



Appeal Decision

Site visit made on 15 March 2021

by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2021

Appeal Ref: APP/C1570/W/20/3262826

Land west of Bonningtons Farm, Station Road, Takeley, Essex CM22 6QA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Wellsbridge Estates Limited and Alan Cory Wright against the decision of Uttlesford District Council.
 - The application Ref UTT/19/2168/OP, dated 30 August 2019, was refused by notice dated 15 June 2020.
 - The development proposed is described as outline application with all matters reserved except access for the cessation of use of site for storage, demolition of all associated buildings and redevelopment of site for 34 no. dwellings with improvement to existing access onto Station Road.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. For the purposes of the heading above, I have taken the address from the Appeal Form as it more precisely describes the location of the site than the address provided on the planning application form.
3. The planning application was made in outline including the consideration of access, with all other matters reserved for future consideration. I have dealt with the appeal on that basis, treating any details of reserved matters shown on the plans as being illustrative.
4. A revised layout was submitted prior to the determination of the planning application which showed a reduction in housing numbers from 34 to 32 units. The Council made its decision on that basis and the appeal is determined accordingly.
5. The Council's third reason for refusal relates to the absence of a mechanism to secure the required environmental and community infrastructure mitigation. A planning obligation dated 14 April 2021 has been submitted with the appeal. The Council has confirmed that this satisfactorily addresses the issues raised in that reason for refusal. I address this matter later in my decision.

Main Issues

6. The main issues of this appeal are:

- the effect of the appeal proposal on the character and appearance of the area and consequently whether or not the appeal proposal would be suitably located; and
- the effect on the setting of Grade II Listed Bonningtons Farmhouse.

Reasons

Character and appearance

7. The appeal site is situated beyond a recreational route known as the Flitch Way. This former railway line forms a strong physical demarcation of the development limits for this part of Takeley. These limits are defined by Policy S7 of the Uttlesford Local Plan (2005) (the Local Plan). Consequently, the appeal site is situated within the countryside for the purposes of interpreting planning policy.
8. Being served off Station Road, one of the main routes in and out of Takeley, the appeal site is situated at one of this settlement's key gateways. It comprises a storage yard, associated buildings and other land. The site is served by a narrow, unmade vehicular lane which is shared with the adjacent Grade II listed Bonningtons Farmhouse.
9. Glimpses of the existing buildings on site and the listed building are evident on approach in and out of Takeley through the existing vegetation. This gives the site a built presence from short, medium and longer distance public vantage points.
10. The boundaries of this informal access lane and the wider yard area are defined by a series of trees, hedgerows and other vegetation. These provide some containment for the appeal site from the surrounding open countryside. However, the tree cover associated with the Flitch Way clearly segregates the appeal site from the built up form of Takeley.
11. Furthermore, the form and layout of the existing building group reflects the agricultural character and appearance of the adjacent Bonningtons Farmhouse. Irrespective of the site's lawful use and physical condition, it reads with the farmhouse as a group of rural buildings within the settlement's countryside context.
12. The resulting rural character significantly contrasts with the more recent denser residential estate development of the settlement found on the other side of the Flitch Way. The importance of this to the setting of the listed farmhouse is dealt with later in this Decision.
13. The number of dwellings proposed relative to the site area would, as the illustrative plans show, necessitate a consolidated, urbanised estate form of development. This would significantly change the character and appearance of this area.
14. In addition, the necessary alterations to the existing access lane to accommodate the appeal proposal would overly formalise the rustic character and appearance of the approach to the site and the listed farmhouse. This change would be visible from Station Road.
15. Overall, the appeal proposal would represent a significant degree of urbanisation beyond a substantial physical boundary feature which contains the

main built up form of this part of Takeley. Despite some containment from the open countryside, the appeal proposal would be of a scale that would not be discrete or capable of being successfully assimilated either spatially or visually within the prevailing character and appearance of the settlement's countryside context. Such a change would erode the rural character and appearance of the area to an extent that would be harmful.

16. For these reasons, the appeal proposal would cause harm the rural character and appearance of the area and consequently it would not be suitably located.
17. My attention has been drawn to a previous planning permission for the appeal site. The submitted evidence confirms that residential scheme differs substantially in terms of the number of dwellings proposed. As such, it would not intensify the use of the site to a degree that would present as a consolidated urban built form so as to undermine the rural character and appearance of the area. Therefore, that permitted scheme does not justify the harm that would be caused by the appeal proposal and carries very limited weight.
18. In support of their appeal the appellant has confirmed that the number of dwellings could be limited by way of a condition on any permission to 27 units and an illustrative plan has been submitted along with a revised Heritage Statement.
19. However, that level of development is still substantially greater than the previously permitted scheme. Moreover, the submitted illustrative layout plan demonstrates that such a reduction in numbers would not materially alter the harmful effects on the character and appearance that the proposed development would cause. Furthermore, there is insufficient evidence before me to identify a lesser number of units which would overcome the matters in dispute whilst also providing a viable scheme.
20. Policy S7 of the Local Plan states that development will only be permitted if it protects or enhances the particular character of the part of the countryside within which it is set, or there are special reasons why the development in the form proposed needs to be there. I have found harm to the area's important rural character and spatially the appeal proposal would be unsuitable. Consequently, the appeal proposal would conflict with this policy.
21. Paragraph 170 of the National Planning Policy Framework (the Framework) recognises the intrinsic character of the countryside. This is an important part of achieving the environmental component of sustainable development. Although it restricts the location of housing, Policy S7 is still partially consistent with the Framework. However, since the appeal was lodged the national Housing Delivery Test results have been published. This shows that housing delivery is currently in excess of the requirement. Nonetheless, a housing land supply position of around 3.11 years still exists. Although this deficit in the housing land supply is reducing, it is still significantly below the requirement.
22. Given this context, I attribute moderate weight to the conflict with Policy S7.

Listed building

23. The appeal site sits at the head of an intimate vehicular access lane shared with the Grade II listed Bonningtons Farmhouse. The appeal site also has a common boundary with that property. The existing buildings located within the

appeal site have little architectural merit in their own right. Nonetheless, irrespective of their use, they do contribute to the agricultural context of the neighbouring farmhouse by virtue of their design and scale. Collectively, this building group connects with the wider agricultural landscape beyond.

24. The significance of this listed building is both in its historical and architectural value, articulating the agricultural heritage of the area. The listed building also derives some significance from its largely agricultural setting which reflects its role as a farm house. The character and appearance of the area which I have identified positively contribute to this setting and significance.
25. The scale of development proposed would require dwellings to be sited within close proximity to the listed building, as the illustrative layouts demonstrate. Even with a reduction in numbers to 27 units, the appeal proposal would be read directly with the listed building in either direction along Station Road and also from the Flitch Way. This would be exacerbated during periods of the year when the existing trees are unclothed despite the potential for further landscaping to be secured.
26. The level of residential development proposed, even at the lowest number advanced, would result in an immediate urbanised built presence which would unduly intrude upon the way in which the rural significance of this important building would be experienced and understood in its own right. This would be much greater than the low level of impact which the appellant has advanced.
27. The loss of the existing buildings in themselves would harm the significance the listed building acquires through its setting to a lesser degree. This is because the rural character of the setting of the listed building would still remain in their absence.
28. Overall, the harm to this important designated heritage asset which would arise from the appeal proposal would be less than substantial.
29. The previously permitted scheme would result in the removal of the existing buildings. Nonetheless, this in itself does not justify or diminish the heritage harm that would arise from the particular appeal scheme. Therefore, this carries limited weight in favour of the appeal proposal.
30. In accordance with paragraph 196 of the Framework the identified harm to the setting of this listed building must be weighed against the public benefits that would arise from the appeal scheme.
31. The appeal scheme would contribute to reducing the shortfall in the area's housing land supply and boost the supply of housing. Furthermore, the appeal proposal would secure a policy compliant level and mix of affordable housing provision. Given the extent of the housing land supply shortfall and reasonable level of contribution that would result, these both carry significant weight as public benefits.
32. The scale of the development proposed would limit the potential short and longer term economic benefits of the appeal proposal arising from construction and eventual occupancy. These would attract no more than moderate weight as public benefits.
33. It is also advanced that the appeal proposal would remove existing buildings and an associated use which it is cited have led to a contaminated, unsightly

- and environmentally unattractive site. This would attract moderate weight as a public benefit. This is because it has not been demonstrated that the previously permitted scheme, which could secure similar benefit, is undeliverable.
34. Through their evidence, the appellant has demonstrated that play space could be accommodated within the layout. This provision along with its management would be secured through the submitted planning obligation. However, as this is required as mitigation to principally serve the development, it would attract limited weight as a public benefit.
35. The appeal proposal would secure educational provision and infrastructure maintenance at Hatfield Forest through the submitted planning obligation. However, given these would serve to mitigate pressures arising from the appeal proposal they would attract limited weight as public benefits.
36. It is advanced that the site would secure structural planting and ecological enhancements. These would be necessarily required to mitigation impacts of the development. As such, they would attract limited weight as public benefits.
37. The Framework states that great weight should be given to the asset's conservation, irrespective of whether any potential harm is substantial or less than substantial. The magnitude of the adverse impact on the significance of the designated heritage asset that would arise from the granting permission in this instance is considerable.
38. Furthermore, I have had special regard to the desirability of preserving the listed building and its setting and have attached considerable importance and weight to that desirability.
39. In considering all of the public benefits set out above, they would not out-weigh the harm to the designated heritage asset which carries considerable importance and weight. The appeal proposal would cause harm to the setting of Grade II Listed Bonningtons Farmhouse and this harm is not justified.
40. Policy ENV2 of the Local Plan states that development proposals which adversely affect the setting of a listed building will not be permitted. Favourable consideration may be given to schemes which represent the most practical way of preserving its setting.
41. Although this policy does not include the balancing assessment set out in the Framework, it aligns with its heritage objectives. Given the identified harm that would arise, the appeal proposal conflicts with this policy. I afford considerable weight to this policy conflict.

Other Matters

42. In response to the third reason for refusal, the submitted planning obligation would secure an appropriate level and mix of affordable housing, children's play provision, highway infrastructure, drainage, educational provision and recreational maintenance. Furthermore, the Council has confirmed that the contents of this document would address that reason for refusal.
43. For this reason, the appeal proposal would not have a harmful effect on the capacity of local infrastructure and the Hatfield Forest. Consequently, there would be no conflict with Policy GEN6 of the Local Plan.

Planning Balance

44. This proposal must be determined in accordance with the development plan unless material considerations indicate otherwise.
45. The housing land supply falls short of the 5 year requirement for the area. Consequently, paragraph 11(d) of the Framework is relevant.
46. In view of my earlier findings on the effect on the setting of the adjacent listed building, when assessed against paragraph 11(d) of the Framework the appeal proposal does not engage the presumption in favour of sustainable development. Furthermore, the appeal proposal does not meet the requirements of Section 66(1) of the Act in terms of its heritage impact.
47. Policies S7 and ENV2 of the Local Plan continue to have relevance and carry weight. The appeal proposal conflicts with these policies. For the reasons set out earlier, I afford moderate weight to the conflict with Policy S7 of the Local Plan. Moreover, the conflict with Policy ENV2 of the Local Plan commands considerable weight.
48. The appeal proposal conflicts with the development plan when taken as a whole. The material considerations, including the proposal's contribution to boosting the supply of housing in the area, do not out-weigh this conflict and therefore do not indicate that a decision should be taken contrary to the development plan.

Conclusion

49. Accordingly, for the reasons given the appeal should be dismissed.

C Dillon

INSPECTOR