



Appeal Decision

Site visit made on 21 October 2025

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2025

Appeal Ref: APP/C1570/W/25/3370397

Land Adjoining The Croft, Smiths Green, Takeley, Essex CM22 6NR

- 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 Mr Richard Haynes against the decision of Uttlesford District Council.
 - The application Ref is UTT/25/0579/PIP.
 - The development proposed is 'up to four houses'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle which the Government's Planning Practice Guidance ('PPG') advises is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages. The first ('permission in principle') stage establishes whether a site is suitable in-principle. The second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The PPG outlines that the scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal accordingly.
4. The appellant seeks permission in principle for up to four houses. In making the appeal, they indicated that the number of houses could be reduced if I deem it appropriate. I appreciate that a reduction in the number of houses could be expected to result in a reduced level of effect. However, I consider that such a change to the number of dwellings would be likely to be substantial in the context of this application. Furthermore, I cannot be sure that interested parties would not wish to comment on how such a change might affect their concerns. In the interests of fairness, I have therefore determined the appeal on the basis of the development range originally applied for.
5. The Council's emerging Uttlesford Local Plan 2021-2041 ('the eLP') has reached an advanced stage with examination hearing sessions completed and consultation undertaken on main modifications. However, I do not know what the outcome of this consultation might be and I cannot be sure that policies will be adopted unchanged. These factors limit the weight that I afford to the detailed content of emerging policies at this time.

Main Issue

6. The main issue is whether or not the site is suitable for residential development in respect of its location, the proposed land use and the amount of development having particular regard to:
 - i) its position in the countryside and the effect of the proposal on the character and appearance of the area including the Smith's Green Conservation Area; and
 - ii) the effect of the proposal on the setting of Moat Cottage, a Grade II* listed building.

Reasons

Character and Appearance

7. The appeal site includes a parcel of land to the rear of The Croft with access from Smith's Green. It is outside of any defined settlement development limit boundary and is within the countryside where saved Policy S7 of the Uttlesford Local Plan 2005 ('the LP') sets out that permission will only be given for development that needs to take place there or is appropriate to a rural area. The site is also part of a designated Countryside Protection Zone ('CPZ') where saved Policy S8 of the LP similarly sets out that permission will only be granted for development that is required to be there, or is appropriate to a rural area. There is no compelling evidence before me indicating that the development needs to take place in countryside nor that the proposal is of a type appropriate to a rural area. Accordingly, there would be conflict with saved Policies S7 and S8 of the LP.
8. Core Policy 3 of the eLP further indicates that development outside of the built area of settlements including Takeley will only be permitted where it is allocated by the eLP, within a made neighbourhood plan or future parts of the local plan, none of which apply to the appeal site. The development in this location would therefore be contrary to Core Policy 3.
9. As well as being in the countryside, the site is part of the Smith's Green Conservation Area ('the CA'). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA Act') is therefore relevant and imposes a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
10. The CA encompasses a historic village green and group of surrounding buildings, many of which are also historic and which are of generally traditional design and materials. For the most part, buildings occupy generous plots which include mature landscaping and they form a loose, irregular ribbon along the village green, albeit usually set well back from their front boundaries. The green itself further increases the spacious and verdant quality of the area and there is a strongly rural character which is distinct from nearby development including on the edge of Takeley to the west. Here, modern dwellings of similar styles set on comparatively modest plots result in a much denser suburban character.
11. Insofar as it relates to this appeal, the presence of the many historic buildings, the pattern of development and spaces and rural quality of the area are all factors that contribute to the character, appearance and identity of Smith's Green as a historic agrarian hamlet, and thereby inform the significance of the CA.

12. The appeal site itself includes two Nissen hut structures set within dense vegetation close to the access and boundary with Moat Cottage. There are also a group of single-storey brick or blockwork buildings close to the boundary with The White House and a recent development known as 'Blossom Mews' which were in visibly poor condition at the time of my visit. All of these buildings however are modest in scale and low level, and while there is gravel to the access and part of the site close to the rear of The Croft, the majority of the main parcel comprises areas of grass or vegetation.
13. The appellant's Landscape and Visual impact Assessment ('LVIA') highlights the set back position of the site and surrounding buildings and vegetation which mean that views of the main parcel are limited. However, I observed that some views across the site were possible including from Dunmow Road in glimpses between buildings at Blossom Mews. Given its modest height and low-key nature, there is little perception of the existing development on the site in these views and the general impression is that the site is free of any significant built form.
14. Notwithstanding adjacent development, the largely open and undeveloped condition of the appeal site provides for a degree of tranquillity and a rural, agrarian quality which reflects the historic landscape around Smiths Green.
15. Irrespective of visibility, the site is also part of a swathe of generally open land which forms an appreciable green gap between the buildings around the village green and development within Takeley. The Blossom Mews development now links Smith's Green and Takeley along the Dunmow Road roadside so that the gap is not continuous, but that which remains provides for physical separation and a sense of distinction between the different settlements which contributes to their individual identities.
16. The appellant indicates that they objected to the appeal site being included within the CA. Nevertheless, it is part of the designated CA and while the CAMP does not specifically identify the site as a positive contributor, it comments that special interest is found not only in the individual buildings but also all of the open spaces between, the quality of the green, the landscaping and its agrarian setting. As a predominantly open and landscaped space with an agrarian character, I find that the site reinforces the spacious, rural quality of this part of the CA and countryside, contributing to the character and appearance of the area and to the significance of the CA. Its qualities are also consistent with the generally open characteristics of the wider CPZ.
17. The detail of development would be considered at technical details consent stage. However, the construction of up to four houses together with associated activity and noise, including vehicle movements along the access and across the village green, would inevitably domesticate the site causing urbanisation and a loss of tranquillity in comparison to its current condition. The appellant indicates that the existing structures on the site would be removed but given their modest scale and height, I consider that residential development would also realistically result in some loss of spaciousness overall. Notwithstanding the appearance and condition of the existing buildings, their limited visibility from outside of the site also means that they are unobtrusive. Their removal would accordingly offer little visual enhancement and I find that the proposal would cause erosion of the site's rural qualities overall.

18. In considering this matter, I have noted the appellant's assertion that the site was historically part of a working farm. However, it appears from the condition of buildings that any agricultural activity ceased some time ago and there is little firm evidence to suggest that the site would be likely to return to active agricultural use. Indeed, the appellant comments that the land is not well located nor of sufficient size now for livestock farming or horses. Accordingly, I consider it unlikely that the existing site would generate significant levels of activity or vehicle movements. Even if that were not the case, agriculture is an expected activity within a rural area and would not in my view result in comparable urbanising effects to residential development with up to four new houses on the site overall.
19. I further acknowledge a permitted development right under Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for change of use of agricultural buildings to a flexible commercial use. However, it is unclear from the evidence before me that any previous agricultural activity on the site was for the purposes of a trade or business such that the buildings would meet the definition of 'agricultural building' set out at Paragraph X of the Schedule. There is also little firm evidence to indicate that buildings were used as part of an established agricultural unit at the relevant date as required by Class R. I therefore have some doubt that the permitted development right would apply so as to offer a realistic fallback to the proposal. In any event, the permitted development right only provides for change of use, and while I acknowledge this could generate activity on the site, it would not provide for physical changes or new buildings. I am not therefore persuaded that overall effects would be comparable to those that would result from the appeal proposal, far less that they would cause greater harm to the rural quality of the site.
20. I have also noted the appellant's landscape strategy which they indicate meets the provisions of the Council's District-Wide Design Code 2024 and which includes the removal of tall Leyland Cypress hedges and replacement with native planting. This could offer some enhancement to the landscape qualities of the site. In my view however, landscaping would be unlikely to be able to fully offset or mitigate the adverse effect of residential development on the rural character of the countryside here and there is no compelling detail to demonstrate otherwise.
21. In addition and irrespective of the layout of development which would be considered at technical details consent stage, the position of the main parcel of the site means that development in this location would necessarily result in building(s) sitting behind The Croft. Saved Policy H4 of the LP indicates that backland development may be acceptable where certain criteria are met. In this location however, the arrangement would contrast with other nearby buildings in the CA which may be set back from their frontages but which still have a facing relationship onto the village green, and would form a marked departure from the characteristic pattern of a loose ribbon of development. Irrespective of the detailed design of dwellings and potential for landscaping, I cannot therefore agree with the appellant's LVIA that houses here would become a congruous and natural fit with the local rural, residential context.
22. The proposal would also result in the encroachment of built development into the remaining green, open gap which marks the transition between Smith's Green and Takeley. The extent and magnitude of the effect would depend on the details of any development at technical details consent stage, and I consider given the scale of the site and range of dwellings proposed that it might be possible to design a

scheme to maintain some spacing so that there would not be complete coalescence across the site. Nevertheless, it seems to me that there would realistically still be at least some reduction in the existing impression of distinction between the settlements and further erosion of the historic settlement pattern.

23. Based on my observations, I agree with the assessment within the appellant's LVIA that public views of development on the main parcel would be limited and where there would be potential views, these would be glimpsed and within the context of surrounding residential development such that visual impacts would be limited. However, development would be likely to be experienced as part of the CA from neighbouring properties including at Blossom Mews, St Valery and Gorefield as well as The Croft. Furthermore, I note the appellant's reference to provision of a passing bay if necessary to ensure safe access. Given that the only potential means of access within the site boundary would be to share the existing access to The Croft, it seems to me that this could well be necessary leading to physical or visual impacts on the green, albeit that this would be considered at technical consent details stage and so is not determinative here.
24. Overall, I find that residential development in this location would inevitably diminish the contribution that the site makes to the rural quality of the area; intrude on the separation between Smiths Green and Takeley which contributes to their identity; and stand out against the general pattern of development within the CA. Effects on the appearance of the area would be limited, but there would consequently be harm to the character of the area, albeit localised, and detriment to the significance of the CA.
25. That said, while there would be a loss of openness, the site is relatively contained sitting between residential development to three sides. Noting too the limited visual impacts, there would not be meaningful detriment to the generally open characteristics of the wider CPZ. Furthermore, there may be some increase in coalescence between Smith's Green and Takeley but this would not bring development closer to the airport. I do not therefore identify conflict with additional provisions of saved Policy S8 of the LP setting out that development will not be allowed where new buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside or adversely affect the open characteristics of the zone.
26. For these reasons, I conclude that while it would not adversely affect the qualities of the CPZ as a whole, the location in the countryside and residential land use of the proposal would conflict with saved Policies S7 and S8 of the LP and Core Policy 3 of the eLP and would further cause harm to the character of the area. This would conflict with saved Policy S7 of the LP insofar as it provides that development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set.
27. There would also be harm to the significance of the CA. Having regard to the scale of the site and its visibility, I find that harm to the significance of the CA as a whole would be 'less than substantial' in the terms of the National Planning Policy Framework ('the Framework'). At this stage however, the absence of details of any proposal means that I am unable to draw any firm conclusions as to the level of harm within this category and I am certainly not satisfied that there is a sufficient basis to be able to determine that harm would be limited.

28. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, the Framework advises that this harm should be weighed against the public benefits of the proposal. I return to this matter in my planning balance below.

Listed Building

29. Moat Cottage is a Grade II* listed building. In determining the appeal, I have therefore been mindful of the requirements of section 66(1) of the LBCA Act to have special regard to the desirability of preserving the listed building, its setting and any features of special architectural or historic interest which it possesses.
30. The listed building is a two-storey timber-framed and plastered Wealden house with jettied end bays which the list entry notes dates to the mid 16th Century. Insofar as it relates to this appeal, I find Moat Cottage to derive significance from its age and its historic and architectural interest as a rural vernacular dwelling.
31. It also derives some significance from its setting. Most closely from its domestic plot which includes a partial moat extending up to the boundaries of The Croft and the appeal site. The moat and vegetation along the boundaries provide some separation and screening so that direct intervisibility between the site and listed building is limited, but I observed that screening was not complete, and opportunities for views are likely to be further increased during times of year when vegetation is less dense. Moreover, the PPG advises that although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places.
32. The appellant has not disputed the Council's evidence referring to maps which show that the site was historically in arable use and in the same ownership and occupation as Moat Cottage. The sites therefore appear to share a historic functional connection. In addition, I have noted above that the largely open and undeveloped condition of the main part of the appeal site currently provides for a degree of tranquillity and a rural, agrarian quality. This reflects and informs understanding and appreciation of the listed building's historic context. Whether or not the appeal site is publicly visible, I find as a result that it makes some contribution to the significance of the listed building as part of its setting.
33. I have identified above that the construction of up to four houses together with associated activity, vehicle movements and noise would inevitably domesticate the site causing urbanisation and a loss of tranquillity and that there would be erosion of the site's spacious and rural quality. Notwithstanding that direct intervisibility may be limited, I find as a consequence that the proposal would adversely affect the contribution that the appeal site currently makes to the significance of Moat Cottage as part of its setting.
34. I therefore conclude that the development would fail to preserve the setting of Moat Cottage as a listed building and would cause harm to its significance. Given that the proposal would not affect the fabric of the listed building and would affect only part of its setting, I find that the harm to its significance would be 'less than substantial' in the terms of the Framework. As with the first main issue however, the absence of details of any proposal means that I am unable to draw any firm conclusions as to the level of harm within this category.

Other Matters

35. The Council's report on the application indicates that the proposal would result in the loss of 'best and most versatile agricultural land' contrary to saved Policy ENV5 of the LP. However, the area lost would be very limited and I agree with the Council that the location and size of the site make it unsuited to arable farming. Given these factors, I afford very limited weight to the conflict with Policy ENV5.
36. The appellant has drawn my attention to an appeal decision granting permission in principle for two houses in Wiltshire. In that case however, the characteristics of the site informed a finding that the development would not harm a conservation area. Similarly, the Blossom Mews development sits outside of the CA and faces onto the Dunmow Road frontage. Their circumstances are not therefore directly comparable to the current appeal which I have considered according to its own specific merits.

Planning Balance

Heritage Balance

37. The Framework advises that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
38. In accordance with the Framework, I give great weight to the conservation of the CA and Moat Cottage as designated heritage assets, with greater weight in the case of Moat Cottage given that this is a Grade II* listed building denoting that it is a particularly important building of more than special interest. The harm in each case would be less than substantial. However, it attracts considerable importance and weight and I am unable to determine that the level of harm within this category would be limited.
39. Against this harm, it is common ground between the main parties that the Council is unable to demonstrate a 5 year supply of deliverable housing sites with a current supply of 3.46 years.
40. The Framework seeks to significantly boost the supply of homes and notes that small and medium sized sites such as this can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built-out relatively quickly. The proposal would provide up to four dwellings on a site close to Takeley which is designated as a Key Rural Settlement offering future occupiers reasonable access to local services and public transport links. Insofar as the site has no current active use, it could be described as under utilised while the development would contribute to meeting needs for housing which are currently going unmet. This is an important public benefit attracting significant weight. However, while not diminishing the weight that I afford, the benefit of up to four dwellings would be very limited in scale.
41. The Framework also identifies that it is important that the needs of groups with specific housing requirements are met. The appellant refers to the proposal as an opportunity to provide for self-build, although I have little firm information identifying the extent of any particular need for housing of this type. The small scale of the proposal further means that the extent of the benefit would be very limited and I afford it moderate weight.

42. The Framework states that significant weight should be placed on the need to support economic growth and productivity and that housing should be located where it will enhance or maintain the vitality of rural communities. There would be associated economic and social benefits of development both during construction and on occupation, including support for local services. However, these would be likely to be limited in scale and temporary in the case of construction stage benefits and I afford them moderate weight.
43. The extent of any improvement to biodiversity on the site would be dependent on technical details stage proposals and so is currently unclear. This uncertainty limits the weight that I can afford to this as a potential public benefit.
44. In my judgement, the limited public benefits of the proposal, even taken cumulatively, would not be sufficient to outweigh the considerable importance and weight that I afford to the harm to Moat Cottage and the CA. Accordingly, I am not persuaded that there is a clear and convincing justification for the harm that the proposal would cause to the significance of designated heritage assets.
45. The proposal would therefore conflict with the aims of the Framework as it would fail to sustain the significance of designated heritage assets and public benefits would not outweigh the harm. It would be contrary to saved Policies ENV1 and ENV2 of the LP which indicate that development will be permitted where it preserves or enhances the character and appearance of the essential features of a conservation area, and that development proposals that adversely affect the setting of a listed building will not be permitted. There would also be conflict with Core Policies 61, 62 and 63 of the eLP which broadly seek development that conserves or enhances the historic environment including listed buildings and conservation areas, albeit that the conflict with these policies attracts more limited weight given that they are not yet adopted.

Overall Balance

46. The location of the development in the countryside and CPZ would be contrary to saved Policies S7 and S8 of the LP and the proposal would cause harm to the character of the area as well as harm to heritage assets which would not be outweighed by public benefits resulting in conflict with saved Policies S7, ENV1 and ENV2 of the LP.
47. Noting its more protective approach to development in the countryside, the Council accepts that Saved Policy S7 of the LP is only partly consistent with the Framework. The absence of a 5 year supply also means that current housing requirements are not being met within development boundaries, and a rigid application of saved Policies S7 and S8 of the LP would frustrate attempts to address the deficit in housing supply. These factors limit the weight that I afford to the conflict with these policies in respect of the location of the site within countryside and the CPZ.
48. Nevertheless, the requirement within saved Policy S7 for development to protect or enhance the character of the part of the countryside within which it is set would be broadly consistent with the Framework insofar as it requires recognition for the intrinsic character and beauty of the countryside. The conflict with Policy S7 in this regard is therefore a matter to which I give weight albeit that the degree of harm would be limited and localised.

49. Taking these matters together, I find that the proposal would conflict with the development plan when it is read as a whole. The proposal would also be contrary to Core Policies 3, 61, 62 and 63 of the eLP although the conflict with these policies attracts more limited weight given that they are not yet adopted.
50. Given the lack of a five year housing supply, paragraph 11 d) of the Framework is relevant. In light of the above however, I find that policies in the Framework that protect designated heritage assets provide a strong reason for refusing the development proposed. On that basis, the presumption in favour of sustainable development at paragraph 11 d) of the Framework does not indicate that permission should be granted.
51. In my assessment, the limited benefits of the proposal would be insufficient to outweigh the harm and the resulting conflict with the development plan when it is read as a whole.

Conclusion

52. For the reasons given above, I find that the location and residential land use of the proposal would result in conflict with the development plan when it is read as a whole, and material considerations including the Framework do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR