



Historic England

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Our ref: P01559649

17 May 2023

Dear Mrs Palmer

**T&CP (Development Management Procedure) (England) Order 2015  
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**WARISH HALL FARM, SMITHS GREEN LANE, TAKELEY, ESSEX CM22 6NZ  
Application No. S62A/2023/0016**

Thank you for your letter of 27 April 2023 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

**Summary**

Smith's Green is an important historic lane; its rural and tranquil character makes an important contribution to the setting of the many designated and non-designated assets which it gives access to, including Warish Hall moated site scheduled monument. The lane itself a non-designated heritage asset.

The present scheme seeks to develop Jacks, an area of agricultural land off Smith's Green Lane, for residential use.

We have no objections to the principle behind the proposals and consider there is some scope for new development on this site to be in keeping with rural character. However, as it currently stands and largely due to the intensity of development proposed, we consider the proposals would fail to meet the requirements of the NPPF and consequently, Historic England cannot support the scheme in its present form.

**Historic England Advice**

Smith's Green is located halfway the historic estates of Hatfield Forest and Easton Lodge, between the settlements of Takeley and Little Canfield, on the Bishop's Stortford-Dunmow Road - the Roman Stane Street. The area is therefore of great historic significance.



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This historic lane is a good example of the expansion cultivation experienced in the area in the course of the 10th - 12th centuries. New settlements were developed, usually set around diminutive greens or isolated farms and sub-manors, often moated, set within their own fields. The 1898 and 1920s and 1949 OS maps show clearly the historic pattern of settlement on this area, a network of interconnected greens - Smith's Green, Bamber's Green, Jack's Green - the relevant moated sites of Sheering Hall and Warish Hall alongside smaller moated areas on Smith's Green and Jack's lane, and important wooded areas - Prior's Wood and Fann's Wood; all these were important elements of this structure.

The opening of the A120 and the suburban growth of Little Canfield have disrupted this historic layout; recent development has also infilled the gaps along Jack's Lane. However, Smith's Green has remained relatively unaffected, acting as a rural oasis between the urban sprawl of the adjacent settlements.

Importantly, this historic lane has retained a significant array of important historic buildings and structures. To the north, Warish Hall moated site and remains of Takeley Priory, a scheduled monument, alongside the late 13th century aisled hall house Warish Hall - grade I listed. To the south, clustered along the green, there is a group of historic buildings ranging from the 16th to the early 19th centuries, encompassing 9 grade II listed and one grade II\* listed dwellings.

Smith's Green Lane itself is designated as a protected lane, and Prior's Wood an ancient woodland, which makes them non-designated heritage assets in their own right. The rural and tranquil character of this lane makes an important contribution to these assets both individually and as a group.

### *The proposals*

The current application relates to former application no. UTT/21/1987/FUL, which we had objected to. Our objection centred on the impact the erosion of the rural landscape would have primarily on the setting of 'Warish Hall moated site and remains of Takeley Priory' scheduled monument, but also on the wider setting of the designated and non-designated assets along Smiths Green Lane. This application was refused on appeal.

The revised scheme considers development only on one of the three sites formerly proposed - Jacks. The site falls outside of the settlement boundary and within the countryside protection zone, requiring great weight is given to the protection of rural character and appearance.

The general layout remains largely the same to the previous application, albeit with



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some small adjustments. The southern side of the access lane is now more intensely developed; this is in order to liberate a larger piece of land on the northern edge. We note the number of dwellings proposed has increased from 38 to 40.

The reduction on the extent of development has diminished the overall impact on rural character and with it the harm to the setting of designated and non-designated assets. Consequently, this move is welcomed.

While the principle of developing this site is not objected to, we have serious concerns about the intensity of development proposed, which we consider goes against the rural nature and character of the site. The principle of introducing such intense development would represent a suburban encroachment on this historic lane, detracting from historic character. We appreciate the site is enclosed by mature boundary planting, and that this would contribute to some extent to mitigate visual impact. However, the impacts of light spill from dwellings and streetlight on overall rural character and on the setting of the nearby listed buildings would also need to be appropriately considered. This is not clear on the submitted proposals.

Importantly, we consider that the increase in traffic on Smiths Green Lane resulting from the amount of housing proposed would adversely impact our experience and appreciation of the scheduled monument, this would result on harm to its setting. For the same reasons, it would also affect the settings of the listed buildings fronting the green and the non-designated green and lane, cumulatively impacting on overall character.

#### *Planning Policy Considerations*

The statutory requirement to have special regard to the desirability of preserving a listed building, its setting and any features of special interest (s. 16, Planning (Listed Building and Conservation Areas) Act 1990) must be taken into account by your authority when making its decision.

The National Planning Policy Framework (NPPF) reflects this by making the conservation of the historic environment a key element of achieving sustainable development, including, in the case of heritage assets, requiring local planning authorities to look for opportunities to enhance or better reveal their significance - paragraph 206.

In turn, paragraph 130 asks that planning policies and decisions should ensure that developments

- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development



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- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping
- (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change

Paragraph 199 requires to place great weight on the conservation of designated heritage assets, the more important the asset, the greater the weight, and irrespective of the level of harm. Paragraph 200 goes on to require a clear and convincing justification for any harm.

Paragraph 203 asks to consider the effect of an application on the significance of non-designated heritage assets, requiring a balanced judgement having regard to the scale of any harm or loss and the significance of the asset.

### *Historic England's Position*

We reiterate our previous comments regarding our lack of objection to the principle of development on this site and consider there is some scope for new development to be in keeping with rural character.

However, we have serious concerns about the intensity of development proposed, as this would go against the rural and tranquil nature of the area, which makes an important contribution to the setting of the many designated and non-designated assets along Smiths Green Lane, being harmful without justification.

A reduction on the number of dwellings would help better integrate the development within this rural site. A revised layout could also help better reflect the historic pattern of development. It could be that breaking down the development in different zones, so it relates to either Smith's Green or Jack's Lane and Jack's Green, would help better integrate the development within this sensitive context. We encourage these options are explored and revised schemes are discussed in liaison with the local authority's conservation specialists, who would also be able to advise of any necessary conditions.

### **Recommendation**

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed for the proposals to meet the requirements of paragraphs 130, 199, 200 and 206 of the NPPF.



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Historic England

In determining this application you should bear in mind the statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Yours sincerely

**Rosa Teira Paz**

Inspector of Historic Buildings and Areas  
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