



Appeal Decision

Site visit made on 12 March 2025

by John Felgate BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st March 2025

Appeal Ref: APP/C1570/W/24/3350263

Land to the west of The Cottage, Snakes Lane, Ugley Green, Essex CM22 6HW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Edward Perkins against the decision of Uttlesford District Council.
 - The application reference is UTT/24/1003/PIP.
 - The development proposed is up to three new dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for up to three new dwellings, on land to the west of The Cottage, Ugley Green, Essex CM22 6HW, in accordance with the application, Ref UTT/24/1003/PIP.

Procedural matters

2. The appeal seeks permission in principle (PIP), in accordance with the provisions of Section 58A of the Town and Country Planning Act 1990, as amended by Section 150 of the Housing and Planning Act 2016. In such applications, the matters for consideration are limited to the location, land use and amount of development proposed. All other matters are considered as part of a subsequent technical details consent process, and any conditions or obligations may only be imposed or entered into at that stage. I have dealt with the appeal on this basis.

Planning history and preliminary matters

3. The appeal site has a history of several previous applications and appeals. In February 2023, PIP was granted on appeal for one dwelling, with access via the garden of The Cottage (APP/C1570/W/22/3308569). In July 2023, PIP was granted by the Council for up to two dwellings (UTT/23/1474/PIP) on the same site. In December 2023, a further PIP was granted by the Council, also for up to two dwellings, but with access directly from Snakes Lane (UTT/23/2913/PIP).
4. None of these PIPs can be implemented until technical details consent is granted, but there seems no reason to doubt that such consents would be granted, and that any of them would then be capable of implementation. In the circumstances, it seems realistic to assume that, irrespective of the outcome of the present appeal, there are likely to be at least two dwellings on the site.
5. The present appeal adopts the same access point as the most recently approved PIP. The site area is largely the same, except for a small extension of the northern boundary. The appeal therefore seeks a net increase of one additional dwelling over the number already approved in principle.

Main issues

6. The Council's refusal notice cites policies S7 and GEN1(e) of the Uttlesford Local Plan (the ULP), adopted in January 2005. The Council has subsequently confirmed that the reference to Policy S7 was an error and should be disregarded.
7. Based on the submissions before me, I find that the main issues in the appeal are:
 - whether the appeal site is an acceptable location for the development, from the point of view of its accessibility to local facilities and services;
 - and the need for additional housing in the district.

Reasons for decision

Accessibility to local facilities

8. ULP Policy GEN1 covers various matters relating to access and accessibility. Subsection (e) states that development will only be permitted if it encourages movement by means other than by car. However, the National Planning Policy Framework (the NPPF) advocates a rather more flexible approach. Paragraph 110 requires the planning system to manage patterns of growth to support sustainable transport objectives, but also recognises that the opportunities for this will vary between urban and rural areas. Alongside this, paragraph 83 states that, in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, allowing such communities to grow and thrive, including where development in one village may support services in other nearby settlements.
9. On my visit, I saw that Ugley Green is a smallish, straggling village, with development radiating from its centre in small groups, separated by open land. The appeal site lies adjacent to one of these building groups, some way outside the village centre. The village itself has no facilities to speak of, other than a village hall and children's nursery, both of which are located towards the edges of the settlement, well away from the appeal site.
10. However, the larger villages of Elsenham and Stansted Mountfitchet are, respectively, within about 1.5 - 2.5 miles by road. Both of these offer a reasonable range of convenience shops, schools and health facilities. Each also has a railway station with services to London, Cambridge and Stansted Airport, all major sources of employment. A fuller range of facilities is available at Bishop's Stortford, which is about 5 miles away.
11. These distances are clearly greater than what most people would find convenient to walk on a regular basis, but are well within cycling range for the moderately able. For the journey to Stansted Mountfitchet, the western section of Snakes Lane is not ideal for cyclists, but the alternative route via Pound Lane offers better conditions and is only slightly longer. The route to Elsenham, travelling east along Snakes Lane, then Bedwell Road and New Road, also seems perfectly adequate. Cycling therefore seems a realistic and viable option for some regular journeys.
12. I agree that few would be likely to walk to the distant bus stops on the B1383 to catch the No 301 service. But during term times, the No 441 provides a service to two secondary schools, and connections to other bus and train services, including at Elsenham and at other stops further north. This service is limited, with only one

bus each weekday morning and afternoon, but that seems to me not unusual in a rural area. The nearest stop for the No 441, in the village centre, is about a 500m walk from the appeal site, but on my visit, I was able to cover this distance in a little over 5 minutes. The road is unlit and lacks footways, but from my observations, it does not appear to be heavily trafficked, or subject to high speeds; and these impressions are also supported to a degree by the appellant's survey measurements, albeit that those relate only to a single location. Whilst the route would not be suitable for all users, or all occasions, that would seem an unrealistic expectation in this type of location. To my mind, the No 441 service evidently meets some elements of the existing community's local travel needs, and there seems no reason why it should not do the same for the occupants of the development now proposed.

13. In addition, the appellant has also produced some evidence, in the form of a letter from Essex County Council, regarding a planned new bus service, funded by other developments in the area, that is said to be expected to pass through Ugley Green, providing additional connections to Stansted Mountfitchet, Bishop's Stortford and the Airport. However, whilst this appears encouraging, in the absence of further details, the information is somewhat inconclusive. For the avoidance of doubt, I have considered the appeal on the basis of the bus services that exist now, without reliance on any future enhancements.
14. Judged solely against ULP Policy GEN1(e), the appeal site cannot be said to be ideally placed to encourage sustainable means of travel, and as in most rural areas, it is likely that a high proportion of journeys would indeed be made by car. But nonetheless, given the proximity to larger centres, such journeys would be reasonably short and would thus not require excessive travel. Furthermore, other alternatives would also be available for some journeys, enabling more sustainable choices for those wishing to use them. And in addition, the development would be well located to support the facilities available in other nearby villages, thus contributing to the vitality and viability of local rural communities. The location therefore seems to me to fit reasonably well with the approach to rural development promoted by the NPPF. Given that the latter is considerably more up-to-date than the ULP, it seems to me to carry significant weight in this case.
15. I note the Council's comments with regard to the decision in a recent S62A case relating to a proposal for five dwellings at Eastfield Stables, Stansted Mountfitchet¹, in which a similar issue was considered. But all decisions must be taken on their own merits, having regard to the particular site and proposal. In the case of the present site, the inspector who considered the previous appeal, in February 2023², evidently reached a similar view to that which I have come to in this case, for similar reasons. That decision does not appear to have been challenged, and I see no evidence to support the assertion that it was based on incorrect information. In any event, the circumstances in the present appeal are clearly distinguishable from the Eastfield Stables case, in that the travel impacts arising from the single additional net dwelling now proposed would be significantly more limited than those of the larger scale development proposed in that case.

¹ Ref. S62A/2023/0023: Eastfield Stables, Elsenham Road, Stansted

² APP/C1570/W/22/ 3308569

16. I have also paid due regard to the Uttlesford District-Wide Design Code, adopted in July 2024. However, this seems to me primarily directed at matters of design and layout, rather than the principle of development. In any event, the document does not change my view on the matters discussed above.
17. Overall therefore, in terms of accessibility to local facilities and services, I conclude on balance that, despite the conflict with Policy GEN1(e), the appeal site is an acceptable location for the development proposed.

Housing need

18. Over the last year or so, the housing land supply position for the district has been adjusted more than once, as a result of changes to the NPPF. Under the present version, published in December 2024, the requirement is for a 5-year supply. The Council's latest position statement, published in August 2024, although prepared under an earlier version of the NPPF, anticipated the latest changes, and indicated that this would result in a shortfall of 715 units against the 5-year target figure, equating to a supply of 4.12 years, as at the base date of 1 April 2024. On this basis, NPPF footnote 8 requires the most relevant development plan policies to be deemed out-of-date for the purpose of decision-making, with the result that the 'tilted balance' in paragraph 11d is engaged.
19. In addition, as the Council acknowledges, the district's Housing Delivery Test results for Uttlesford have shown a substantial under-delivery. The '2022 measurement' figure recorded a delivery rate of 58% against the previous three years' targets. The '2023 measurement', published in December 2024, indicates that the position has worsened to 46%. In both cases, the score is well below the NPPF's threshold of 75%, again reaffirming that that paragraph 11d is applicable.
20. Consequently, based on either past delivery or forward supply, it is clear that over recent years the District has failed to keep up with local housing needs. This seems to me exactly the type of situation that NPPF paragraph 11d is designed to address, and I note that the Council does not appear to disagree.
21. Whilst the development would provide only one more dwelling than the existing PIP, the benefit of that dwelling to the eventual occupants would self-evidently be substantial. Furthermore, the benefit would also be felt further down the housing ladder, due to freeing up existing properties. In a situation of housing shortage, the provision of one additional dwelling would be likely to result in a home becoming available for a household lower down the chain which otherwise would be homeless or in shared accommodation. Given the scale of the District's unmet need, this benefit to the housing stock commands substantial weight.

Planning balance and conclusion

22. The location of the proposed development would not fully accord with Policy GEN1(e) of the ULP, in that the provision for journeys other than by car is limited. However, the development would not be completely lacking in sustainable travel options, and would also be well placed to support rural community life, in general accordance with national policy.
23. For the reasons already stated, I consider that the benefits to the housing stock command significant weight. The benefits to the rural economy also carry some

weight. In contrast, any harmful impacts, in terms of the car usage arising from one dwelling, would be almost unnoticeable, and thus carry negligible weight.

24. The harm would therefore not merely fail to significantly and demonstrably outweigh the benefits, as would be required to overcome the tilted balance, but would itself be clearly outweighed. It follows that the appeal should be allowed, and PIP granted.

J Felgate

INSPECTOR