



Appeal Decision

Site Visit made on 27 July 2021

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 07 September 2021

Appeal Ref: APP/C1570/W/21/3268299

Elm Cottage Further Ford End, Clavering, Saffron Walden CB11 4SG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Rod and Lucy Smith against the decision of Uttlesford District Council.
 - The application Ref UTT/20/2436/FUL, dated 30 September 2020, was refused by notice dated 11 November 2020.
 - The development proposed is described as the proposed replacement dwelling with associated operational works including landscaping and refurbishment of the exterior of Elm Cottage including replacement joinery, surface materials and demolition of later conservatory. Erection of garaging and associated operational development and landscaping. Proposed works to Elm Cottage, that now enjoys residential status, in its own right, and was an historic piggery associated with the agricultural farmstead, includes the removal of a modern conservatory and replacement joinery within the retained structural openings and the application of a painted weatherboard finish to replace the existing hard cementitious based plaster. Creation of an opening within modern studwork to provide access to the private courtyard of Further Ford End House
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Following the submission of this appeal, a revised version of the National Planning Policy Framework (the Framework) has been published. I have considered the proposals in the light of this revised document, having first given the parties an opportunity to comment on its content.

Applications for costs

3. An application for costs was made by Mr and Mrs Rod and Lucy Smith against Uttlesford District Council. This application is the subject of a separate decision.

Main Issues

4. The main issues are:

whether the proposal would result in the creation of a separate dwelling; and if so, the suitability of the site as a location for a dwelling;

the effect of the development upon the character and appearance of the surrounding area; and

the effect of the development upon the character and appearance of the Listed Building of Further Ford End House and other curtilage listed buildings.

Reasons

Whether a separate dwelling and suitability of the site

5. The appeal proposal would comprise a new building and garage located to the side of existing buildings, including Elm Cottage. On the opposite side of Elm Cottage is a separate dwelling referred to as Further Ford End House. The appeal documentation describes the new building as a new dwelling, which would replace Elm Cottage. It is also proposed that this building would become an annexe.
6. However, the new building would have a separate access point to Elm Cottage and Further Ford End House, which would reduce the opportunities for connected living between the occupiers of the two buildings. In addition, the proposal would create a new garden for the occupiers of the proposed development. The annexe would retain a separate garden. There would not be a physical connection between the two buildings.
7. Therefore, the occupiers of the proposed dwelling and the annexe would not be reliant upon each building for the provision of the facilities that each occupier would likely require. In addition, the two buildings would not be physically attached and each building would be of a large scale.
8. I understand that the dwelling at Further Ford End House is in the control of the appellant. However, this is separated from Elm Cottage by a significant distance and would have separate garden areas. Therefore, even though the two buildings would share car parking and manoeuvring areas, they would most likely operate as two separate dwellings.
9. In addition, the building at Elm Cottage would remain of a substantial footprint and would therefore, based on the evidence before me, retain sufficient facilities for the occupiers to live independently of the occupiers of dwellings within its environs. Therefore, the use of would be most accurately described as a self-contained dwelling, rather than an annexe.
10. The proposed development could be constructed from an appropriate palette of materials and on previously developed land. However, this does not overcome my previous observations.
11. The appeal site is located via a narrow lane that is also sinuous. The edges of the land have limited verges. The surface of the lane is uneven in places.
12. As the proposed development would result in an increase in the number of people living within the appeal site and its environs, the proposal would result in an increase in the number of people travelling to and from the site due to the shortage of facilities within the immediate vicinity.
13. This poses a concern given that residents of the proposed development would not have ready access to public transport facilities. Furthermore, the surrounding road network is lacking in lighting, is unevenly surfaced and lacking in separate infrastructure for pedestrians and cyclists. Therefore, even though the site would not be particularly isolated, it is likely that the location of the development would increase the potential conflict between motorists and pedestrians.

14. Therefore, the lack of an appropriate environment for pedestrians is likely to mean that residents of the proposed development would be reliant upon private cars to meet the bulk of their transport needs. This would outweigh any benefits arising from the increased support by residents of local services and facilities.
15. Whilst the proposed development would be located near to other buildings and would therefore not be isolated, the development would result in an increase in the number of people living within the vicinity of the appeal site. Therefore, the development would result in a notable number of journeys being made for the undertaking of trips. This would be particularly noteworthy given that the proposal would result in the creation of three separate self-contained dwellings at the appeal site, rather than two dwellings and an annexe.
16. Although the proposed development would result in the creation of appropriate living conditions for the future occupiers of the development, this would not overcome the aforementioned adverse effects.
17. I note that the proposal could potentially allow for improvements to be made to the living conditions of the occupiers of Elm Cottage. However, whilst a matter of note, this does not overcome my concerns regarding the suitability of the appeal site as a location for a new dwelling.
18. I have been referred to Policy S7 of the Uttlesford Local Plan (2005) (the Local Plan). Amongst other matters, this states that planning permission will only be given for development that needs to take place there or is appropriate to a rural area. As this policy seeks to ensure that development is appropriate for its context, it has a moderate amount of consistency with the National Planning Policy Framework (the Framework). Accordingly, I can attribute it some weight in my considerations.
19. I therefore conclude that the proposed development would represent the creation of a new dwelling and is inappropriately located. The development, in this regard would conflict with the requirements of Policies S7 and GEN1 of the Local Plan. Amongst other matters, this seeks to ensure that new developments encourage movement by means other than driving a car.

Character and appearance

20. The appeal site consists of a grassed area to the side of the existing farm complex. These buildings form a relationship with Further Ford End House, which was the original farmhouse. In result, the setting of these buildings contributes to their significance in outlining their previous use as a farmstead.
21. The proposed development would therefore result in an increase in the level of built form beyond the linear form of the farmstead. In result, the proposed development, would result in an projection beyond the farm complex.
22. Therefore, the proposed development would result in an encroachment of built form into the countryside. Furthermore, the siting and form of the dwelling would conflict with the layout of the courtyard of the Farm complex. This is because the farm complex buildings have front elevations that face one another. In contrast the proposed dwelling would face the road.
23. Furthermore, elements of the proposed outbuilding would also be viewable from the road. This would have a more domestic appearance, which would

conflict with the more utilitarian form of architecture that is a feature of the surrounding area and would further erode the character and appearance of the vicinity.

24. These matters are of concern given the prominence of the appeal site as views would be visible via the site's entrance. In addition, some views would also be possible from the road adjacent to the front boundary. Whilst some screening would be provided from the trees adjacent to the side of the road, their screening effect is likely to vary depending on health and, in some instances, season. Therefore, they cannot be relied upon to adequately screen the development throughout its life.
25. Although the location of the proposed development might not be farmed, it retains a rural and less developed appearance owing to its function as garden land. It includes relatively small buildings that are used to support the occupation of buildings near to the proposed dwelling. Therefore, the development of the site for an additional house would have an adverse effect on the site's more rural character.
26. Amongst other policies, I have been directed towards Policy S7 of the Local Plan. Amongst other matters, this seeks to ensure that developments protect and enhance the character and appearance of the countryside. Therefore, it can be given some weight for it seeks to maintain the character of the countryside. This has some consistency with the Framework.
27. My attention has also been drawn to Policy H7 of the Local Plan. This sets out the criteria by which replacement dwellings should be assessed. However, I have found that the proposal would be a new dwelling as Elm Cottage would not operate as an annexe. Therefore, I am unable to give this policy a significant amount of weight in my assessments.
28. I therefore conclude that the proposal would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard would conflict with the requirements of Policies S7 and GEN2 of the Local Plan. Amongst other matters, these seek to ensure that new developments are appropriate for a rural area; and is compatible with the scale, form, layout, and appearance of surrounding buildings.

Setting of the Listed Building and curtilage listed buildings

29. The appeal site is located close to Further Ford End House, which is a Grade II Listed Building. For the purposes of this appeal, the significance of this building is derived in part, by the presence of smaller-proportioned ancillary buildings facing a central yard area. There are also areas of open space nearby. The ancillary buildings are therefore curtilage listed. The arrangement of buildings highlights the interrelated past uses and the presence of open space is indicative of their former agricultural use. Therefore, the setting of these buildings contributes to their significance.
30. The proposed development would be located outside of the courtyard arrangement of buildings. In result, it would result in an increase in built form and loss of the more open space that contributes to the building's setting. Therefore, the development would adversely affect the setting of the farm complex, including Further Ford End House due to its urbanising effect.

31. Although the proposed development would be smaller than Further Ford End House, it would still retain a sizeable mass that would be bigger than some of the adjacent ancillary buildings. Therefore, the proposal would not reflect the prevailing character of small-scale buildings surrounding a larger former farmhouse.
32. The proposed development would occupy an area that now forms part of a domestic curtilage. However, the level of existing built form on the appeal site is relatively limited. Furthermore, it is set back from the highway edge by a greater amount than the proposed dwelling would be. Therefore, the use of the appeal site for domestic activities does not overcome my previous concerns.
33. Although the use of the piggery resulted in the creation of a separate dwelling, it retained its ancillary relationship with Further Ford End House. This contrasts with the proposed new dwelling, which would not have such an ancillary relationship, resulting in an erosion of the existing building's setting. I recognise that in future Elm Cottage might need to be altered. However, in the absence of a definitive alternative proposal, I am unable to give this suggestion a significant amount of weight.
34. I therefore conclude that the proposed development would have an adverse effect upon the setting of the Listed Building and curtilage listed buildings. The development, in this regard, would conflict with Policy ENV2 of the Local Plan. Amongst other matters, this seeks to ensure that developments affecting a listed building should be in keeping with its scale, character and surroundings.

Other Matters

35. The proposed development would not have an adverse effect on matters including highway safety, biodiversity and flood risk. Whilst these are matters of note, they do not overcome my findings in respect of the main issues.
36. I note concerns raised by the appellant regarding the manner in which the Council determined the application for planning permission. However, in considering this appeal, I have limited my considerations to the planning matters before me.

Planning Balance

37. The harm that would occur to the setting of the Listed Building and the curtilage listed buildings would not be severe and therefore it would be 'less than substantial' within the meaning of the Framework. Paragraph 202 of the Framework requires such harm to be weighed against the public benefits of the proposal.
38. The proposed development would generate some economic benefits due to the construction process and support of businesses of occupiers of the dwelling. However, such benefits by reason of the size of the development would be small scale and limited in impact. In addition, any benefit to the local housing supply would be small owing to the scale of the development. In consequence, I can give only these benefits a limited amount of weight.
39. Therefore, when giving significant importance and weight to the special attention I must pay to the desirability of preserving or enhancing the setting of the Listed Building, I find that the harm that would arise from the proposal would not be outweighed by its limited public benefits. Accordingly, there

would be a conflict with Paragraph 200 of the Framework as harm to designated heritage assets would not have clear and convincing justification.

40. The evidence before me indicates that the Council cannot currently demonstrate a five-year housing land supply. However, as there would be harm to the setting of the Listed Building the provisions of Paragraph 11(d) of the Framework are not invoked.
41. Therefore, whilst the scheme would offer a limited benefit arising from the increase in the local housing supply, this is outweighed by the previously identified harm.

Conclusion

42. The proposal would create a new dwelling in inappropriate location; have an adverse effect upon the character and appearance of the surrounding area; and erode the setting of Further Ford End Cottage and the surrounding curtilage listed buildings. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the National Planning Policy Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR