



Appeal Decision

Site visit made on 04 November 2025

by Janine Laver BA (Hons) MSc PGDL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th November 2025

Appeal Ref: APP/C1570/W/25/3370037

Land north of Lavenir, Cambridge Road, Ugley CM22 6HT

- 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 Duncan Crouch against the decision of Uttlesford District Council.
 - The application Ref is UTT/25/1493/PIP.
 - The development proposed is permission in principle for one dwelling.
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Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a maximum of one dwelling on Land north of Lavenir, Ugley, CM22 6HT in accordance with the terms of the application UTT/25/1493/PIP.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle, and the second stage ('technical details consent') is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. 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. An applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum net number of dwellings as part of the application. In this instance though, permission in principle has been sought for one dwelling only.

Main Issue

5. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use, and the amount of development, with particular regard to the development strategy for the area, the character of the area, and access to services and facilities.

¹ Planning Practice Guidance Paragraph: 012 Reference ID: 58-012-20180615

Reasons

6. I have been made aware of an appeal decision² for two dwellings on the appeal site, which was dismissed in January 2024. That appeal was made in the context of the Uttlesford Local Plan 2005 (the ULP). Since that decision, a replacement draft local plan (2021 – 2041) (RDLP) was submitted to the Planning Inspectorate for examination in December 2024, but that process has not yet concluded.
7. I have received no copies of draft policies or detailed submissions from the parties on the substance of the RDLP, although the Council did provide a short statement on the plan's progress in its brief statement of case. The Council stated that following the examination hearings, main modifications to the RDLP were to be consulted on in September / October 2025 and, as such, the plan should be afforded moderate weight in this decision. However, the Council only drew my attention to one policy from the RDLP, draft Core Policy 3 (settlement hierarchy), and stated it is relevant to the appeal proposal as it allows infill development only in smaller villages. The appellant did not provide a specific response on this matter.
8. Whilst the RDLP is capable of being a material consideration for decision making³, based upon the limited amount of information before me on the substance and soundness of the RDLP, I consider that only limited weight can be afforded to Core Policy 3.

Development Strategy

9. The appeal site comprises an unused rectangular parcel of land within a row of about eight existing dwellings. However, it is common ground between the parties that the appeal site lies within the countryside and not within a settlement.
10. Policy S7 of the ULP limits development in the countryside generally to that which needs such a location, or is appropriate to the rural area. In addition, while Policy S7 allows infilling, it states infilling must be in accordance with paragraph 6.13 of the Housing Chapter of the Plan. However, paragraph 6.13 refers only to infilling within settlements. In addition, paragraph 6.14 states that sensitive infilling may be acceptable within small groups of houses outside of development limits, but only where a site is close to a settlement, and where the impact on the countryside would be limited.
11. Like the previous Inspector, I consider that the appeal site could reasonably be considered to be an infill site, by virtue of being a small gap within a built up frontage. However, also like the previous Inspector, I consider that the site is not within a settlement, and in the context of paragraph 6.14 of the ULP, the site is not close to one, noting that the nearest recognised settlements of Stansted Mountfichet, Elsenham and Rickling Green are between 2-3km away.
12. For these reasons, the location and land use of the proposal would be contrary to the development strategy for the area, outlined in Policy S7, which aims to protect the countryside from development for its own sake. The proposal would also be contrary to RDLP Core Policy 3, given that the site lies outside of any recognised village, although as noted I give this matter limited weight.

² APP/C1570/W/23/3325053 – 16 January 2024

³ National Planning Policy Framework, December 2024, Paragraph 49

Character of the Area

13. As identified, in policy terms the appeal site is located in the countryside, and the wider surroundings are dominated by agricultural fields and pockets of woodland. Nonetheless, as noted, the appeal site is currently a vacant plot of land sandwiched between a cluster of residential dwellings. Those dwellings feature a consistent height, a consistent building line which is setback from the footpath, front driveways, and either manicured front hedges or brick dwarf walls with neat planting behind. The two dwellings either side of the appeal site also feature tall, well maintained side boundary hedges, which seem to frame the appeal site.
14. I therefore find it difficult to agree with the Council's position that the site makes a significant contribution to the verdant and open character and beauty of the open countryside, because instead the site feels more closely related to and defined by the character and appearance of the adjacent residential plots, than the wider countryside. I think it is also worth highlighting that the Inspector in the previous appeal decision also considered that in its present undeveloped state, the appeal site offers no view to the open countryside beyond, and due to its containment by other built development, it contributes little to the character and appearance of the countryside.
15. Thus, while the cluster of dwellings as a whole, may be regarded as sporadic development in the countryside, I consider that one infill dwelling in that cluster would not extend that cluster beyond its existing edges, would not facilitate any further incremental growth into the surrounding undeveloped countryside, would not amount to overdevelopment of the site, and at technical details consent stage could be designed to be compatible with the consistent layout, form and detail of the neighbouring properties.
16. As such, I am content that the use and amount of development proposed would relate well to the site and its local context, and because of the infill nature of the site, the development of one dwelling in this location would protect the character of the area. Accordingly, the proposal would comply with the aspirations of the latter part of Policy S7 of the ULP, which states 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. I am also satisfied that at the subsequent technical details consent stage the proposal could be designed to comply with codes C1.1C and ID1.1C of the Council's adopted Uttlesford District-Wide Design Code (2024) (UDC) requiring development to respond to key contextual features of the local area and local character.

Access to Services and Facilities

17. The site is located between 2-3km from the nearest recognised settlements of Stansted Mountfichet, Elsenham and Rickling Green. Convenience shops, primary schools, pubs and mainline railway stations to London and Cambridge are located at Stansted Mountfichet and Elsenham, and a primary school and pub is also located at Rickling Green. However, for more higher order services and high schools, future occupants of the dwellings would need to travel to Bishops Stortford (approximately 7.5km) or Saffron Walden (approximately 12km).
18. While there is a footpath from outside the site all the way into Stansted Mountfichet, this would not be a desirable walking route for most people, due to the fast moving traffic on Cambridge Road (the B1383). No viable walking routes

are available to Rickling Green or Elsenham, and cycling would most likely only be an option for the most confident of riders who are willing to share the road with fast moving traffic. In this regard, the site is considered to be distant from everyday services and facilities.

19. However, there is a bus stop adjacent to the appeal site and one on the opposite side of the B1383. These stops are known as “Smith’s Cottages” and are served by the No. 301 bus to Saffron Walden and Stansted Mountfichet / Bishops Stortford. The appellant provided abridged and full versions of the current bus timetable. I note that buses from Smith’s Cottages are scheduled hourly in either direction Monday to Saturday, between the hours of around 7am to 10pm.
20. During my site visit I observed bus No. 301 passing the site in both directions, although both were marginally later than timetabled. However, this was a snapshot in time, and I consider that the timetabled service, whilst not frequent, can be classed as regular and that future occupants of the dwelling would not be fully dependent on the private car to get to the settlements to access day to day facilities, education, or employment.
21. Although I recognise that occupants of the proposed property are likely to still use private vehicles, I nonetheless find that the location of the bus stops right outside the appeal site and the regularity of the service from early morning to late evening, would offer a sustainable transport choice to future occupants of the dwelling and would comply with Policy GEN1(e) of the ULP. Furthermore, while walking from the site into Stansted Mountfichet or cycling may not be desirable for most people, the B1383 and its footpath all the way into Stansted Mountfichet would provide a direct route. As such, the proposal would comply with code M1.2C of the UDC.
22. I acknowledge that my finding on access to services and facilities differs to that of the previous Inspector. However, it is evident from the previous appeal decision that no evidence in relation to bus services was before the Inspector and as such he was compelled to find that the site lacked good access to local services and facilities by sustainable transport. Given the additional information submitted with the current appeal, it is reasonable for me to conclude that journeys by bus would be a feasible option for future occupants of the proposed dwelling, but even if the car were used, the number of journeys would be relatively few, given the proposal has been reduced to only one dwelling.

Other Matters

23. Neighbouring residents have raised concerns regarding loss of light, overshadowing and overbearingness, amongst other things. However, these matters are all issues which would be considered as part of the technical details consent process. Whilst I have taken account of these concerns, they are not matters which would fall within the scope of consideration for the first stage of the permission in principle route.
24. The Council retains control over the design, layout, access, and drainage of the development through the technical details consent, and the matters raised by interested parties (and any consultee) would need to be addressed at that stage. However, there is no guarantee that allowing the appeal for the first stage of permission in principle will automatically mean that technical details approval will follow. It takes approval of both stages for planning permission to be secured.

Planning Balance

25. The Council accepts that it cannot currently demonstrate a five year housing land supply, which means that the 'tilted balance' set out in paragraph 11 d) of the National Planning Policy Framework (the Framework) is engaged. The tilted balance requires that where the policies most important for determining the application are out-of-date, 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 taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land and securing well-designed places.
26. I have concluded that the only adverse impact of the proposal is the conflict with the Council's spatial strategy in Policy S7 of the ULP, because it is not development which needs to take place in the countryside. However, the Policy's protection of the countryside for its own sake is more restrictive than the terms of the Framework, which consequently reduces the weight that can be given to the conflict with that policy. I therefore give that conflict only moderate weight.
27. The proposal would make a small contribution to the housing supply of the area alongside established residential dwellings and would be provided in a location which can be made sustainable by offering a choice of transport modes to both small and large settlements within reasonable travelling distance. As such, there would be social and economic benefits associated with the dwelling, and whilst the benefits would be small, that does not diminish the weight that I give them, which is moderate weight in these particular circumstances.
28. I therefore find that the adverse impacts of the proposed development arising from its conflict with the Council's spatial strategy would not significantly and demonstrably outweigh the benefits of contributing to the delivery of a sufficient supply of homes, making effective use of land and encouraging the use of sustainable modes of transport.
29. While I appreciate that planning permission has been refused for residential development on this site many times (most recently in 2024), the nature of this application, the restrained amount of development sought, the improved evidence base in relation to public transport provision and the continued under delivery of homes in the Uttlesford district, are sufficient reasons to depart from those previous decisions.
30. As such, on the face of the currently available evidence, I consider that the tilted balance forms a consideration of such materiality and weight that it dictates that a decision should be made other than in accordance with the development plan.

Conditions

31. I note that the Council has suggested a time limit condition. While I acknowledge that it may prove beneficial for developers to see clearly on the face of the decision notice that the default duration of the permission is 3 years, the PPG states clearly that it is not possible for conditions to be attached to a grant of permission in principle and its terms may only include the site location, the type of development and amount of development⁴.

⁴ Planning Practice Guidance Paragraph: 020 Reference ID: 58-020-20180615

Conclusion

32. I find that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits identified. The proposal thus represents sustainable development and this weighs in favour of a grant of planning permission. I therefore find the material considerations in this case justify taking a decision otherwise than in accordance with the development plan.
33. For the reasons above, the appeal succeeds.

Janine Laver

INSPECTOR