



Appeal Decision

Site visit made on 12 November 2024

by P B Jarvis BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 January 2025.

Appeal Ref: APP/C1570/W/24/3341909

Eastfield Stables, May Walk, Elsenham Road, Stansted, Essex CM24 8SS

- 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 S Richardson against the decision of Uttlesford District Council.
 - The application Ref. is UTT/24/0161/FUL.
 - The proposed development is change of use from agricultural grazing land; construction of swimming pool.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from agricultural grazing to land in connection with the commercial use of the wellness hub. Construction of swimming pool and associated operational development in accordance with the terms of application ref: UTT/24/0161/FUL and subject to the conditions set out in the attached schedule.

Procedural Matters

2. The Council described the development as 'change of use from agricultural grazing to land in connection with the commercial use of the wellness hub. Construction of swimming pool and associated operational development'. This more accurately describes the proposed development and is used in this decision.
3. I have been made aware of a number of other applications and appeals that relate to the appeal site itself and to adjoining sites. These include a decision of the Secretary of State relating to an application made under S62A of the TCPA 1990 for a development of 5 dwellings¹. Appeals relating to the erection of three holiday let cottages and the change of use of land and construction of two tennis courts, one with a 3m high chain link fence around it, were recently allowed on appeal.² I have taken these into account and refer to them below where relevant.
4. An updated version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. The relevant parts of the Framework have not materially changed and whilst the parties were not asked to comment on it, I am satisfied they have not been prejudiced as a result.

¹ S62A/2023/0023 dated 4 March 2024

² APP/C1570/W/24/3333029, 3337011 & 3340838 dated 1 August 2024

Main Issues

5. The main issues are:

- whether the appeal development is appropriate in the countryside, and
- the impact on the rural character and appearance of the site and surroundings.

Reasons

6. The appeal site lies on the northern side of the B1051 between the villages of Stansted Mountfichet and Elsenham in a countryside location. It comprises part of an existing open grassed field, set back from the road frontage, which lies between a recently constructed building (the wellness hub) to the south and a group of largely residential buildings located to the north of the site. At the time of my site visit there was a large area of hardstanding within the appeal site, understood to be the location of the recently permitted tennis court to be used in association with the wellness hub.
7. The wellness hub building lies close to, but set behind established vegetation along the road frontage, albeit with some gaps. It is a recently constructed building which was not occupied / in use at the time of my site visit with boarding over the openings. This, and the appeal site, is served by an existing vehicular access off the B1051 at the eastern end of the site frontage leading to a gravel driveway which extends northwards beyond the appeal site to the group of buildings to the north. The appeal site and these adjoining buildings are generally well enclosed by hedges and some trees to the wider boundaries.
8. The proposed pool would be sited some 55m to the north of the wellness hub building beyond the area of hardstanding. Whilst in quite an open part of the site, given that it would be almost wholly underground, with only the stone edging surround and the pool itself being above ground visible elements, its visual impact on the wider area would be limited. There would be a retractable pool cover but that would also be fitted at ground level, just below the pool edging. The loss of the grassed area would be noticeable from within the site itself and from some of the dwellings to the north, but otherwise largely screened from its surroundings and from the public bridleway which runs along the western boundary of the appeal site. There would thus be little impact on the open character of the area and it would not harm the wider rural character given the existing and recently permitted uses which adjoin it.
9. In terms of need, the pool would be an appropriate facility to be used in association with the wellness hub, which was itself found to be acceptable in this countryside location, and which would complement the other recreational facilities that would adjoin it. Therefore, insofar as it relates to the wellness hub, the need for it to be at this location is demonstrated. The Council accepts that the proposal is appropriate in principle but questions the need for it on the basis that the wellness hub is yet to be fully operational. However, the proposal would enhance the facilities available for the wellness hub, adding further support to a prosperous rural economy, and is unlikely to be built unless it was economically viable to do so. A condition that the pool is only used in connection with the wellness hub would be reasonable and necessary.
10. The appellant has confirmed that associated changing facilities are intended to be provided within the wellness hub building and notwithstanding the distance

of the proposed pool from the building I see no reason why that would not be a practical arrangement. In any event, should additional buildings be required, they would fall to be considered against relevant policy as part of any application for planning permission as necessary.

11. I therefore find that the proposal would not be an inappropriate form of development in this location, nor would it be harmful to the open character and appearance of the site and wider rural area. It would thereby accord with Policies S7 and GEN2 of the Uttlesford Local Plan (2005) which, whilst seeking to strictly control new buildings in the countryside to that which need to take place there or are appropriate to a rural area, permits such development provided its appearance protects or enhances the particular character of the countryside within which it is set and that it is of a design that is compatible with and respects the scale and form of surrounding buildings.

Other Matters

12. I have taken into account the Framework and find, for the reasons set out above, that the proposal would accord with its policies that seek support a prosperous rural economy and to ensure that development functions well, adds to the overall quality of the area and recognises the intrinsic character and beauty of the countryside.
13. The Council has referred to a number of appeals relating to adjoining sites and within the wider area. Those relating to the adjoining sites note the existing open character which has been acknowledged above. The developments referred to relate to buildings which would have had a very different impact to the appeal development before me, and which in the circumstances, I have found to be limited, both in respect of the immediate site surroundings and wider rural area. As such I do not consider them to be comparable cases.

Conclusions

14. I conclude that the appeal proposal would accord with the development plan overall and there are no material considerations that indicate a decision otherwise. The Council has suggested a number of conditions. In addition to the condition to control the use, conditions to refer to the approved plans is necessary for clarity. Further details of the stone edging are required for approval but a detailed landscaping scheme is unnecessary given the limited visual impact of the development. However, details of any hardsurfacing and boundary treatment are required in the interests of ensuring suitable access and protecting the character of the area. A condition to require a biodiversity enhancement layout would ensure accordance with LP policies GEN7 and ENV8 and the Framework and is therefore necessary. A lighting condition is necessary in the interests of visual amenity and biodiversity, but I have reworded the suggested condition given that it is unknown at this stage whether any lighting would be necessary. Conditions to ensure safeguarding of the nearby Stansted Airport are also reasonable and necessary.
15. I therefore conclude that this appeal should be allowed and planning permission granted.

P B Jarvis

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) This permission shall relate to the following approved plans: drawing nos. RMDS/EWH/SP/002 (site location plan), RMDS/EWH/SP/001 (site plan) and RMDS/EWH/SP/003 (pool details).
- 3) The swimming pool hereby permitted shall only be used in connection with and by persons using the wellness hub building located to the south of the site.
- 4) Prior to any works above ground level, details / samples of the edge tile to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- 5) Prior to the first use of the development hereby permitted, details of footways or other links to provide access to it from the wellness hub building together with any other areas of hardstanding and all boundary details shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.
- 6) No lighting shall be installed on any part of the site unless in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. Those details shall include the following:
 - Details in accordance with General Note 08/23 (Institute of Lighting Professionals)
 - Identify areas/features particularly sensitive for bats, likely to cause disturbance in or around their breeding/resting places or along important foraging routes;
 - Details of how and where such lighting will be installed to clearly demonstrate that lit areas will not disturb or prevent the above species using their territory or having access to breeding/resting places;
 - Details of any supporting structures and extent of areas to be illuminated.

The lighting shall thereafter be retained as such.

- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), all exterior lighting shall be capped at the horizontal with no upward light spill.
- 8) Prior to any works above ground, a Biodiversity Enhancement Layout (BEL) for biodiversity enhancements shall be submitted to and approved in writing by the Local Planning Authority. The BEL shall include detailed designs or product descriptions and locations for the biodiversity enhancements proposed. The development shall not be used until the approved details have been fully implemented.

- 9) Before, during and after the construction period (including excavation), no dust/smoke clouds nor pools/ponds of water shall occur or be created on, near or above the site and no airborne debris shall be created on or blown from the site from waste materials, in accordance with the advice of Stansted Airport and the Civil Aviation Authority. Measures should be taken to prevent scavenging of any detritus by wildlife.