



Appeal Decision

Site visit made on 11 June 2025

by **S Rawle BA (Hons) Dip TP Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 14 JULY 2025

Appeal Ref: APP/C1570/W/24/3356882

Land east of Chelmsford Road, Felsted, Dunmow, Essex, CM6 3XQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Felsted Place Limited against the decision of Uttlesford District Council.
 - The application Ref is UTT/24/0687/FUL.
 - The development proposed is a mixed-use development comprising village convenience store, along with dedicated parking facilities including a multi-use parking and overspill area, together with an external area for farmers market supported by a café including disabled WC provision, 3no. self-contained management offices, and 3no. dwellings comprising two 2 bedroom wheelchair adaptable bungalows and one 4 bedroom wheelchair adaptable chalet bungalow with home office and a dedicated 2m footpath route on land east of Chelmsford Road, Felsted.
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Decision

1. The appeal is dismissed.

Applications for costs

2. The appellant has made an application for costs against the Council which is subject of a separate decision.

Preliminary Matters

3. For the sake of completeness, I have included the post code in the address which was not included on the application form but was included on the appeal form. I have also made a minor amendment to the description of development from that on the application form to that on the Council's decision notice to remove some descriptive wording which are not acts of development.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site comprises part of a larger agricultural field located beyond a row of existing development on the north-eastern side of Chelmsford Road. There is an existing telephone exchange to the northwest of the appeal site, which is an unattractive utilitarian building which does not make a positive contribution to the street scene. Beyond that building on the same side of the road are residential dwellings including bungalows, dormer bungalows and two storey houses of different styles and from different periods. On the opposite side of the road is a burial ground, a development site, a more recent two storey development and a row of dwellings comprising a mix of house types again from different periods.

6. The appeal site itself is located outside the development limits of Felsted and so is designated within the countryside. Although there is a mature hedgerow, vegetation and trees along the boundaries, including an attractive veteran oak tree along the front boundary, the appeal site comprises largely open land at the rural edge of the village which creates a sense of spaciousness and provides an important transition on the same side of the road between the more built-up row of development that continues from Felsted to the more countryside feel of Chelmsford Road as it heads towards Causeway End. Consequently, the appeal site makes an important contribution to the character and appearance of the area.
7. There has been a previous appeal decision that relates to the appeal site¹. The previous Inspector found that the fields, burial ground, mature trees and verdant landscape enclosure to the road network all contribute to the character of the locality in ensuring the necessary degree of separation between Felsted and Causeway End. He went on to find that considering this context in totality, the appeal site provides a significant contribution to the remaining settlement gap. I agree with that analysis.
8. The proposal would involve the introduction of a village shop, café, management offices, an external area for a farmers' market, two bungalows, and a chalet bungalow with bedrooms at first floor level. The proposed development would also involve two significant access points one providing a one way in only loop system for delivery vehicles and employees which would be sited between the existing telephone exchange and the proposed village shop and the other providing the main access to other elements of the proposed development. Policy FEL/HN5 of the Felsted Neighbourhood Plan 2018-2033 (FNP) sets out circumstances where residential development within the countryside will be supported. None of those circumstances apply to the proposed development.
9. Although in comparison to the previous scheme there has been a reduction in the height of many of the buildings and in the number of dwellings, there are still similarities between the two schemes. For example, the proposed frontage parking is very similar. The previous Inspector noted that most of the frontage would comprise parking spaces and parked cars. He noted that although the veteran tree was intended to be the landscaping focal point it would be constricted by this parking either side and this aspect would be intensified during the farmers market events. That is the same situation here. Overall, the previous Inspector found that the proposed layout would incorporate an over dominance of hardstanding. I consider that is the same for the proposed development and consequently the revised scheme has not adequately addressed the concerns of the previous Inspector.
10. In fact, the situation would be exacerbated as although I note that the chalet bungalow previously proposed to be located in the eastern corner of the appeal site would be removed, it would be replaced by a 22-space overspill parking area. Consequently, the proposed development would be dominated by the access road and parking along three boundaries of the appeal site. This would have an unacceptable urbanising impact which would harm the character and appearance of the area. The proposed landscaping scheme would not adequately ameliorate that harm.

¹ APP/C1570/W/24/3343021

11. Moreover, the previous Inspector noted that the character of the buildings immediately adjacent to the site on either side of the appeal site on both sides are single depth. I observed that the telephone exchange and Dutches, on the other side of Bakers Lane appeared single depth. The properties on the other side of the telephone exchange on the same side of the road have a similar arrangement. I accept that the development site opposite will have two bungalows behind each other set back from the road and the recently completed development at Blesson Meadows also appears to have development behind the frontage dwellings served by an access road. However, the appearance of the dwellings and the development plot on the opposite side of the road are materially different and unlike the appeal site they do not act as an important transition between the more built-up row of development that continues from Felsted to the more countryside feel of Chelmsford Road.
12. Like the previous appeal proposal, the proposed frontages of the appeal site buildings would in contrast to the buildings on either side be set back significantly further on the plot. Further, the extent of the proposed rear building line would also not align with the telephone exchange nor with Dutches. Consequently, I again agree with the previous Inspector who found that a similar arrangement would conflict with the prevailing character particularly in my view when viewed from Chelmsford Road.
13. That said, due to the existence of mature vegetation as well as the reduction in height of the proposed buildings any views of the proposed development from Bakers Lane would be limited and consequently the proposal would not be harmful when viewed from this public byway. As a result, the proposal would not be at odds with Policy FEL/CW3 of the FNP.
14. As outlined above, in comparison to the previous appeal proposal the height of some of the proposed buildings would be reduced. Moreover, the number of dwellings would be reduced from nine to three. Consequently, the scale and mass of the proposal has also been reduced which is a welcome amendment. I also consider that in isolation the architectural design and the proposed materials of the buildings themselves would not harm the character and appearance of the area.
15. Nevertheless, the proposed footprint of the buildings themselves cover a significant part of the appeal site and together with the car parking areas and the access roads the proposed development would stretch across the entire site and would be readily apparent when viewed from Chelmsford Road. This arrangement would harmfully diminish the existing spacious appearance of the appeal site and would undermine the important contribution it provides to the remaining settlement gap. This would unacceptably harm the character and appearance of the area and would result in coalescence of the neighbouring settlements of Felsted and Causeway End. Consequently, the proposal would not represent sensitive treatment of the rural edge around Felsted.
16. I therefore conclude that the proposal would cause unacceptable harm to the character and appearance of the area, and I afford significant weight to this issue. Consequently, the proposal would conflict with Policies S7 and GEN2 of the Uttlesford Local Plan adopted 20 January 2005 (ULP) and Policies FEL/ICH1 and FEL/ICH4 of the FNP which among other things seek to ensure that development protects or enhances the particular character of the part of the countryside within which it is set, is compatible with the form, layout and appearance of its

surroundings, respects the character of the area, provides sensitive treatment of the rural edge and avoids the coalescence of Felsted and Causeway End.

17. The Council's reasons for refusal also included reference to FEL/HN1 which deals with meeting housing needs and sets out the sites that are allocated for housing. The appeal site is not one of the allocated sites and on the face of it this policy is not particularly relevant to the determination of this appeal. In relation to Policy S7 of the ULP, I have given weight to that part of the policy that deals with the protection of the countryside, and which accords with the Framework and reduced the weight of that part of the policy which is inconsistent with the Framework. However, in any event the proposal would be at odds with the relevant objectives of the Framework which seek to ensure development is sympathetic to local character and that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character of the countryside.

Other Matters

18. I turn first to consider housing supply. The Council have confirmed that it can only demonstrate a 3.46-year supply of housing land against a current requirement to demonstrate a 5-year supply. That is well below Government expectations.
19. The proposal would be valuable in boosting housing stock that would be wheelchair adaptable and would make efficient use of the appeal site. However, given that the proposal would only result in three additional dwellings that tempers the weight of this matter.
20. I accept that the proposal would have a cumulative effect in the supply of housing, would make efficient use of the site. The proposal would also have economic, social, and environmental benefits. For example, it would provide some jobs and create demand for materials during the construction phase and would broaden the availability of much needed housing in the area.
21. In relation to the provision of the existing village shop and post office, Policy FEL/HVC2 of the FNP supports the relocation of that facility to a location no less accessible to users and which will not necessitate on street parking. The existing proprietors have unequivocally confirmed that the existing village shop and post office will not be relocated to the appeal site. So, like the previous Inspector I have determined the appeal on the basis that both the existing village shop and post office and the proposed village store would operate with a new operator found for the appeal site.
22. It follows that I am not persuaded that the proposal strictly meets the terms of the relevant policy as it is far from certain that the existing village and shop would be relocated. However, I can understand why the previous Inspector found that overall, a similar proposal would comply in principle with the aims of the policy in supporting the provision of a community facility within Felsted as it would partly meet an identified need and would improve the social and economic offer of Felsted.
23. Moreover, even if the existing village shop remains in its current location, the new facilities would be expected to take some custom away and would reduce some of the existing parking pressure and highway congestion in the centre of the village. Further, the proposed village store would provide disabled access, and parking would create local jobs and all deliveries would take place on the appeal site clear

of the public highway, Consequently, I afford this element positive weight in the determination of the appeal

24. I have also taken account of other factors. These include the provision of a development that would add to the services and facilities within 400 metres of the existing centre of the village, provision of electric vehicle charging facilities and the incorporation of other renewable infrastructure, a dedicated farmer's market area, a café with gender neutral disabled WCs that would create local jobs, self-contained office space that would provide commercial floor space to support local enterprises and employment opportunities, overspill parking/parking for the existing burial ground located opposite, dedicated off street car parking for each use, improvements to the footpath network improving connectivity, improvements to the Chelmsford Road frontage footway, the removal of overhead power cables underground, additional landscaping and biodiversity and ecological improvements. These are all positive elements, and I give the totality of the benefits, including the provision of three additional dwellings moderate weight in the determination of the appeal.
25. I accept that that the proposal would not result in harm in relation to many other matters including drainage, flood risk, access, highways and residential amenity. However, the lack of harm are neutral factors. I also note that the appellant has expressed concern about the conduct of the Council during the application process and consider that the case should have been considered by the Planning Committee. However, these procedural matters have not changed my view in relation to the planning merits of the case.
26. Although not a reason for refusal, I understand that the appeal site is located within the zone of influence for the Blackwater Estuary Special Protection Area and Ramsar site. This European site is afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (The Habitat Regulations).
27. The appellant accepts that the proposal is likely to have a significant effect on this European site and consequently has made a financial contribution to secure relevant mitigation measures. Regulation 63 of the Habitat Regulations requires the competent authority to carry out an Appropriate Assessment (AA). However, an AA is only required where the competent authority is minded to grant consent for the proposal. Since I am dismissing the appeal, it is unnecessary for me to undertake an AA. That said, I have no reason to consider that the proposed mitigation measures would not address this matter and consequently it does not weigh against the proposal.

Planning Balance and Conclusion

28. I have afforded some matters weight as outlined above and overall, I afford the totality of the benefits moderate weight in the determination of the appeal. On the other hand, I afford the harm that the proposal would have on the character and appearance of the area significant weight.
29. As set out above, the Council can only demonstrate a housing land supply of 3.46 years. This is below Framework requirements and as a result Paragraph 11(d) of the Framework is relevant.
30. However, given the relative benefits weighed against the harm and having had particular regard to key policies directing development to sustainable locations,

making effective use of land, securing well-designed places and providing affordable homes I nevertheless find that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as whole. Consequently, the presumption in favour of sustainable development, as set out in paragraph 11(d) of the Framework is disengaged and the scheme should be considered under a normal planning balance.

31. In considering that balance I have taken account of the other developments that have been brought to my attention, including outline planning permission for up to 30 dwellings on land to the south of Braintree Road, Felsted which was allowed on appeal².
32. However, that case is materially different from the case before me. I say that because although like here the Council was unable to demonstrate a five-year supply of housing land, that case involved a proposal for significantly more dwellings and included affordable housing to which the Inspector apportioned substantial weight. Moreover, although that Inspector found that the proposal would result in some harm to the character and appearance of the area, he only apportioned limited weight to that issue. Consequently, the circumstances, the relative harm and benefits and the ingredients of the planning balance associated with that proposal were significantly different from this case. As a result, I afford that case limited weight in the determination of the appeal.
33. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.³
34. In this case, the proposal conflicts with the development plan when considered as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal should therefore be dismissed.

S M Rawle

INSPECTOR

² APP/C1570/W/19/3234739

³ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990