

Land known as Bull Field, Warish Hall Farm Consultation Response Document

Appendix G

Note produced by RPS - Re: UTT/23/1583/PINS (UDC) / S62A/2023/0019 (PINS): Land known as Bull Field, Warish Hall Farm, Takeley (Dated: September 2023).



Our ref: JCH01780

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Date: 24 September 2023

The Planning Inspectorate

Sent by email only

Dear Sir/Madam ,

RE UTT/23/1583/PINS (UDC) S62A/2023/0019 (PINS): Land known as Bull Field, Warish Hall Farm, Takeley

1. This letter has been prepared by RPS Heritage on behalf of Weston Homes to respond to the following consultee comments provided in relation to the above application:
 - a. The Principal Conservation Officer at Uttlesford District Council (UDC) dated 24th August 2023;
 - b. Historic England (HE) dated 23rd August 2023;
 - c. Takeley Parish Council (TPC) dated 4th September 2023; and
 - d. Uttlesford District Council (UDC) dated 4th September 2023.
2. This letter also makes reference to the emerging Smiths Green Conservation Area which has yet to be designated but which the TPC consultee response makes reference to.
3. It should be read alongside the Built Heritage Assessment (BHA) dated: June 2023, that was submitted as part of the application which met the requirements of paragraph 194 of the NPPF and included an assessment of the relevant built heritage assets undertaken in accordance with Historic England guidance provided in *GPA3: The Setting of Heritage Assets*. It was also informed by a site visit undertaken in October 2020 and again in May 2022 and historic research. This letter does not repeat the information provided as part of the BHA but specifically responds to the points raised by the consultees referenced above.

Background and Context

4. The current application follows one made in June 2021 (UTT/21/1987/FUL) and subsequent appeal in July 2022 (APP/C1570/W/22/3291524) for the development of a wider site that encompassed three land parcels known as; 7 Acres, Bull Field and Jacks land parcel. Bull Field is now the subject of the current application.
5. In order to consider the consultee comments and the applicant's response it is important to understand the relevant heritage related points that came out of the previous application and the Inspector's decision. The previous appeal (APP/C1570/W/22/3291524), confirmed that:
 - a. The Inspector specifically stated the majority of significance for each heritage asset is derived from their surviving historical form and fabric which will not be affected by the proposed development. In all cases where harm was identified this was considered to be less than substantial.
 - b. In all but two cases, the applicant and UDC agreed on the level of potential harm the proposed scheme would have on the relevant heritage assets and where there was a disagreement (Beech Cottage and Goar Lodge only) this was agreed to be in relation to how the levels were calibrated.
6. As part of the appeal the Inspector clarified the areas of contention as:

- a. The previously proposed development on the *eastern edge* of Bull Field was the main area of contention. Importantly this eastern edge is no longer proposed for development in the current application.
 - b. The appreciation of the Warish Hall Scheduled Monument from Priors Wood and Bull Field:
 - i. UDC and the Applicant were a little surprised that the Inspector noted visual links to the wood and the field as the scheduled monument is surrounded by dense planting and; historic field boundaries (since removed) would have obscured long range views.
 - ii. The Inspector also referenced the ability to appreciate the historic functional links between the asset and Bull Field but it is unclear how the scheduled monument retains this functional association with surrounding landscape features as it is no longer a defensive structure and the original built form within the moated area has been lost. While the surviving landscape features would make some contribution to its historic interest, they do not share a current functional link.
7. Following the appeal decision, the proposals that form the current application have been revised to respond to the Inspector's findings. Design mitigation measures have been embedded to minimise the impact of the development on the relevant heritage assets. These mitigation measures include:
- a. The removal of all development from the eastern end of Bull Field. Setting the proposed development back behind Prior's Wood to the west of Bull Field will mean it is not visible from the scheduled monument. Thus any visual and historical functional links are retained. This maintains the link between Prior's Wood, Bull Field and the Scheduled Monument. It should be noted that during the previous application process (UTT/21/1987/FUL) for the wider site, HE clarified in their comments (Dated: 18th October 2021) that they had no objection to "*that part of the application site tucked directly to the south of Prior's Wood*" as per the current proposals.
 - b. Retention of the eastern part of the Site as a managed hay meadow.
 - c. The re-establishment of historic hedgerows to screen the western edge of the development and filter views from the east.
 - d. The use of character areas, materials and design features for the new dwellings to respect the local vernacular.
 - e. The retention of a gap/open setting behind the two closest Grade II listed buildings, Beech Cottage and Goar Lodge with proposed development sitting adjacent to the existing development of Roseacres allowing the listed buildings breathing space.
 - f. Protection of the existing hedgerows, verges and ditches that run adjacent to Smiths Green Lane which the Inspector has identified as part of the non-designated heritage asset.
 - g. The existing public rights of way have been integrated into the landscape proposals and extant informal routes will also be retained and managed. The proposed treatment of these footpaths has been designed to respond to the rural character of the context and to minimise any potential impact on the setting of the relevant heritage assets.

Pre-Application Discussions for Current Application

8. During pre-application discussions for the current application, Place Services (UDC's Conservation Team at the time), confirmed that:
 - a. there would be a low level of less than substantial harm to the setting and significance of two Grade II listed buildings and the potential for this harm to be at the lowest level for one Grade II listed building.
9. It is therefore, considered that the revised proposed development of Bull Field responds to those points raised by the Inspector in the previous appeal (APP/C1570/W/22/3291524), and, as referenced by Place Services, will lead to a low level of less than substantial harm to the relevant assets, such harm to be weighed against the public benefits of the scheme as per paragraph 202 of the NPPF.

Comments from the Principal Conservation Officer at UDC dated 24th August 2023

10. The Officer comments that:
 - a. *the current proposal has been revised and submitted in response to comments made by the Inspector at Appeal (APP/C1570/W/22/3291524). The revised designs appear to mitigate impact of the proposed development in the heritage assets in proximity to the Site. Development has been removed from the eastern end of Bull Field and is set back behind Priors Wood to prevent visibility from the Scheduled Monument (SM). This appears to maintain the link between Priors Wood, Bull Field and the SM.*
11. The Officer makes specific reference to:
 - a. The reinstatement of the historic hedgerow on the western edge of the site to screen the development and reduce visibility from the east.
 - b. Character areas designed in response to local vernacular which *provide a more appropriate scale and identity in keeping with existing development that surrounds the Site.*
 - c. Landscaping to the eastern boundary of the Site meets the edge of the Smiths Green hamlet and provides a substantial buffer to soften the edge of the proposed development.
 - d. Integration of existing Public Rights of Way is acceptable in Heritage terms with connectivity to Smiths Green maintained.
12. The officer concludes that there is no objection to the proposed scheme.
13. These most recent comments accord with those made during pre-application discussions with Place Services (UDC's Conservation Team at the time of pre-app) and the Inspector's findings as part of the appeal. They also agree with those made by HE as part of the appeal scheme which clarified that they had no objection to *"that part of the application site tucked directly to the south of Prior's Wood"* (in their comments dated: 18th October 2021).
14. The residual low level of less than substantial harm to the two Grade II listed buildings closest to the site (Beech Cottage, Goar Lodge) and the Grade II Hollow Elm Cottage should be weighed against the benefits of the proposed scheme in accordance with paragraph 202 of the NPPF.

Comments from Historic England (HE) dated 23rd August 2023

15. HE objected to the previous, larger application for residential development that went to appeal ((APP/C1570/W/22/3291524) because they considered the proposals would result in an erosion of the rural character that contributes importantly to the setting of highly graded heritage assets. Their concerns centred on the impacts on Warish Hall scheduled monument and grade I listed building resulting from the development proposed immediately to the west of Smith's Green Lane.
16. However, HE now acknowledges that the amendments introduced to the scheme have considerably reduced the impact this would have on the setting of the scheduled monument and grade I listed building. Also noting that the intensity of proposed development has also been reduced along with other refinements which better relate the development to its rural context.
17. We note HE's recommendation to make further small refinements to help further reduce the impact on the setting of the listed buildings in Smith's Green and particularly Beech Cottage and Goar Lodge however, HE now considers their previous concerns to have been largely addressed. Consequently, HE no longer objects to the scheme.
18. We also note that HE refers to Prior's Wood as a non-designated heritage asset. However, the wood has never been identified as such neither by the Applicant, Place Services, UDC's Conservation Officer nor the Inspector during the recent appeal. Whilst the wood is of some antiquity any potential impact should be assessed pursuant to paragraph 180 of the NPPF. Both the Applicant's Landscape, Ecology and Arboriculture specialists consider Prior's Wood and any potential impact the proposed development may

have on it, concluding that there would be no detrimental harm to the woodland, which is reflective of the conclusions set out in the Inspector's decision on the recent appeal.

Comments from Takeley Parish Council (TPC) dated 4th September 2023

19. UDC are working towards the delivery of a new Local Plan by summer 2024. TPC reference the existing Uttlesford District Local Plan (adopted in January 2005) Policy ENV2: *Development affecting a listed building should be in keeping with its scale, character and surroundings... development proposals that adversely affect the setting... of a listed building will not be permitted.*
20. As referenced above, design mitigation measures have been embedded in the scheme to reduce any potential impact on the heritage assets. These are referenced by both the UDC Conservation Officer and by HE in their reasoning for removing their objection.
21. As such, the scheme is considered to be in keeping with the scale, character and surroundings of the relevant heritage assets, which is agreed by the UDC Conservation Officer and HE within their consultation response. Reference in ENV2 to development proposals that adversely affect the setting of a listed building not being permitted are contrary to paragraph 202 of the NPPF which provides that where less than substantial harm to a heritage asset has been found, such harm should be weighed against the public benefits of the scheme. This balancing exercise has been set out in the planning statement that accompanies the application.

Emerging Conservation Area

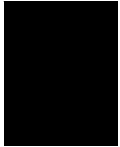
22. In their consultee response from August 2023, UDC's Principal Conservation Officer makes it clear that the proposed Smiths Green Conservation Area Appraisal (CAA) is under review and *'In line with the previous comments by the Inspector at Appeal, the Conservation Area Appraisal continues to hold very little weight in assessing the revised application.'*
23. Nonetheless, TPC reference it in their consultee comments and so it is worth noting that:
 - a. Section 5.5 of the CAA (page 34) discusses the setting of the proposed conservation area; however, it should be noted that the setting of a conservation area is not statutorily protected in the same way as it is for listed buildings.
 - b. The CAA states that the arable land has a 'close functional relationship' with Smiths Green, but no evidence is supplied to support this statement. We are not aware of any such relationship.
 - c. The CAA also states that 'Agriculture has played a vital part in the historic development and economy of the settlement', but this is true of almost every settlement in Essex and is not unique to Smiths Green
24. Section 7.2 of the CAA: Managing future change (page 40) states that there are no opportunity sites within the proposed conservation area or its 'immediate and adjacent environs', which is at odds with NPPF paragraph 206: *Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.*
25. Section 7.2 of the CAA also discusses the recent appeal decision: *A recent Appeal Decision for the proposed residential development upon the fields adjacent to and north of the Conservation Area established that the loss of the agrarian landscape would be harmful to the significance of several listed buildings within Smiths Green (Ref: APP/C1570/W/22/3291524).'* However, the decision was much more nuanced than this with an assessment and corresponding conclusions drawn for each of the relevant heritage assets within the vicinity of Smiths Green. The potential for the significance of these assets to be impacted depends on the special interest of the individual asset, its location and the nature of any future proposed development.
26. It is also important to note that since the appeal case referenced above, an application for development to the north west of Smiths Green (Ref: UTT/22/2744/FUL) has been consented. An application for development at a field parcel to the north of Jacks Lane has been submitted and a recent PINS decision

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(Ref: S62A/2023/0016) has clarified that there is scope for development of the site subject to the details of certain lighting and byway improvements.

27. The CAA is a comprehensive document which is intended to be an informative tool for any *future change, development and design* (CAA page 5). The key is to ensure that it does not inadvertently prohibit or frustrate potential development that will come with wider benefits for the area a whole.

Yours sincerely,
for RPS Group Limited



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