



## Appeal Decision

Site visit made on 2 February 2021

**by Stephen Wilkinson BA BPI DIP LA MBA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 10 March 2021**

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**Appeal Ref: APP/C1570/W/20/3261408**

**The Bungalow, Little Bardfield Road, Little Bardfield, CM7 4TW**

- 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 Gardiner against the decision of Uttlesford District Council.
  - The application Ref UTT/20/1559/FUL, dated 29 June 2020, was refused by notice dated 12 August 2020.
  - The development proposed is replacement dwellings.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The description of proposed development used by the Council and the appellant on the appeal form reads as follows, 'demolition of existing dwelling and outbuildings and replacement with 1 no. dwelling. Whilst this differs from that originally applied for it more accurately describes the description of development proposed. Accordingly, I have determined the appeal on this basis.

### Main Issues

3. The effect of the proposal on the character and appearance of the area including the setting of a designated heritage asset, Wainfords Farm.

### Reasons

4. The appeal site comprises a small bungalow and outbuildings and is one of three dwellings located at a T-junction of minor roads. The site lies next to a large detached residential property of 1.5 storeys. Immediately across from the appeal site is Wainsford Farm, a Grade II listed building built of brick dating from the early seventeenth century. The farmhouse comprises an L shaped plan with the wings extending to the north and east. Beyond these buildings is open countryside laced with hedge lined roads.
5. The proposed scheme involves the demolition of the existing bungalow and outbuildings and the erection of a large detached 2 storey residential property which would use the existing access. The proposed house would be designed with two gable ends with an overall ridge height of around 7.4m and eaves

height of 4.3m with the side located closest to the listed building of 6.5m ridge height with an eaves height of 3.25m.

6. The context for the appeal scheme is the existing dwelling together with its collection of outbuildings. The proposed replacement dwelling is significantly larger than the existing bungalow and would extend across a larger portion of the appeal site. Whilst the bungalow has a subservient relationship to its wider context the appeal scheme would be much larger but due to the topography and hedgerows would not unduly dominate the surrounding countryside. There is not a street scene in a typical 'urban' context and the proposed scheme can be accommodated on the appeal site without causing harm to the character and appearance of the wider area. For this reason, I do not find conflict between the proposals and Policy S7 which seeks to protect the countryside.
7. In respect of the impact of the proposed scheme on the setting of the listed Wainscot farm house, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on decision makers, to have regard to the desirability of preserving the listed building or its setting.
8. The Framework defines 'setting' as the surroundings in which a heritage asset is experienced. The farmhouse enjoys views across the surrounding countryside; these views include the appeal site. Its design comprising 2 storeys with front gables and with a steeply pitched roof results in it being the dominant building in the immediate locality.
9. Due to its proximity and orientation the farmhouse has an intimate relationship with the appeal site. The proposed building would extend across the appeal site, compared to the existing bungalow and would, due to its position and topography dominate the listed building at this point. Furthermore, it would replace the farmhouse as the dominant building at the crossroads and for this reason would adversely impact on its setting.
10. Although the existing bungalow and sheds are in a poor state of repair they are at least subordinate with minimal impacts on the setting of the farmhouse. Their redevelopment would, in contrast, have a negative impact. The degree of harm resulting from the scheme cannot be readily mitigated through vernacular features including, gables, rendering and clay roof tiles as required by the Council's local design statement.
11. I note the computer generated images provided by the appellant, but it is evident from my site visit that the appeal scheme would encroach on the setting of the listed farm house. Furthermore, although the existing bungalow could be extended under permitted development the nature of the proposed extensions would to my mind have less impact on the listed farmhouse than the proposed scheme due to its position.
12. The appellant has referred to a decision<sup>1</sup> of an Inspector colleague which granted permission for 3 dwellings. However, this scheme did not involve the added constraint of a listed building and for this reason alone, can be distinguished from the scheme before me.
13. For these reasons I conclude that the appeal scheme would be in conflict with Policies H7 and GEN2 which require new or replacement dwelling to be in scale with neighbouring properties and Policy ENV2 which relates specifically to the

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<sup>1</sup> AAP/C1570/W/19/3241583

design considerations regarding listed buildings and Paragraph 196 of the Framework.

### **Conclusions**

14. The Council cannot demonstrate a 5 year housing land supply and in these circumstances the policies are out of date.
15. Paragraph 11(d)(i) of the Framework indicates that planning permission should be granted, where the development plan is absent, silent or relevant policies are out-of-date, unless the application of policies in the Framework that protect areas or assets of particular importance provide clear reasons for refusing the development proposed. The protection of Listed Buildings is one such area or asset and, given I have found very special circumstances do not exist, the tilted balance does not apply in this case.
16. Whilst I find that the resultant harm to the significance of the listed farmhouse would be less than substantial no public benefits have been identified by the appellant and in these circumstances the harm is sufficient to warrant a dismissal of this appeal.
17. The determining issue in this appeal is the impact of the proposed scheme on the setting of the listed farmhouse and for the reasons stated above the appeal scheme is dismissed.

*Stephen Wilkinson*

INSPECTOR