
Appeal Decision

Site visit made on 14 October 2025

by **C Walker BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 October 2025

Appeal Ref: APP/C1570/W/25/3369212

Land north of Rosedale, Canfield Road, Takeley, Bishops Stortford, Hertfordshire CM22 6SX

- 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 and Mrs Ramaci against the decision of Uttlesford District Council.
 - The application Ref is UTT/24/2295/FUL.
 - The development is described as 'erection of self build dwelling and associated works'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An emerging Local Plan has reached the Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage. However, limited information is before me to indicate if any policies have been modified or if there are any unresolved objections. Accordingly, I attribute limited weight to it.

Main Issues

3. The main issues are:
 - whether the site is an appropriate form of development, having regard to its location and access to services and facilities; and
 - the effect of the proposal on the character and appearance of the site and surrounding area.

Reasons

Appropriate form of development

4. The appeal site comprises part of a paddock between dwellings known as Rosedale and Fanns Cottage, located outside of any defined settlement boundary, in the countryside.
5. Policy S7 of the Uttlesford Local Plan adopted 2005 (the ULP) states that in the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there or is appropriate to a rural area. I have not been presented with any substantive evidence that there is a specific need for the development to take place in this location.
6. ULP Policy S7 states that there will be strict control on new building. Appropriate infill development is referenced as an exception, in accordance with paragraph 6.13

of the Housing Chapter of the ULP. This relates to infilling in settlements, indicating that in some cases the approaches to the village are too loose in character for development to be appropriate. Paragraph 6.14 of the same Chapter relates to infilling outside of settlement boundaries. It states that there is no specific policy on infilling outside development limits because any infill proposals will be considered in the context of Policy S7. However, it goes on to state that if there are opportunities for sensitive infilling of small gaps in small groups of houses outside development limits but close to settlements, these will be acceptable subject to character considerations.

7. I have not been pointed to a definition of infill development contained in the Local Plan. Having regard to the commentary at paragraph 6.14, I have taken this to mean the infilling of a small gap between buildings. While the appeal site lies between two dwellings with equestrian development at its rear, this does not encompass all of the paddock that lies between the built form. Indeed, the appeal site boundaries do not correspond with features on the ground. The appeal site would therefore be flanked on either side by residual grazing land such that this, to my mind, cannot be regarded as infill development.
8. Consequently, it is too loose knit in character to be considered appropriate in this context, it does not represent a small gap between buildings as intended by the policy and does not constitute an appropriate form of infill development. This brings the scheme into conflict with ULP Policy S7.
9. It is not disputed that Policy S7 is only partially compliant with the Framework in that the first part of the policy is more restrictive in relation to the location of development in the countryside. In this regard I afford Policy SP7 moderate weight.

Location/access

10. Amongst other things, ULP Policy GEN1 expects development to meet the needs of people with disabilities and encourages movement by means other than driving a car. Despite the age of the policy, its thrust still broadly aligns with the Framework which seeks to prioritise sustainable transport modes and requires safe and suitable access to the site for all users, recognising that sustainable transport solutions will vary between urban and rural areas. It attracts full weight therefore.
11. The evidence indicates that the nearest settlements are Little Canfield and Takely which are around 1km to the north of the appeal site. Whilst these have some services and facilities, the evidence suggests these are not extensive and are themselves unlikely to meet the everyday needs of future occupants.
12. The appeal site is accessed via a single width country lane that does not benefit from any streetlighting or public footpaths. This means there is no safe space for future occupants to walk to these closest settlements to access the facilities on offer. The nearest bus stop is over 2km away, such that this would not be an attractive or feasible option as an alternative mode of transport to the private car. Although I note that the road itself forms part of a National Cycle Network route that provides links to the wider area, including employment, this in itself would have a limited effect on the ability of future occupiers to access key services and facilities. This is particularly the case for those that are less mobile.
13. While the site is not isolated given the presence of scattered dwellings in the vicinity, it would be relatively remote from the services and facilities upon which

future occupants would rely. Consequently, occupiers would be highly likely to rely on the private car to meet their day-to-day needs. The inaccessible location is not a matter that could be adequately mitigated by condition.

Conclusions on appropriate location/access

14. Drawing all of the above together, the appeal site is not of an appropriate form of development, having regard to its location and access to services and facilities. This is in direct conflict with ULP policies S7 and GEN1. The proposal also runs counter to the Framework for the reasons I have set out.

Character and appearance

15. The appeal site is located on a rural country lane lined with hedgerows and trees. It lies within an agricultural landscape dotted with occasional historic and rural buildings and small clusters of residential development dispersed through it. These elements combine to form a distinctly rural and verdant character and appearance.
16. Comprising part of a paddock, the appeal site lies behind a mature hedgerow with a menage and low-lying stables located to its rear. The nature of the development that has taken place is rural based and not unexpected for its context.
17. By contrast, introducing a new two storey domestic dwelling to the site frontage that is currently devoid of built form, would interrupt the dispersed pattern of development. Although the site is relatively well contained by existing hedgerows, glimpses of the development would be possible from the public realm which would diminish the rural character and appearance of the surrounding area.
18. My attention has been drawn to clusters of development in the vicinity of the appeal site. However, the pattern of development within what the appellant terms as 'Cluster 3' is relatively well dispersed and introducing a new dwelling would set an unwelcome precedent that could be easily repeated to the detriment of the character and appearance of the area.
19. The effect of the development would be to harmfully urbanise the rural, verdant and spacious character and appearance of the appeal site and surrounding area. It thereby fails to protect or enhance the countryside in this location, in direct conflict with ULP Policy S7.
20. In addition to the conflict with the development plan, it would also be contrary to Paragraph 135(c) of the Framework, which seeks amongst other things, development that is sympathetic to local character. It would also run counter to Paragraph 187 of the Framework which requires development to contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Other Matters

21. The appeal site is within the setting of Rosedale, a Grade II Listed Building¹. I have therefore had due regard to the statutory duty set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). This places a requirement upon the decision maker to pay special regard to the desirability of preserving a listed building or its setting.

¹ List entry no. 1141968

22. The significance of Rosedale is largely derived from its age as a late 17th century timber framed house. It has two storeys, with its lower walls weatherboarded, upper walls tile-hung under a tiled roof and chimney stacks.
23. The Council has not raised any specific concerns regarding the effect of the proposed development on the setting of the listed building and based on the evidence before me and my own observations, I see no reason to disagree. I therefore find that the proposed development would preserve the setting of the listed building.
24. The intension to sever the equestrian land and stables from the host dwelling is noted, which the appellants indicate would necessitate additional vehicle movements for animal welfare checks if the appeal is dismissed. However, there is nothing before me that controls that the adjacent equestrian land would stay with the appeal dwelling if it were allowed. Likewise, while it is asserted that the additional vehicle movements over and above the equestrian use would be marginal, as the two land uses could co-exist together, I attach limited weight to these points.
25. An appeal decision² relating to land on the west side of Canfield Road, Great Canfield for six dwellings has been cited in support of the appeal. This site is located further north than the appeal before me, closer to the nearest settlements. The context differs also in that it was immediately adjacent to, and opposite a tighter knit cluster of residential development. A planning permission³ granted for one dwelling on land at Elsenham has also been cited. However, that site was more contained, representing a smaller defined gap between buildings and was located around 300m from a bus stop offering more sustainable transport options. These schemes are not directly comparable to the scheme before me and do not alter my findings on this appeal.
26. Other examples of development having been approved are presented alongside the appellants initial submission. These include the conversion of buildings to 4 dwellings in Great Canfield, 7 dwellings in Takely and a permission in principle allowed on appeal for 9 dwellings in Great Whitley. Limited information is available to allow for a detailed analysis, however there are clear differences between them and this appeal. Consequently, they do not alter my findings either.

Planning Balance

27. There is no dispute between the parties that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. The evidence before me indicates that only 3.46 years supply is demonstrable, a sizeable shortfall.
28. In these circumstances Paragraph 11(d) of the Framework states that the policies most important for determining the application are out of date, and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. Paragraph 11(d)(ii) requires me to have particular regard to key policies for directing development to sustainable locations, making effective use of land and securing well designed places and providing affordable homes.

² APP/C1570/W/24/3348090 – outline planning permission sought and approved February 2025

³ Planning Ref UTT/23/0947/FUL – land at Elsenham Meadows, Green Street, Elsenham

29. I have found that the proposal would be located in the open countryside in a location that does not have sustainable access to services and facilities. Further, it would fail to secure well designed places resulting in unacceptable harm to the character and appearance of the area, thus failing to comply with ULP policies S7 and GEN2. Significant weight is afforded to the resulting adverse impacts.
30. The benefits are primarily the small, but important contribution to local housing supply, of a self-build dwelling, in the district that has an undersupply of homes, and the social and economic benefits that would be realised as part of this. However, in a scheme for only one dwelling, the benefits would be limited.
31. Therefore, when weighing all matters, the harm would significantly and demonstrably outweigh the benefits. I have taken account of all other material considerations, but find these do not outweigh the conflicts with the development plan when taken as a whole. The material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it.

Conclusion

32. Therefore, for the reasons set out above, the appeal should be dismissed.

C Walker

INSPECTOR