



Appeal Decision

Site visit made on 19 December 2024

by **G Pannell BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 February 2025

Appeal Ref: APP/C1570/W/24/3347768

Cricket Willow Field, London Road, Sparrows End, Newport, CB11 3TT

- 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 Rowe Build & Development Limited against the decision of Uttlesford District Council.
 - The application Ref is UTT/23/2575/FUL.
 - The development proposed is erection of 10 no. dwellings with garages and storage buildings (including 4 no. affordable homes) with access off London Road, sustainable drainage system and 2 wildlife areas.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The latest update to the National Planning Policy Framework (the Framework) was published on 12 December 2024. The changes which are the most relevant to the consideration of this appeal are minor and therefore, I have not found it necessary to seek views from the parties in this instance.

Main Issues

3. The Council have confirmed that the second reason for refusal has been addressed following submission of additional information as part of the appeal. The sixth reason for refusal has also been addressed following the submission of a unilateral undertaking. I will consider this further in my decision.
4. The main issues in this appeal are the effect of the development:
 - on the character and appearance of the area;
 - on the setting of Grade II Listed 1 & 2 Sparrows End and Shortgrove Hall Registered Park and Garden; and
 - the impact of the development on highway safety, including the provision of appropriate levels of parking.

Reasons

Character and appearance

5. The site is located off of the B1383 London Road, which links Bishops Stortford to the A11. The rear of the site is bounded by the River Cam and lined by mature alder with ash, willow and hawthorn. The frontage of the site is defined by a timber post and rail fence, affording views through as you travel along London Road.
6. The proposal would introduce a central access road and then extend in a t-shape with the dwellings positioned fronting the access road in a semi circle. The boundaries of the site would be screen planting, however glimpsed views of the development would be possible through the proposed access.
7. The appellant has submitted a Landscape and Visual Impact Assessment (LVIA) and this sets out that the site is located within the National Character Area Profile: 86 South Suffolk and North Essex Claylands. The character area is largely arable with pressure on hedgerows and water bodies. The identified environmental opportunities relevant to the site include enhancing the slow-flowing, winding rivers and their pastoral valley flood plains that provide linkages through the landscape.
8. The Essex County Council Landscape Character Assessment (LCA) places the site in landscape character type 'River Valley', with the key characteristics being small intimate tree lined valleys with small rural settlements, contrasting with the more developed major river valley floodplains. It is also noted that organic field shapes are a common feature as they are defined by the valley topography.
9. The LCA indicates that the site is in the Cam Valley (C1) landscape character area, with the characteristics being the enclosed character of the valley floor with lush riverside vegetation and the landscape condition is noted as having extensive areas of historic parkland, such as those close to the site, but with some valley floor pastures being in poor condition due to overgrazing.
10. The LVIA sets out that the landscape sensitivity is moderate, with the landscape sensitive to incremental small scale development. The sensitivity matrix states that the landscape is sensitive to this type/scale of development due to the potential for some adverse impacts on the distinctive physical and cultural components. Although noting that there may be more opportunities to overcome these adverse impacts, through siting, design and other mitigation measures.
11. The appeal site clearly exhibits a number of the characteristics outlined within the LCA and has an organic field shape. Its vegetation provides a backdrop to the River Cam and the site performs a role as an organic buffer between the settlements of Wendens Ambo and Newport, which extends along the River Cam. Exiting the roundabout onto London Road, the character is very much of rural verdant character as you travel along London Road towards Wendens Ambo.
12. The LVIA makes reference to there being small clusters of development being present along the route of the B1383. However within the immediate vicinity of the site, the nearest development accessed from London Road is Sparrows Cottages, which is the other side of the roundabout and some scattered development which comprises larger detached plots as you approach Wendens Ambo. Therefore, I do not consider that the type of development proposed would be similar to that which currently exists.

13. The LVIA sets out that mitigation for the development would be in the form of new landscape planting, however some removal of trees and hedges would be required to accommodate the visibility splays from the proposed access.
14. The LVIA accepts that the sensitivity of the landscape receptor is high, having regard to its location within a historic landscape and high sensitivity of the district landscape character. The LVIA concludes that overall the landscape would have a medium sensitivity and a low magnitude of change, resulting in a slight/moderate effect on the landscape receptors. However, the magnitude of change is reliant on the introduction of new landscape elements which would take some time to establish. Furthermore, the introduction of development onto the site would result in a change to the pattern of the landscape, where the verdant organic field pattern along the River Cam would be interrupted and replaced with a compact group of housing. Instead views into the site from the access would be directly onto a covered parking area and views through to the River Cam would be lost.
15. The introduction of development in this location would lead to an intrusion into the countryside, failing to recognise its intrinsic rural character. I consider that the introduction of 10 dwellings would alter the character and appearance of this rural site and introduce an urban form of the development.
16. The increased density of development across the site would lead to an urbanising affect which would be both out of character and harmful to the overall appearance of this part of London Road. For these reasons, the proposed development would introduce a discordant built form to the locality that would fail to protect or enhance the character of the countryside.
17. In conclusion, the proposed development would have a significantly harmful effect on the character and appearance of the area. Both in conflict with policy GEN2 of the Uttlesford Local Plan 2005 (LP) which looks for development to be compatible with the scale, form and layout of surrounding buildings and in this regard policy S7 of the LP which seeks to protect or enhance the particular character of the countryside.
18. The proposal would fail to accord with the Newport, Quendon & Rickling Neighbourhood Plan (NP) policy NQRHA2 which requires development to be sensitive to the setting of Newport within the surrounding countryside and ensure that the visual connection to the countryside is not lost. It would also be contrary to policy NQRHA3 which sets out that development should protect and enhance the landscape pattern and preserve landscape significance.
19. Furthermore, it would be contrary to policy NQRHD2 of the NP which expects development to relate well to its site and its surroundings and make a positive contribution towards the distinctive character of the village, creating a sense of place appropriate to its location.

Setting of Heritage Assets

20. During the appeal the parties have agreed, following the submission of a Heritage Impact Assessment, that the assets Grade II Listed 1&2 Sparrows End and Grade II Registered Park and Garden Shortgrove Hall (RPG) should be considered having regard to the impact of the appeal scheme on their setting and significance. The site is considered to positively contribute to the setting and thereby significance of Shortgrove Park and 1 & 2 Sparrows End through it providing a sylvan foreground to these assets.
21. The landscape park associated with the former Shortgrove Hall was designated as a Historic Park and Garden in 1987 and was designed by Capability (Lancelot) Brown. The appeal site is outside of the RPG and is opposite the northwest corner of the park. The clearly defined landscape park is part of the understanding and appreciation of the Shortgrove Estate, which prior to its demolition following a fire, was one of the manors of Newport and of importance to the town's history and development. Its significance is derived from its wider landscaped surroundings, which includes areas of land historically associated with the estate as evidenced on the Tithe Map.
22. The appeal site is outside of the boundary walling which defines the park and from the site the character of the park is of farmed fields with Sparrows End limiting the views from the main road into the park. The appeal site forms part of the wider context of the park and the main contribution to its setting is from the trees on the site which mirror the trees on the unfarmed area on the southwestern corner of Sparrows Hill Road junction to London Road.
23. The listed cottages, 1&2 Sparrows End, are a pair of cottages dating from the late eighteenth century and would have been built as part of the improvement and investment works undertaken on the Shortgrove Estate, at a time when the RPG was being landscaped by Capability Brown. The significance of 1&2 Sparrows End is derived from its historic setting and physical relationship with the RPG.
24. The listed building provides a focal point as you enter Newport from the north, being the first building as you exit the roundabout from Wendens Ambo. The listed buildings have a relationship with the junction to Sparrows Hill Road and the appeal site provides a sylvan foreground in the long views when approaching from the north. The introduction of development on the appeal site would interrupt this focal point and diminish the setting of the listed building.
25. I have had regard to the proposal being set back from the road, however the introduction of a formal access with associated pedestrian footpath and visibility splays would in themselves alter the character of the frontage of the site and the proposed landscaping along the frontage would take some time to become established and even once established would not mitigate the harm arising from the formal access.
26. The introduction of development into the site would have an urbanising effect on the character of the area and lead to an incremental erosion on the setting of the RPG and 1&2 Sparrows End, by extending development along London Road into an area which is relatively undeveloped and reducing the sylvan foreground which contributes to their setting.

27. Section 66 (1) of the LBCA Act requires special regard to 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 when dealing with planning applications.
28. Paragraph 205 of the Framework states that when considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the asset's conservation; the more important the asset, the greater the weight should be.
29. Nevertheless, the harm would be less than substantial and in accordance with paragraph 214 of the Framework, that harm should be weighed against any public benefits of the proposal. The site would give rise to some economic benefits during the construction phase and I consider that there would be modest social benefits arising from the delivery of affordable housing and the contribution to the Council's housing supply, noting the Framework highlights the contribution small and medium sized sites can make to meeting the housing requirement in the area.
30. However, these modest benefits are not considered to outweigh the identified harm to which I must attach considerable importance and weight. The proposal would, therefore, fail to preserve or enhance the setting, and thereby the significance of, the designated heritage assets. It would not accord with the policies of the Framework which seek to conserve and enhance the historic environment.
31. I conclude that the development proposed would fail to preserve or enhance the setting of 1&2 Sparrows Cottage, a Grade II Listed Building and the Grade II Listed RPG. This would be contrary to policy ENV2 of the LP, which sets out that development that adversely affects the setting of a listed building will not be permitted.
32. The development would also be contrary to policy NQRHA3 of the NP which sets out that development should better reveal cultural heritage links and protect and enhance historic landscape character.

Highway Safety

33. A Road Safety Audit and Transport Note, January 2024, and appeal response note was submitted with the appeal and was considered by Essex Highway Authority (EHA), who concluded that the proposal resulted in two problems, that the junctions spacing (the distance between the access and Rookery Lane) was inadequate and that the provision of a footway and pedestrian crossing had been provided but not accepted by the Road Safety Audit (RSA). As a result they maintained their objection on the grounds of Highway Safety.
34. The proposed junction access creates a left/right stagger with Rookery Lane, and a minimum stagger distance cannot be achieved. The RSA identified that vehicles waiting to right turn into one side road could obstruct the visibility to the left, out of the opposite side road such that an exiting vehicle could pull out into the path of an unseen main road vehicle, which could lead to side impact collisions or rear end shunts. However, it was accepted that due to the scale of the development resultant flows would be low and that flows from Rookery Lane were also observed as low.

35. The RSA recommends that if a stagger distance of 50 metres is unachievable that this should be mentioned as a Departure from Standard and that a Stage 4 RSA would need to be undertaken if a collision problem was identified within 12 months of post construction personal injury collisions data.
36. The appellants transport consultant has set out that the stagger distance, between the proposed site access and Rookery Lane, measures 36 metres from the centre of both junctions. London Road is described by the appellant as a Local Distributor Road based on the descriptions set out within the Essex Design Guide Highways Technical Manual and the proposed access as a Mews Court, whereby a minor shared surface cul-de-sac within a 20mph network gives access to around 20 dwellings.
37. However, I note that the access to serve the development would not be within a 20mph network and that EHA do not accept that the new proposed development is a Mews Court type of road as these are located within residential developments within established 20mph zone networks. Whereas the proposed access gains direct access from a main distributor road within a 50mph speed limit. It is considered that the development is a type F Minor Access road as described in the Essex Design Guide and should comply with that guidance which requires a staggered junction distance of 50 metres.
38. It is suggested by EHA that the specific issue identified within the RSA could be resolved by relocating the access as the extent of the site's frontage onto London Road (B1383) would allow for the relocation of the access and appropriate junction spacing to be achieved. This adds weight to their concerns, as a solution could be achieved that would enable the objection to be overcome. I have not been provided with any evidence to suggest that an alternative could not be achieved which would enable an appropriate stagger, without compromising any other highway requirements.
39. Therefore taking a precautionary approach, it has not been demonstrated within the evidence before me that the proposed access arrangements would not result in an adverse effect on highway safety, conflicting with policy GEN1 which requires any access onto the main road network to be capable of carrying the traffic generated by the development safely.
40. With regard to the proposed footway the appellant, in response to the RSA report, has produced an updated drawing demonstrating a section of footway to the north with a pedestrian crossing and pedestrian visibility splays. EHA have confirmed that they are satisfied with the developers' response, however, the submitted design and information for the footway to the north has not been reviewed by a RSA and accepted as safe, suitable and in accordance with current standards. However, I can see from the submitted evidence that they have responded to say that the proposal has been noted and accepted.
41. Therefore, I am satisfied that a suitable and safe footway could be provided if the development were to be allowed and would comply with policy GEN1 in that regard, where the policy requires development to take into account the needs of pedestrians. It would also accord with policy NQRTR1 which sets out that development will be expected to provide appropriate and deliverable footways.

Parking

42. The Council's reason for refusal sets out that the proposal would result in substandard parking provision for both residents and visitors, which could lead to on-street parking to the detriment of highway safety. The appellant's evidence sets out that 21 spaces would be provided, which would be in accordance with the Essex County Council Parking Standards – Design and Good Practice (2009).
43. The Council have not directed me to any more recent guidance, but have raised that there is insufficient visitor parking and that there would be a requirement for 3 spaces (2.5 rounded to the nearest whole number). The proposed block plan does not indicate any dedicated parking spaces for visitors, and the parking spaces shown on the submitted block plan are all either on plot or in two dedicated parking courts which appear allocated to units 1 & 2 and 9 & 10.
44. Therefore, whilst the total number of resident parking spaces would comply with the requirements, specific visitor parking is not delineated on the submitted plans. As such, taking a precautionary approach, it appears that there would be a lack of unallocated spaces available to visitors and this would fail to comply with the adopted parking standards. Increasing the likelihood of incidences of inappropriate parking to the detriment of highway safety, contrary to policy GEN8 of the LP, which seeks to ensure that the number, design and layout of vehicle parking places proposed is appropriate for the location.
45. It would also be contrary to NP policy NQRHD1 which requires parking arrangements to be in accordance with the relevant parking standards.

Other Matters

46. The Council's case with regard to its spatial strategy is somewhat unclear and is not directly referenced within its reasons for refusal, albeit the scheme does not find support from within the Neighbourhood Plan policy NQRHA1 referenced within the first reason for refusal. As I am dismissing the appeal for other reasons, I have not found it necessary to go back to the parties to seek clarification on matters relating to the principle of development, nor have I come to a finding in this regard.

Planning Obligation

47. The appellant has provided a duly executed legal agreement under section 106 of the Town and Country Planning Act 1990, which includes a number of obligations which would come into effect if planning permission were to be granted. The agreement secures the provision of affordable housing.
48. I have considered the obligations in light of the Framework, Planning Practice Guidance and the Community Infrastructure Levy Regulations (the CIL Regulations). These state that a planning obligation must be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.
49. Affordable Housing: The delivery of affordable dwellings for rent, first homes and intermediate housing would be in line with Policy H9 of the LP which requires affordable housing to be provided at 40 per cent of the overall total. Furthermore, the provision of affordable houses as part of the development would accord with the Framework which seeks to ensure a sufficient supply of homes to reflect identified needs.

50. Therefore, the obligation is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related to it in scale and kind
51. Highway Obligation: This obligation secures the provision of the 2m wide footway from the proposed access to ensure that it is delivered. I have not seen any comments as to whether this obligation is required nor whether its been agreed with EHA who are not a signatory to the document. However, as I am dismissing the appeal I have not found it necessary to reach a finding on this obligation.
52. On this basis, I consider the agreement, with regard to the affordable housing obligation, accords with the criteria of Regulation 122 of the CIL and with paragraph 57 of the Framework. I can therefore reasonably take it into account.

Planning Balance

53. The appellant challenges whether the Council can demonstrate a five-year supply of deliverable housing sites, albeit I have not been provided with details of the exact level of shortfall. However, paragraph 11(d) of the Framework is not engaged, because the policies in the Framework relating to heritage assets provide a strong reason for refusing the development proposal.¹
54. However, the site is well located in terms of its proximity to services and is of a scale appropriate to the size of the existing settlement and as such lies within a sustainable location. There is no evidence that local infrastructure would be unable to meet the needs of the development. The development would also give rise to some economic benefits during the construction phase and provide support to local services.
55. In addition, the delivery of affordable houses from this development will result in social benefits. Therefore, noting the scale of the development proposed, I have attributed moderate weight to the delivery of housing in this instance, which would contribute to housing supply in the area and the Framework highlights the contribution small and medium sized sites can make to meeting the housing requirement in the area.
56. The appellant has also set out a number of biodiversity enhancements which could be implemented as part of biodiversity net gain, which is not mandatory under the transitional arrangements. I have attributed modest weight to these environmental benefits.
57. However, the identified adverse impacts of the development to which I have afforded considerable weight would significantly and demonstrably outweigh the benefits outlined above.
58. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.

¹ National Planning Policy Framework Paragraph 11(d) Footnote 7

Conclusion

59. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
60. For the reasons given above the appeal should be dismissed.

G Pannell

INSPECTOR

Richborough