



Appeal Decision

Site visit made on 9 September 2025

by A Phillips MPlan BA CertHE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th October 2025

Appeal Ref: APP/C1570/W/25/3368007

Land at Eastfield Stables, Elsenham Road, Stansted, Essex CM24 8SS

- 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 Mr James Chatten against the decision of Uttlesford District Council.
 - The application Ref is UTT/25/0848/FUL.
 - The development proposed is described as: Propose new self-build dwelling and associated landscaping on existing redundant menage land.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Uttlesford District Council against Mr James Chatten. This application is subject of a separate decision.

Preliminary Matters

3. The appellant was given opportunity to provide additional information regarding on potential mechanisms to control the proposal was developed as a self-build property. This also links to the requirements of biodiversity net gain (BNG), as if the property does not meet the requirements of a self-build then there is no exemption to BNG for this development.

Main Issues

4. The main issues are:
 - Whether occupiers of the proposed development would have reasonable access to shops, facilities and services.
 - Effect on the character and appearance of the local area.
 - Whether the proposal would make efficient use of land, with particular regard to the density of housing.
 - The effect of the use of the proposed access on the safety of pedestrians, cyclists and drivers using May Walk.
 - The effect of the use of the proposed access on the safety of pedestrians, cyclists and drivers using B1051.
 - Whether the proposal meets the definition of a self-build dwelling.

Reasons

Accessibility to services and/or facilities

5. The site is separated to the main settlement of Elsenham by the M11. The access of the proposed development is onto the B1051 that is subject to a 60mph speed restriction, though does benefit from a footpath into Elsenham. In addition, it is also possible to reach Elsenham via May Walk, Alsa Street and a footbridge over the M11 into a public open space at the end of Crown Drive. The footpath on the B1051 also connects into Stanstead Mountfitchet. Both Elsenham and Stanstead Mountfitchet provide a wide range of services and facilities, including railway stations.
6. However, the nature of B1051 is of a high speed road, the road is unlit and does not benefit from a wide footpath. This would likely deter many pedestrians and cyclists from travelling between the site and Elsenham at night or during inclement weather. The width of the footpath is likely to mean people would only be able to travel in single file, which would cause significant problems for instance if a wheelchair user was seeking to pass parent and pram. The access into Elsenham via May Walk and Alsa Street is also unlit, wooded and requires people to cross over a narrow bridge over the M11; this route while potentially being attractive in daylight and good weather is less likely to be used than the B1051 route during nighttime and inclement weather. The distance to Stanstead Mountfitchet would likely deter more people from travelling by foot or cycle into this settlement. It is considered extremely unlikely that people would plan their access to services and/or facilities only during good weather or during day light hours. While there is a level of expectation that cyclists would use lights, the speed of the road would still likely deter many cyclists.
7. Therefore, while it is considered that the site is in range of many services and facilities the ability to sustainably access them is severely limited. On this basis I am of the same opinion as the previous Inspector when he maintained a conclusion that the scheme is poorly located with poor access to sustainable transport¹.
8. I therefore conclude on this issue that the proposal does not have sustainable access to services and facilities. On this basis, the proposal does not accord with Policy GEN1(e) of the Uttlesford Local Plan Adopted January 2005 (Local Plan), which seeks to ensure that development encourages movement by means other than driving a car. The Uttlesford District-Wide Design Code 2024 (Design Code) supports this as it requires developments to provide both walking and cycling connections to the nearest settlement. The proposal also does not comply with the National Planning Policy Framework 2024 (Framework) Chapter 9 as it does not put pedestrians and cyclists first.

Character and appearance

9. The site is now a disused manege that is in the northeast corner of what forms part of a larger field. While the site is currently being used for storage materials, there is no evidence this is the lawful use of the site and on this basis, I will consider its appearance based on the manege.

¹ Application Reference: S62A/2023/0023

10. The access to the site runs through the field and past land cleared for approved tennis courts and a holiday lodge, as well as the disused Wellness Hub. The northwest corner of the field now forms part of a small residential community consisting of primarily converted single storey buildings with a mix of roof heights with some likely including floorspace in the roof. There is also a couple of buildings in this northwest corner that have not been converted into residential buildings. Overall, this gives the site a built up northern and southern edge with the middle of the field still having a strong open appearance that positively adds to the rural character of the area.
11. It is noted that the manège forms the last part of the open rural nature of the site along the northern edge. However, unlike the previous appeals² this proposal is of a significantly smaller size in built form. Therefore, there is only limited harm to the loss of openness and rural character and appearance of the local area.
12. Given the range of the nearby dwellings roof heights the proposal would be on the taller side in the locality but not out of keeping with the overall built form. The proposal also by being for a single dwelling, it would not be reasonable to require mix of roof heights in its design. Though it is noted that there is some variety in roof heights within the design. It is also accepted that the overall design of the proposed dwelling would be in keeping with the nearby dwellings. On this basis, the design and scale of the proposal would have a neutral impact upon the character and appearance of the local area.
13. The appellant has put forward that the proposal would significantly smarten up the site. However, there is nothing harmful to the character and appearance of the area from the manège. The site could also have the materials stored on the manège removed without the need of planning permission. Therefore, this is a neutral factor in the determination of this appeal.
14. I therefore conclude that the proposal does not preserve or enhance the character and appearance of the local area. On this basis, the proposal does not comply with Policy S7 of the Local Plan that seeks the countryside to be protected for its own sake and new development is only permitted where it protects or enhances the character of the countryside. The proposal due to the harm to the character of the countryside does not strictly comply with Code C1.1C of the Design Code, as it seeks proposals to be designed with understanding of the landscape of the area. The proposal does not accord with the Framework as it does not maintain the prevailing character and setting of the countryside (paragraph 129(d)) and does not recognise the intrinsic character and beauty of the countryside (paragraph 187(b)).
15. Regarding specifically the design and scale of the proposal it is considered to comply with Policy GEN2 of the Local Plan, which seeks to ensure that the new building would be compatible with the surrounding buildings. The proposal also accords with ID1.1C, ID1.4C and B1.1C of the Design Code, which seek appropriate design to its locality, roof forms to be varied and have suitable development blocks.

² Appeal References – APP/C1570/W/19/3228484 and APP/C1570/W/21/3271985

Efficient use of land

16. The Framework under paragraph 124 requires 'decisions should promote an effective use of land in meeting the need for homes', this is further mentioned under paragraphs 129 and 130.
17. The density of the proposal has been stated as being 5.4 dwellings per hectare (excluding driveway). The previous appeal³ the Inspector deemed that 2.5 dwellings per hectare to be extremely low in comparison to the dwellings in the northwest corner of the field that have a density of approximately 12 dwellings per hectare. The density of this proposal is still low in comparison to nearby dwellings and the site of this proposal could likely be divided to provide two dwellings without noticeably increasing the built form of the development. On this basis, the low density significantly weighs against the proposal.
18. I therefore conclude on this issue that the proposal does not provide an efficient use of land. On this basis the proposal does not comply with the Framework, specifically chapter 11. There is not sufficient evidence to demonstrate why the proposal would not comply with Policy H4 of the Local Plan.

Highway safety – May Walk

19. The proposed access is onto B1051 and no part of the red line of the site connects onto May Walk. However, it is noted that the Site Plan shows this as a potential secondary access.
20. Given that the secondary access is not required for this dwelling to access a public highway, a boundary condition could be used to make this access not suitable for use by vehicles to park within the plot. In addition, unlike the previous appeal⁴ to use the May Walk entrance this proposal is for only one additional dwelling rather than five dwellings. Given that May Walk is already used as the primary access route to the B1051 for 8 dwellings, the addition of a single dwelling using May Walk would have a limited impact on the Public Bridleway. On this basis the proposal is unlikely to have any material impact on the safety of the Public Bridleway users.
21. I therefore conclude on this issue that proposal would not cause unacceptable consequences to the users of this Public Bridleway. On this basis the proposal complies with Policy GEN1 of the Local Plan, which seeks to ensure road safety for all. The proposal is not considered to conflict with the Framework on this issue.

Highway safety – B1051

22. The access of the proposed dwelling would connect onto the B1051 via a long driveway past the Wellness Hub. I have not been presented with evidence on the level of traffic currently or could use the existing access. The Council have referred to an approved access onto the B1051, though I have not seen any related drawings that show this approved access. Notwithstanding this, given that this is vehicular entrance onto the B1051 I would expect to see detailed drawings of this access showing adequate visibility splays and that two cars could pass each other off the public highway. The proposal could have a significant impact on highway safety on those accessing or travelling along the B1051.

³ Application Reference: S62A/2023/0023

⁴ Appeal reference – APP/C1570/W/19/3228484

23. While it is noted that there could be a secondary access via May Walk onto the B1051, as detailed above the addition of a single dwelling to an access that is already used by at least the 8 dwellings would have limited impact on the amount of traffic using May Walk. However, during my site visit it was noticed that this access would already be deficient to accommodate existing traffic. Given that this would have been primarily a matter for when the 8 dwellings were allowed, the addition of a single dwelling would only cause potential limited harm on highway safety.
24. I therefore conclude on this matter that the proposal could significantly harm to road users accessing or travelling along the B1051. On this basis, the proposal does not comply with Policy GEN1 of the Local Plan that requires safe access onto the main road network. The proposal does not comply with Chapter 9 of the Framework, which requires safe access to all road users and development should be prevented if there is an unacceptable impact on highway safety.

Self Build

25. The Council has put forward a condition to control the self-build element, which the applicant agrees to. However, it is my judgment that it does not meet all the six tests for conditions as set out in the Framework, with specific reference to enforceability, and I do not see any amendment that would lead me to a different view. With no legal agreement to ensure the proposal comes forward as a self-build plot, the potential benefit of this coming as a self-build plot and fulfilling a demand in the district only holds limited weight.
26. With the proposal not meeting the definition of a self-build dwelling, it is therefore not exempt from BNG. With no valid exemption, the proposal would be subject to the biodiversity gain condition and the minimum information requirements as detailed under Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The failure to provide the necessary information to satisfy the biodiversity condition significantly weighs against the application.

Other Matters

27. It is accepted that the proposal would deliver a small economic benefit to local services/facilities. There would also be short term economic benefits during construction. These benefits have limited weight in favour of the proposal.
28. It is also noted that the proposal would meet building regulations. Given that this is a minimal requirement in order to meet environmental sustainability, this is a neutral factor in my decision making.

Planning Balance

29. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise.
30. The Council accepts that they cannot demonstrate a deliverable five year supply of housing land as required by Paragraph 78 of the Framework. Consequently, paragraph 11 d) of the Framework, which is a material consideration of significant weight, is engaged. It states that planning permission should be 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

31. The Framework does not change the statutory status of the development plan as the starting point for decision making. The proposal is not in accordance with the aforementioned policies of the Local Plan; with the harm to the character and appearance of the local area, low density, the risk to the highway safety of the users of the B1051 and the quality of footpaths in the local area to promote sustainable travel. For these reasons, the proposal conflicts with the development plan as a whole and should be refused unless other material considerations indicate otherwise.
32. The Framework promotes residential development where it will enhance or maintain the vitality of rural communities and acknowledges that this might be in nearby settlements. The benefit of the single dwelling in supporting both services within the village and nearby settlements is limited. There is also likely limited economic benefits during the construction phase. There is also limited weight of the proposal coming forward as a self build dwelling.
33. However, I have concluded that there would be limited harm on the rural character and appearance of the area, significant harm due to the low density and there could be significant harm to the users of the B1051. In addition, the lack of suitable access to footpaths for pedestrians to safely walk into the village and the heavy reliance on private motor vehicles significantly weighs against the application. Finally given that the proposal would not provide BNG, this further significantly weighs against the proposal.
34. The adverse impacts would, therefore, significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.

Conclusion

35. For the reasons given above the appeal should be dismissed.

A Phillips

INSPECTOR