



Appeal Decision

Hearing held on 11 September 2025

Site visit made on 11 September 2025

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2025

Appeal Ref: APP/C1570/W/25/3365969

Five Acres, Whiteditch Lane, Newport, Essex CB11 3UD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Simon Gray (Ash Property Partnership Limited) against the decision of Uttlesford District Council.
 - The application Ref is UTT/24/2001/OP.
 - The development proposed is outline application for the phased development of up to 6 self-build and custom housebuilding plots with all matters reserved except for access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is submitted in outline, with all matters reserved except for access. I have therefore treated the submitted site plan, block plan, and landscape concept plan as illustrative only.
3. The Council changed its position in respect of the supply of self-build and custom housebuilding (SBCH) permissions prior to the hearing from one of over-supply to one of under-supply. Therefore, in the interests of fairness, I accepted a rebuttal document prior to the hearing which responded to the new evidence provided by the Council in its statement. The appellant also provided extracts from a recent appeal decision at Land at Ham Road, Faversham¹ (the Ham Road appeal) which post-dated the appellant's statement. The documents were made available and were discussed at the public event, so I am satisfied that there is no procedural unfairness in me taking them into account.
4. As part of the appeal process, two signed and dated Unilateral Undertakings (UU) were submitted, each of which includes measures related to the provision of plots for SBCH and biodiversity net gain (BNG). I have disregarded the UU dated 14 May 2025 because the appellant stated that it contains some omissions. The only UU to which I have had regard in this decision is dated 26 August 2025.
5. The hearings for the examination of the emerging Uttlesford Local Plan 2021-2041 (the emerging LP) concluded in June 2025, and I have been provided with a copy of a post-hearing note (PHN) from the examining Inspectors, dated 31 July 2025. At the hearing, the Council stated that consultation on the proposed main modifications to the emerging LP would commence in mid-September 2025 and

¹ Appeal decision reference: APP/V2255/W/24/3350524, dated 27 June 2025

that the plan could be adopted in April 2026. The emerging LP is at an advanced stage of preparation, but it has not yet been adopted. On this basis, I agree with the view of the main parties that the emerging LP is a relevant consideration that carries moderate weight in my decision.

6. I also heard that an update to the Newport Quendon & Rickling Neighbourhood Plan 2018-2033 (Made 28 June 2021) (NP) is currently being prepared. The intention is that the updated NP would be subject to an initial round of public consultation in late September/October 2025 prior to its submission for examination in November 2025, and it being formally made in April or May 2026. However, this timetable cannot be guaranteed. Given the NP update is still at an early stage of preparation, it carries limited weight in my decision.

Main Issues

7. The main issues are:

- (i) whether the site is suitable for the proposed development, having regard to the spatial strategy set out in the development plan, accessibility to services and facilities, and the effect of the proposal on the character and appearance of the area; and
- (ii) if harm is identified in respect of the above issue, whether there are other considerations that indicate a decision should be made other than in accordance with the development plan, with particular regard to housing provision, the supply of SBCH permissions, and any other benefits of the proposal.

Reasons

Whether the site is suitable

8. The appeal site lies adjacent to Pastures Close and to the rear of existing properties on Whiteditch Lane in Newport. Notwithstanding its proximity to the built form within the village, the site lies outside of the settlement boundary of Newport and on land defined as open countryside in Policy S7 of the Uttlesford Local Plan (Adopted January 2005) (LP) and the NP.
9. Policy S7 of the LP restricts development in the open countryside except where there is a need for a rural location or the development is otherwise appropriate to a rural area. Whilst not part of the policy wording, paragraph 6.14 of the LP also indicates that the sensitive infilling of small gaps in small groups of houses close to settlements would not be precluded. Policy NQRHA1 of the NP also resists development outside of defined development limits other than in certain circumstances, including small scale infill development within existing clusters of development.
10. The development proposed is for market housing and it is not being advanced for rural workers or for any other essential rural need. The appellant concedes that the site is not an infill proposal, and I note that this reflects the view of previous Inspectors who have considered alternative proposals on the site². Whilst the site is bound on two sides by built form, it nonetheless borders open countryside to the

² Appeal references APP/C1570/W/21/3266548, dated 5 July 2021, APP/C1570/W/22/3306244, dated 13 April 2023, and APP/C1570/W/23/3315609, dated 4 September 2023.

north and west. Therefore, the site does not have the character of an infill proposal insofar as it is defined in the NP and the LP.

11. Given the site's proximity to the centre of Newport and its onward bus and train connections, future occupiers of the development would be able to access a wide range of services and facilities without sole reliance on the private car as a means of transport. I observed that there are some areas of footway on Whiteditch Lane, and that a separate footpath also provides access to the nearby school and High Street. The proposal would therefore broadly accord with the spatial approach in the emerging LP, which is to direct developments towards larger settlements with a range of services and facilities including Local Rural Centres such as Newport.
12. Nonetheless, a key purpose of Policies S7 of the LP and Policies NQRHA1, NQRHA2, and NQRHA3 of the NP taken together, is to ensure that new development is sustainably located whilst also retaining the rural identity of the village and the special landscape characteristics of the area. Consequently, these factors are important considerations in my assessment of the suitability of the site for the housing development proposed.
13. The submitted Landscape and Visual Impact Assessment (LVIA) notes that the site exhibits few, if any, of the characteristics of the defined national and local character areas in which it sits. Nonetheless, and notwithstanding the prevalence of self-seeded scrub, the absence of buildings on the site along with its green and leafy appearance, marks a clear point of transition between the built-up edge of the village and the expansive farmland beyond. It therefore contributes positively to the identity of Newport as a rural village surrounded by open countryside.
14. Whilst the site is well-screened from public views to the north, east, and west, I observed that it can be viewed over the fencing from Pastures Close due to the relative height of the fence and the sloping land profile. Furthermore, the site lies in the foreground of views across the wider landscape from the upper windows of properties on Pastures Close. Although there is no legal right to a view, I heard that these windows are likely to serve bedrooms, which are habitable rooms from which the occupants could reasonably expect a good level of visual amenity. Therefore, notwithstanding the conclusions of the LVIA, I find that the site features prominently in nearby viewpoints.
15. The scale and layout of the proposal are not before me at this outline stage. However, in any potential detailed design iteration, the proposal would introduce substantial built form onto the site that is currently undeveloped. Despite the small number of homes proposed, the dwellings, access and roads, parked vehicles, and domestic paraphernalia would lead to a loss of openness and verdancy on the site, causing encroachment into the countryside. On this basis, the evidence does not lead me to a conclusion that departs from that of previous Inspectors who have found that development on this site would cause harm to the local landscape character. The failure to demonstrate a relationship with the local character would be contrary to the District-Wide Design Code (July 2024).
16. The proposal would not interrupt any of the 'locally important views' that have been identified in the NP. However, even if the proposed dwellings were to be single storey and low density, it is unlikely that any boundary treatment would be tall enough to fully screen the development from views from Pastures Close without causing visual harm itself. Therefore, the development would lead to a direct and

irreversible loss of the visual connection between the village and the countryside setting of Newport. Furthermore, due to the proximity of the site to Pastures Close, the development would block upward views of the sky from the street, leading to a loss of the openness that is characteristic in views from this edge of the village.

17. It was put to me at the hearing that the proposal offers the opportunity to improve the condition of the site, including through the replacement of the existing fence with a vegetated boundary treatment. I have also had regard to the illustrative landscape plan which demonstrates that enhanced planting could feasibly be provided across the site thus softening the appearance of the development and potentially helping it to integrate better with the existing village. However, I am not persuaded that the appeal scheme is the only way in which the condition of the site could be improved; and additional landscaping would not be sufficient to mitigate the harm that would arise through the additional built form in this location.
18. I accept that development on any edge of village site could have some form of impact on the landscape setting and character of the settlement. However, the area around the appeal site has already been subject to change, and I am invited by the appellant to consider the appeal within this context. It is clear from the evidence that I have seen and heard that Whiteditch Lane has absorbed a significant amount of incremental growth in recent years. Indeed, I observed the modern housing developments that have established to the south and east of the site, including at Pastures Close; and I saw that kerbed passing bays and footways have been implemented along parts of the lane. Taken together, these developments have undoubtedly had an urbanising influence on the character of this part of the village.
19. However, that there has already been some erosion of the rural identity of the village in the immediate vicinity of the site does not, in and of itself, justify further harmful development from being carried out. Rather, I find that the additional built form and the associated comings and goings that would arise from the appeal proposal would lead to a harmful exacerbation of the urbanisation that has already occurred along Whiteditch Lane. The cumulative harm would be significant, and it would lead to a permanent and deleterious alteration to the character and appearance of this part of Newport. In my judgement, this is a matter of considerable weight and importance.
20. The evidence refers me to a decision by the Council to permit dwellings on a greenfield site at St Edmunds Lane, Dunmow. I am not beholden to the decisions that the Council has made on other sites; and I shall set out the weight that I attach to the relevant considerations in this appeal, including any conflict with Policy S7 of the LP, later in this decision. Nonetheless, the St Edmunds Lane decision is not determinative to my conclusions on this main issue because it does not concern a site on the edge of Newport and the relevant considerations are therefore unlikely to be directly comparable to the appeal scheme.
21. Overall, and notwithstanding the proximity of the site to the edge of Newport and its connectivity to services and facilities, I find the proposal would be harmful to the rural character and landscape setting of the village. This harm, combined with its siting outside of the defined settlement boundary, brings the proposal into conflict with Policies S7 of the LP and Policies NQRHA1, NQRHA2, and NQRHA3 of the NP which seek to resist development in the countryside, to ensure that development is sensitive to the landscape character and rural setting of the village,

and to safeguard the visual connection with the countryside. I therefore conclude that the site is not a suitable location for the proposal.

Other considerations

22. The conflict with the aforementioned policies brings the proposal into conflict with the development plan when read as a whole. A grant of planning permission would therefore only be justified where other material considerations exist that outweigh the conflict with the development plan.

Housing provision

23. It is common ground that the Council is currently only able to demonstrate 3.46 years of housing land supply (HLS), which is a significant shortfall against the requirements of the National Planning Policy Framework (the Framework). Furthermore, whilst the emerging LP would improve the HLS position overall, the PHN finds it cannot be guaranteed that there would be a 5-year HLS at the time the emerging LP is adopted.
24. Against this background, the six dwellings that would be provided on the site would make a meaningful contribution to local housing needs. Due to its small size, the development could be built out reasonably quickly thus bringing forward new housing expeditiously; and it carries support from the Framework for this reason. I therefore ascribe the benefit of housing delivery significant positive weight.

The supply of SBCH permissions

25. There are no policies in the adopted development plan that provide for the provision of SBCH homes. However, the contribution that SBCH makes to the diversification of the housing market and consumer choice is recognised in the Planning Practice Guidance (PPG); and there are a range of policies in the Framework which seek to boost the supply of SBCH.
26. The Self-Build and Custom Housebuilding Act 2015³ (the Act) requires the Council to establish and publicise a register of those seeking to acquire serviced plots of land in the authority's area for their own SBCH. The Council also has a duty to give development permission for enough serviced plots to meet the demand for SBCH arising in their area in each base period, and to have regard to the SBCH register in carrying out its planning functions. As amended, the Act requires that any demand arising from an earlier base period that is not met within three years is carried forward such that demand is considered cumulatively.
27. In correspondence I have seen between the appellant and the Council prior to the submission of the appeal, the Council stated that the first entries onto the SBCH register were made in 2015, prior to it becoming a legal requirement to keep a register. However, in its statement and at the hearing, the Council stated that the register was not formally started until 1 April 2016. It is on this basis that the Council maintains that it does not have a duty to grant permission for plots in respect of the entries to the register that were made before that date, which it describes as occurring in 'base period 0'.
28. It is not clear to me from the evidence that I have seen and heard how those earliest entries were recorded on the register if the register did not exist. The Act

³ As amended by the Housing and Planning Act 2016 and the Levelling Up and Regeneration Act 2023

states that the first base period is the period beginning on the day on which the register is established and ending with 30 October 2016; but I have not been referred to any legal or policy basis for excluding entries made prior to 1 April 2016.

29. Nonetheless, even if the entries to the register made prior to 1 April 2016 are disregarded, it is common ground that the Council has failed in its duty to permit sufficient SBCH plots to meet the demand arising in base periods 1, 2, 3, 4, and 6. There is, however, a difference between the parties as to the extent of the aggregate shortfall for base period 7 that must be met by the end of October 2025. The Council conceded at the hearing that there were flaws in the formula it had used to calculate the aggregate shortfall as cited in its statement. Nonetheless, the Council maintains that the total aggregate shortfall is 45, which is significantly less than the worse-case scenario presented by the appellant in the rebuttal statement, which indicates the cumulative shortfall could be 180.
30. From the discussion at the hearing, I find that a major contributor to the difference between the parties is the approach taken to identifying permissions that should be counted towards the supply. The Act does not specify how suitable permissions for SBCH should be recorded. However, the PPG states that a relevant authority must be satisfied that development permissions being counted meet the legislative requirements; and it provides further guidance on the factors that could be considered which include, amongst other things, the references to SBCH in planning applications and whether or not it is clear that the initial owner of the home will have primary input into its final design and layout.
31. In support of its case, the Council provided a list of permissions that it counts towards the supply of SBCH permissions. However, many of the permissions listed are for developments where SBCH was not secured via an enforceable mechanism. The Council does not currently undertake monitoring to establish whether such proposals meet the legal definition of SBCH. Therefore, there is no guarantee that those developments were in fact permitted for the carrying out of SBCH. Furthermore, the Local Housing Needs Assessment (June 2024) (LHNA) advises that the Council may wish to retrospectively identify whether the single unit developments which comprise most of the supply of SBCH plots were occupied by the person who commissioned the build. I was advised at the hearing that the Council had not yet completed any such review.
32. The Council also conceded at the hearing that there is doubt as to whether the initial owners would have primary input into the design and layout of dwellings in some instances where full planning permission, inclusive of detailed plans, had been granted for multiple dwellings in the same application. Whilst there may be circumstances where more than one initial owner had been involved in the preparation of a full planning application, the Council was unable to say with confidence that this had always been the case.
33. In this context, there is considerable uncertainty as to how many of the SBCH plot permissions granted should be counted towards the supply. Whilst the evidence does not enable me to form a view as to the precise extent of the aggregate shortfall of SBCH permissions, it does lead me to conclude that the Council is likely to have over-estimated its supply of SBCH permissions and that the aggregate shortfall is therefore greater than that advanced by the Council.

34. The Act does not require the Council to grant permissions for SBCH in excess of the aggregate demand shown on the register. However, the register is not the only indicator of demand for this type of housing. The PPG states that the demand data from the register should be supported as necessary by additional data from secondary sources; and those sources referred to in the appeal documents indicate that there is a high demand for SBCH in the local area. It is therefore highly likely that the demand for SBCH is significantly higher than the register suggests and this is a relevant consideration in this appeal.
35. I heard that there is a pipeline of SBCH planning applications and appeals which could reduce the existing shortfall; and that the Council is reviewing its procedures to allow for more effective monitoring and enforcement of SBCH delivery. The Council also refers me to the incentive for SBCH arising through the exemption from the mandatory BNG provisions, which could increase the volume of applications for SBCH. Core Policy 58 of the emerging LP is also likely to be instrumental in bolstering the future delivery of SBCH homes due to its requirement for SBCH plots to be incorporated into larger housing sites.
36. However, this does not alter the fact that there has been a consistent under delivery of SBCH permissions in the past and that the Council has failed to meet its statutory duty in 5 of the first 6 base periods. Moreover, given the uncertainty as to the supply of permissions, I am not convinced that the Council is likely to provide sufficient SBCH permissions to meet the demand arising in base period 7 before the 3-year period for compliance expires.
37. I have been provided with many other appeal decisions, which seek to demonstrate the weight that other Inspectors have attached to the provision of SBCH plots. Whilst I have had regard to those decisions, I do not find them to be determinative to my judgement in this case, because the weight I ascribe to the relevant considerations will necessarily be based on the specific circumstances of this appeal and the evidence before me.
38. In this case, I find that the proposal would make an important contribution towards meeting the current, unmet demand for SBCH in the area, and I ascribe this benefit substantial positive weight.

Other benefits

39. There would be some economic benefits arising from the proposal, including through the provision of employment and training opportunities during the construction process. There is undisputed evidence before me that SBCH has a measurable improved local impact based on localised spending and employment opportunities in comparison to mainstream new builds. Future residents would also be likely to utilise the services and facilities in Newport and the surrounding area thus contributing to the local economy. However, the economic benefits arising from six SBCH dwellings would be relatively modest when considered in context with the size of the village. Therefore, these benefits carry moderate weight.
40. Whilst the proposal is exempt from mandatory BNG, biodiversity enhancements are nonetheless proposed, and there is nothing in the evidence to suggest this could not be achieved. Further environmental benefits could arise through the implementation of renewable technologies and energy saving measures, which could be secured through a condition. Collectively, these measures would support

the national and local objectives to mitigate climate change. Given the small-scale of the proposal, I ascribe moderate weight to these environmental benefits.

Other Matters

41. The UU includes measures that seek to secure the proposed dwellings for the carrying out of SBCH and the delivery of a voluntary 10% BNG. I have had regard to these matters insofar as they are benefits that are proposed by the scheme. However, it is not necessary for me to reach a finding on the detail of the obligations proposed because I am dismissing the appeal for other reasons.

Planning Balance

42. Given the HLS position and the 2023 Housing Delivery Test result⁴, paragraph 11 d) of the Framework is engaged. The policies of the Framework that protect areas or assets of particular importance, as defined in Footnote 7, do not apply in this case. Therefore, the appeal falls to be considered under paragraph 11 d) ii, which requires that planning permission is granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.
43. The LP dates from 2005 but the Framework makes it clear that weight should be afforded to policies according to their degree of consistency with the Framework rather than their age. In that regard, the Council accepts that the Framework is more proactive in supporting housing than Policy S7 of the ULP in that it expects rural housing to be located where it would meet identified local needs and would enhance or maintain the vitality of rural communities.
44. However, the Framework also expects planning decisions to recognise the intrinsic character and beauty of the countryside and to ensure developments are sympathetic to local character and history, including the surrounding built environment and landscape setting. The general thrust of Policies S7 of the LP, and NQRHA1, NQRHA2, and NQRHA3 is broadly consistent with the Framework in this regard. Consequently, these policies remain relevant to my decision.
45. I have ascribed substantial positive weight to the delivery of SBCH permissions and significant weight to the delivery of housing. The economic and environmental benefits set out above carry moderate weight in support of the proposal.
46. No harm has been identified in the reasons for refusal in respect of the site access, contamination, flood risk and drainage, archaeology and ecology. I have no reason to take a different view on these matters. Furthermore, issues related to the proposed housing mix, residential amenity, and parking would be considered as part of reserved matters applications. The absence of harm in relation to these issues weighs neither for nor against the proposal.
47. Set against the benefits would be the harms I have identified. Core Policy 6A of the emerging LP identifies the need for additional housing in Newport, which I heard would most likely require sites to come forward outside of the existing settlement boundary. On this basis, and due to the shortfall in the HLS, I ascribe limited weight to the conflict with the development plan insofar as it seeks to restrict development outside of the settlement boundaries.

⁴ As revised in a letter from the Ministry of Housing, Communities & Local Government dated 7 February 2025.

48. However, the need for housing and for SBCH plots does not mean that development on any unallocated countryside site should automatically be deemed acceptable. In my judgement, and for the reasons I have set out above, the harm I have identified that would be caused to the character and appearance of the area is the over-riding consideration in this appeal and it carries considerable negative weight. Therefore, in the specific circumstances of this case, the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole, and the presumption in favour of sustainable development does not apply.
49. There was much discussion at the hearing as to the implications of paragraph 14 of the Framework, which provides guidance on the carrying out of the balancing exercise under paragraph 11 d) ii. in certain circumstances where a proposal for housing conflicts with an NP. The appellant invites me to consider that paragraph 14 does not apply to this appeal, because it is stated that the housing allocations and policies within the NP are based on an out-of-date housing need. I note that in the Ham Road appeal, the Inspector found similar circumstances to mean that paragraph 14 was not determinative to the balancing exercise carried out under paragraph 11 d) ii.
50. However, I have undertaken my own balancing exercise under paragraph 11 d) ii. above and its conclusions do not rely on paragraph 14 being engaged. Consequently, even if I were to accept the appellant's arguments on this matter, it would not alter the outcome of this appeal.

Conclusion

51. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above the appeal should be dismissed.

E Catchside

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

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FOR THE LOCAL PLANNING AUTHORITY:

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Uttlesford District Council

INTERESTED PARTIES:

Judy Emanuel

Newport Parish Council

Neil Homer MBA MRTPI

ONH Planning for Good

Neil Hargreaves

Ward Councillor

David Mayle

Local resident

DOCUMENTS SUBMITTED AT THE HEARING:

1. Council's suggested modification to Core Policy 6A of the emerging LP (Modification Number MM5)
2. Emerging LP policies map and key