



Appeal Decision

Site visit made on 15 October 2025

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th November 2025

Appeal Ref: APP/C1570/W/25/3366179

Land East of Fairfields, Water End Road, Ashdon, Essex

OS Grid Reference 559029:220960

- 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 Lorenzo Marchioni and Lucie Dutton against the decision of Uttlesford District Council.
 - The application Ref is UTT/24/2836/FUL.
 - The development proposed is erection of single-storey, self-build dwelling and detached single-storey office, access and associated landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form gave the site address only as 'Land at Water End Road' although the grid reference was included. For clarity, in the banner heading above, I have included the fuller address given on the decision notice and appeal form.
3. A Landscape and Visual Appraisal¹ (LVA) was submitted with the appeal. It had not been submitted with the planning application, although it had been prepared with the intention of doing so and was referenced and summarised in the Design and Access Statement². The Council and interested parties have had the opportunity to comment on the LVA through the appeal process. I have had regard to it and am satisfied that no prejudice would arise to any parties as a result of my having done so.
4. The Council has submitted a new Local Plan for Examination in Public, and the examination is underway. According to the Council's update for this appeal, hearings are anticipated in early 2026 with an expectation that Main Modifications to the emerging policies will be published for consultation thereafter. Neither party relies on any emerging policies, and both have indicated that they should be given little weight. Drawing on the criteria in paragraph 49 of the National Planning Policy Framework (the Framework) and having noted that modifications may be made to the relevant emerging policies, I concur that little weight should be attributed to the emerging Local Plan for purposes of this appeal.

¹ Richard Morrish Associates Landscape and Visual Appraisal, June 2024

² PIP Architects Design and Access Statement, October 2024

Main Issues

5. The main issues are:

- the suitability of the location for housing, having regard to the Council's spatial strategy, the Framework and accessibility to services and facilities, and
- the effect on the character and appearance of the area.

Reasons

Location

6. The appeal site is outside the development limits of Ashdon, in an area defined as countryside for purposes of the development plan. In the Uttlesford Local Plan 2005 (ULP), Policy S7 states that planning permission will only be given for development that needs to take place in the countryside or is appropriate to a rural area. In the Ashdon Neighbourhood Plan adopted in 2022 (ANP), Policy ASH1 states that development located outside development limits will only be permitted where it is in accordance with national and district level policies. Although ANP Policy ASH4 includes criteria for consideration of proposals outside development limits, that policy relates to protection of Ashdon's landscape setting. It does not purport to define what forms of development may take place in principle outside development limits.
7. Since people may choose to build their own home in a variety of settings, both urban and rural, self-build housing is not inherently a use which needs to take place in the countryside. Therefore, the proposal would not comply with Policy S7 by virtue of being for self-build housing, although the contribution to the supply of custom and self-build housing is relevant to the overall planning balance.
8. Policy S7 allows for infill development according with paragraph 6.13 of the ULP. Paragraph 6.13 itself relates to infill within settlements, or in those without boundaries, but paragraph 6.14 goes on to allow for sensitive infilling of small gaps in small groups of houses outside development limits but close to settlements, subject to consideration of the effect on local character.
9. The appeal site is close to a loose knit but identifiable cluster of residential, agricultural and commercial buildings on Radwinter Road. It sits between a recently constructed dwelling on the adjacent site, and a longer-established dwelling on the other side. However, both these adjacent dwellings are on large, spacious plots and the appeal site itself forms a significant gap between them. Taking into account the size of the plots, the level of separation between the existing dwellings and the generally loose knit pattern of development, the appeal site is not a small gap in a small group of houses. Therefore, even though the dwelling on the adjacent site has now been built, so its effect on the pattern of development can be more fully understood, I concur with the conclusion in the previous appeal decision³ that the appeal site does not accord with the definition of infilling in the ULP.
10. The Hawkesmead appeal decision⁴ concluded that a site at a similar distance outside a settlement was suitable for infill as defined in the ULP. However, the

³ Appeal Ref: APP/C1570/W/21/3287404

⁴ Appeal Ref: APP/C1570/W/24/3356349

Inspector in that case also commented that there was a clear gap in the existing pattern of development, which was not at such a loose density that infill development was inappropriate. Therefore, the site-specific circumstances were different and the conclusions in that decision are not applicable to this case.

11. In order to promote sustainable development in rural areas, the Framework states that housing should be located where it will enhance or maintain the vitality of rural communities and isolated housing should be avoided. In the context of the existing development near the appeal site, the proposed dwelling would not be isolated. However, while the Framework recognises that housing in small rural communities may deliver some benefits, and that opportunities to maximise sustainable transport will vary between urban and rural areas, it does not follow that all housing in small rural communities is suitably located.
12. There are no essential services such as shops, schools or community buildings in the immediate vicinity of the site. There are some a short distance away in Ashdon, including a primary school, public house and church, but their range and scale is limited. In order to support their day-to-day needs, occupiers would have to travel regularly to larger settlements such as Saffron Walden, which is significantly further away. Since the rural road network lacks pavements or street lighting and the nearest public transport services are in the village, even if some use is made of the nearest local services, most journeys are likely to be by car. Furthermore, the contribution which a single dwelling in this location would make to the vitality of the local rural community and its services would be limited at best.
13. In the previous appeal decision, the Inspector found that the level of day-to-day access to shops, services and community facilities by walking, cycling and public transport was of such a poor standard, and the level of reliance on travel by car so high, that the location was inappropriate for new residential development. No material change has been brought to my attention in terms of the available transport options or the services available in Ashdon. The Inspector who allowed the dwelling and glassblowing workshop on the adjacent site⁵ also identified harm in relation to the location of the development, albeit the overall planning balance fell in favour of that proposal when the benefits, notably the economic benefits of the glassblowing workshop, were taken into account.
14. The inclusion of the proposed studio building would enable one of the appellants to run their business from home, without having to travel to a separate office on a daily basis. However, even when working from home, there is still a need to access other day-to-day services and there is every likelihood that other members of the household would need to travel regularly for employment and/or education. Therefore, the inclusion of the proposed studio does not outweigh the other disadvantages of the location in terms of the overall need to travel and reliance on doing so by car. The Council's recent decision at Wittington⁶ relates to a different settlement, so the conditions for pedestrians or cyclists using the road network cannot readily be compared.
15. I conclude that the proposed development would not provide a suitable location for housing, having regard to the Council's spatial strategy, the Framework and accessibility to services and facilities. It would conflict with Policy S7 of the ULP and Policy ASH1 of the ANP, as summarised above, and with Policy GEN1 of the

⁵ Appeal Ref: APP/C1570/W/21/3287385

⁶ Application Ref: UTT/25/0580/FUL

ULP, which requires amongst other things that development encourages movement by means other than driving a car. The proposal would also be inconsistent with the aim expressed in paragraph 110 of the Framework that the planning system should actively manage patterns of growth in support of transport objectives which include promoting walking, cycling and public transport.

Character and appearance

16. The appeal site is part of a rectangular parcel of land fronting Water End Road. There is a continuous roadside hedgerow with no existing vehicular access. Trees and scrub also cover much of the site, although there is a clear area near the boundary with the adjacent new dwelling. Along with the glassblowing workshop, that dwelling is accessed from Radwinter Road, where there is a loose knit, linear pattern of development including dwellings and converted farm buildings.
17. Further along Water End Road, just beyond the site, there is another small cluster of dwellings. There are also more dwellings where Water End Road descends into a wooded valley. However, these properties sit within extensive areas of open land, including the field opposite the appeal site and those further along the rural lanes. The appeal site has a more enclosed character than the fields, and the existing woodland and scrub have emerged relatively recently. Nevertheless, it integrates well into a landscape which is generally characterised by open vistas across fields with some enclosed pockets of woodland. In the previous appeal, the Inspector found that its natural woodland appearance makes a positive contribution to the character of the countryside and, notwithstanding the recent development on the adjacent plot, that continues to be the case.
18. The appeal site has been defined to exclude the most wooded part of the plot and locate the dwelling largely within the clear area. The single storey dwelling would sit below the tree canopy and significant boundary vegetation would be retained and/or reinforced. Subdued external materials and detailing would be adopted, drawing on the language of rural and agricultural buildings. The bespoke design approach aims to integrate the dwelling as far as possible into the wooded site and the proposal would include more soft landscaping and less hardstanding than the previous appeal proposal for a more conventional dwelling. The Council did not allege that the design approach or the scale of the dwelling in relation to the plot was inappropriate in itself.
19. Nevertheless, despite these design measures, the arboricultural evidence shows that significant areas of vegetation would be cleared. An access would be introduced through the roadside hedgerow and areas of garden and hardstanding would be formed in place of existing scrub. While the vegetation to be removed may be of limited inherent ecological value or arboricultural quality, it makes a significant and positive contribution to the wooded appearance of the site which is, in turn, a positive feature in the character and appearance of the area.
20. Even allowing for the retained and replacement planting, the wooded character of the site would be significantly eroded. Although low in height, the dwelling would have a significant footprint and the detached studio would be in a forward position, just behind the boundary hedge. While the hedge would filter views into the site, the new access would inevitably open up some level of visibility. A section of the existing, tall hedge has also been identified as requiring removal for management reasons, and it would take considerable time for replacement planting to provide

an effective screen. Although the exclusion of the blue edged area would limit the spread of domestic paraphernalia into the most wooded parts of the site, there would be a sizable open area between the dwelling and Water End Road, including domestic features such as the driveway and parking areas. Even allowing for all the measures which are intended to integrate the dwelling into the landscape, the introduction of this substantial, four-bedroom property would inevitably urbanise the site.

21. As set out in the LVA, the area is not subject to any landscape designations. When considered at landscape scale, the development would be modest in extent and it would be perceived from a limited area, confined to views from Radwinter Road and Water End Road, and filtered by the boundary vegetation. From further afield, the dwelling would have little visual impact, and it would not intrude on the outlook from other nearby houses. Nevertheless, the proposal would be materially harmful to the character of the area at a more localised level.
22. I therefore conclude that the proposed development would have a harmful effect on the character and appearance of the area. That would conflict with relevant aspects of Policy S7 of the ULP, which include 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. While the application does demonstrate, including through the LVA, how landscape characteristics have been considered in preparing the scheme, in my judgement the proposal could not be accommodated without having a detrimental impact on the landscape characteristics of the site and its setting. Nor would the impact on the character of the area be adequately mitigated. Therefore, the development would also conflict with relevant requirements in Policy ASH4 of the ANP.

Other Considerations

23. There is an acknowledged shortfall in housing land supply, which the Council's most recent update indicates stands at just under 3.5 years. That is lower than the Council's supply figure at the time of determining the planning application, and there is also a shortfall in delivery, based on the most recent housing delivery test results. In those circumstances, the provisions of paragraph 11d of the Framework are applicable.
24. The proposal would contribute a single dwelling to the supply of housing, on a small site, which the appellant's evidence indicates could be delivered quickly. A self-build dwelling is proposed. In support of the appeal, it is stated that the intended occupier is currently on the Council's Self-build Register, that they have had primary input into the design of the dwelling and that they intend to occupy the dwelling themselves for at least three years. That would also allow them to maintain local family connections.
25. The appellant has proposed that a condition be imposed to secure the delivery of self-build housing, based on a condition attached to the Widdington decision mentioned above. The Council has confirmed that it would support that approach in the event that the appeal is allowed. The appellant has also expressed willingness to enter into a planning obligation to secure the provision of self-build housing, if deemed necessary, although none has been submitted. Had I been minded to allow the appeal, I am satisfied that the mechanism to secure the dwelling as self-build housing is a matter that could have been resolved.

26. In these particular circumstances, the contribution of a small site helping to meet demand from people wishing to build their own homes is a factor which carries additional weight, over and above the contribution to the general supply of housing. In the longer term, the dwelling may also provide an accessible option for older people, being on a single level. However, while the appellant highlights a lack of published monitoring data on the delivery of self-build plots against demand, the scale of any unmet need for that type of housing is not clearly articulated by either party. Nor is there any clear evidence that support for bungalows in the ANP encompasses dwellings in otherwise unsuitable locations.
27. The proposed studio would benefit the appellant's business, by providing a purpose-built workspace separate from the dwelling. However, there is no substantive evidence that there would be any wider benefits to the rural economy, or any additional employment, beyond a single person working from home. The evidence before me does not reveal what form of economic benefit was evidenced when the glassblowing workshop was approved, and whether it included any local employment. But on the face of it, the workshop is a distinctly different form of use, having an industrial/manufacturing aspect which is not proposed in this case. Nor is there any clear evidence that ongoing use of the workshop as such is unsecured, given that any material change of use of the building would be subject to the usual requirement for planning permission.
28. The proposed high-quality design approach would incorporate measures to minimise carbon emissions, including the generation of renewable energy on site. It is also proposed that the woodland and landscaped areas would be managed for biodiversity, with scope for biodiversity net gain (BNG), despite the development having been accepted by the Council as exempt from the statutory BNG condition. Therefore, there would be some beneficial aspects of the design in environmental terms. However, those benefits would be inherently limited given the small scale of the site and its limited inherent ecological significance, as described in the Preliminary Ecological Appraisal.
29. The Council did not allege any harm to the setting of the three Grade II listed buildings near the site, which comprise rural dwellings and a traditional barn. The open, agricultural landscape around the listed buildings contributes to their setting, allowing for an appreciation of their significance as historic rural buildings. However, all three heritage assets are separated from the appeal site by other development and the intervening fields. On the basis of the evidence before me, including my observations on site, the development would have a neutral effect on the significance and setting of these designated heritage assets.
30. There are no unresolved technical objections to the application, and the Council did not allege any harm in relation to highway safety, parking, flood risk, contamination, loss of agricultural land or the living conditions of neighbouring dwellings. Even so, those are neutral factors which weigh neither for nor against the development. While the Council's assertion that the adjacent dwelling had not been constructed was incorrect, I saw the dwelling when I was on site, and I have been able to take this recent development into account.

Planning Balance

31. The proposed development conflicts with the development plan as a whole by reason of its location outside development limits, the level of reliance on travel by

car and the harm to the character and appearance of the area. As is illustrated by the Stock Mead⁷, South View⁸ and Hawkesmead appeal decisions, the weight which should be attributed to those issues is a matter for the decision-maker, in the circumstances of each individual case.

32. While Policy S7 takes a more restrictive approach to housing in the countryside than that advocated in the Framework, it does include some provision for infill development beyond settlement limits. The requirement in Policy GEN1 that development should encourage movement by means other than driving a car is also broadly in accordance with the Framework. While the Framework does not require that the countryside is protected for its own sake, it does state that the intrinsic character of the countryside should be recognised and that development should be sympathetic to local character, including landscape setting. As such, having had regard to policies in the Framework for securing well-designed places and directing development to sustainable locations, I have given significant weight to the overall harm arising from the development.
33. While there are a range of benefits, as set out above, they are inherently limited by the modest scale of the development. While significant weight was given to delivery of a single dwelling on the adjacent site, in the other appeal decisions brought to my attention, moderate or limited weight was attributed to developments of a similar scale. Even in the context of the significant shortfall in housing supply, and taking into account the economic and environmental benefits, and the contribution to housing for different groups, in my judgement the benefits of this development carry no more than moderate weight.
34. As such, the adverse impacts of the development would significantly and demonstrably outweigh the benefits, when considered against the policies in the Framework taken as a whole. Therefore, the proposal does not benefit from the presumption in favour of sustainable development, as articulated in paragraph 11d of the Framework.

Conclusion

35. 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, the appeal should be dismissed.

Jane Smith

INSPECTOR

⁷ Appeal Ref: APP/C1570/W/24/3348798

⁸ Appeal Ref: APP/C1570/W/24/3348438