it would be permanent and irreversible and in the balancing exercise I have had particular regard to Framework paragraph 212 which requires I give great weight to the asset's conservation. Ultimately, in this instance I consider the public benefits would not outweigh the heritage harm.
30. The Council cannot demonstrate a five-year supply of specific, deliverable housing sites and in this circumstance, the provisions of paragraph 11(d) of the Framework are engaged. However, at 11(d)(i) the Framework indicates that permission should not be granted where its policies that protect areas or assets of particular importance, including those relating to designated heritage assets, provide a strong reason for refusing the development. Since the harm to the listed building's setting would outweigh the public benefits of the scheme, the proposal would conflict with Framework paragraph 210 which requires I take account of the desirability of sustaining and enhancing the significance of heritage assets. The Framework's policies provide a strong reason to refuse the development and the presumption in favour of sustainable development would not apply.

Conclusion

31. As set out above, the proposal would not harm the landscape character of the countryside. However, the evidence demonstrates the proposal would harm the setting of a Grade II listed building. This harm, to which I afford great weight, would outweigh the public benefits of the proposal. Consequently, the proposal would conflict with the development plan as a whole and there are no other considerations which outweigh this finding. Therefore, for the reasons given the appeal should be dismissed and planning permission is refused.

E Dade

INSPECTOR

⁴ Appeal Decision ref: APP/W3520/W/23/3316136

⁵ Appeal Decision ref: APP/F2415/W/22/3296353 & 3300240

⁶ Appeal Decision ref: APP/F2415/W/24/3340449