



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: 19th November 2025

Appeal Ref: APP/C1570/W/25/3366888

Land east of May Walk, 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 Messrs Baker, Baker, Baker, Wisbey and Twigg against the decision of Uttlesford District Council.
 - The application Ref is UTT/24/2359/FUL.
 - The development proposed is formation of earth bunds and landscaping, erection of boundary fencing with gates, erection of stable block, and creation of paddock.
-

Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. The description provided on the application form includes detail not relating to acts of development. While I am cognisant of the fact that the proposal is partially retrospective and seeks to retain and reshape existing unauthorised earth bunds, it is the formation of the earth bunds in the first instance that needs permission (rather than their retention and modification). I have therefore employed a more simplified description of development to reflect the elements which require planning permission.
3. As part of the appeal, the appellant has submitted an amended 'proposed site' plan and an amended 'boundary fence and gates' plan (Ref Nos. RMDS/BFS/001/Rev B and RMDS/BFS/004/Rev A). I note these plans were submitted to the Council prior to the determination of the planning application, but the Council did not accept them, and proceeded to determine the application on the plans submitted with the application. The Council was not obligated to accept the amended plans, and neither am I.
4. However, I note that the main revision to the plans comprises the deletion of the vehicular access point into the site from the north east corner, adjacent to the public right of way, in an attempt to overcome highway authority and interested party objections about the use and location of that access. I also note that in its appeal statement, the Council states that it relies upon the appeal statement submitted by the highway authority (provided at Appendix 3 to the Council's statement of case) to defend reason for refusal No. 3 in relation to highway safety. The highway authority has based its statement on the revisions shown in the amended plans.

5. Consequently, I shall accept the amended plans for the purposes of determining this appeal and do not consider that the Council, nor any interested party, would be prejudiced from a public consultation point of view.

Main Issues

6. The main issues are the effect of the development on:
- the character and appearance of the area, having particular regard to the proposed earth bunds;
 - protected species, and whether the proposal provides an adequate level of biodiversity net gain; and
 - safety of users of the public rights of way network.

Reasons

7. The parties have brought to my attention a previous appeal decision for a similar proposal on the site (formation of earth bunds and timber gates to secure land), which was dismissed in January 2023¹. That decision was made in the context of the Uttlesford Local Plan 2005 (the ULP), which remains the adopted development plan for the current appeal. As such, that decision is a material consideration in this appeal, and where necessary, I shall refer to it in my reasons.

Character and appearance of the area

8. The appeal site is located in the countryside but is not identified as a valued landscape. The site is accessed from a public bridleway to the west, called May Walk, which connects to the B1051 Stansted Road approximately 497 metres² to the south. On the other side of May Walk is a large open agricultural field that borders May Walk without any boundary treatment. During my site visit I noted that field was recently cropped and ploughed. The open field provides extensive views across the countryside. Further to the west is the woodland of Aubrey Buxton Nature Reserve.
9. To the site's immediate north lies a public footpath (Footpath 44, Stansted Mountfichet) and beyond that is Alsa wood (an ancient woodland), which contains a sizeable area of trees either side of the M11. To the east is scrubland and the embankment screening the M11. To the south (and also taking access off the May Walk bridleway) is May Tree Farm, which is largely screened by dense planting, and beyond that, is Eastfield Stables, which is a collection of residential properties that are also well screened by mature vegetation along May Walk.
10. The character and appearance of the area surrounding the site is very rural. The landscape is open to the west and more enclosed by woodland to the north, and boundary planting to the south along May Walk.
11. Evidence submitted by the Council and interested parties suggests that prior to the creation of the unauthorised earth bunds around most of the site boundary, the site was open, particularly to May Walk and the public footpath to the north, and the ground level was lower. It has also been suggested by interested parties that

¹ APP/C1570/W/22/3305178 – 10 January 2023

² Distance referred to by the highway authority in its appeal statement

before the bund was constructed, the site was entirely made of wild scrub and established trees, many of which were felled around 2022.

12. Like the previous Inspector, I have little information on what the site looked like from the ground prior to the construction of the bunds. However, aerial photographs submitted in the statements of the appellant and the Council (as well as in the ecology consultee's response to the appeal) reveal that the site and the entire east side of May Walk in circa 1988 was open land with very little boundary planting. Furthermore, Google Earth photos submitted in the evidence show that in October 2020 the site was still open to May Walk, although trees and bushes were seemingly evident throughout the site.
13. During my site visit, I saw that the appeal site remains undeveloped land, and ignoring for the moment the unauthorised bunds, it now contains a large amount of bare earth, rubble and weeds; thistles; scrub; and a cluster of bushes and trees to the east side only. Trees had also grown up along the external edge of the site's boundary with the public footpath to the north, to the extent that even on the autumn day of my site visit, where the trees were partially bare, the bund was somewhat concealed from the public footpath by that deep tree line.
14. The bunding on site, whilst unauthorised is proposed to be reduced. The cross section plan submitted with the application (Ref. RMDS/BFS/002 – Typical Boundary Sections, dated 15 September 2024) shows the following proposed reductions to the bund height dimensions:

Internal bund height on north side of site:

- From 2.4 metres to 1.4 metres

External bund height on north side adjacent to the public footpath:

- From 2.83 metres to 1.83 metres

Internal bund height on west side of site:

- From 1.69 metres to 0.69 metres

External bund height on west side adjacent to May Walk:

- From 2.31 metres to 1.31 metres

15. Of course, these dimensions are from cross sections at one spot point only, and therefore may vary along the length of the bunds. Nevertheless, they represent a typical 1 metre reduction in height from the bund considered by the previous Inspector.
16. Policy S7 of the Uttlesford Local Plan (2005) (ULP) only permits development in the countryside if there are special reasons why the development needs to be there in the form proposed and if its appearance protects or enhances the particular character of the part of the countryside within which it is set. In addition, Policy GEN2 of the ULP requires, amongst other things, development to safeguard important environmental features in its setting. Lastly, I note that design codes C1.1C and ID1.1C of the Uttlesford District-Wide Design Code SPD (July 2024) (UDC) also require proposals to demonstrate an understanding of the key

contextual features, such as topography, landscape and boundary features, as well as demonstrate a relationship to the area's local character.

17. The appellant's planning statement submitted with the planning application states that *the earth bunds were placed initially due to activity in the immediate area that gave rise to a feeling of insecurity on behalf of the owners*. The Inspector in the previous decision also stated that the appellant had argued that the bunds were necessary to secure the land to prevent trespassing and fly tipping. However, the Inspector went on to say that it was not clear why better security could not be achieved with more sympathetic boundary treatments such as post and rail fencing or a native hedgerow, which has been used at May Tree farm next door. The Inspector concluded that it had not been demonstrated why the creation of the bunds were necessary for this countryside location.
18. There is very little justification before me that the bunds are necessary to prevent illegal access to the site, but even if such suggestions were made, I would have to agree with the previous Inspector that there are more sympathetic measures that could be taken to secure the site that would respect the character and appearance of the countryside. The proposed post and rail fence and / or native hedging would go some way to achieving site security (and sensitive siting of security cameras could also be considered). Whilst such features would still enclose the land, such features are nonetheless ubiquitous in the countryside.
19. Nevertheless, it has been stated in the planning statement that the bunds are necessary for the keeping of horses on the site, and ensuring that the site is as secure as it can reasonably be. Parallels have also been drawn by the appellant with a bund created at Eastfield Stables further south along May Walk, and the Council confirms that the bund at Eastfield Stables was created in 1990 with planning permission for the keeping of animals (including rabbits).
20. I have no further information regarding the nature or scale of animal keeping at the former Eastfield Stables (which is now a collection of residential properties) that would have warranted the creation of a bund. In addition, that permission pre-dates the adopted ULP and the National Planning Policy Framework (the Framework) and so in my view attracts limited weight. Moreover, if a bund was required for every site that kept horses, the countryside would be covered with obvious man-made features, changing the topography of the land in places that have been intrinsically open and pastoral.
21. For those reasons, I am not persuaded that the bunds are necessary for a small stable and paddock, which is intended for personal leisure purposes. While I recognise that the existing unauthorised bund is somewhat concealed from the public footpath to the north by trees that line the edge of the public footpath, even if that bund and the one to the west along May Walk were reduced in height, they would still represent a notable solid and unnatural barrier to users of and views from the May Walk bridleway. In my view, the creation of a bund, even one reduced to 1.31 metres in height adjacent to May Walk, would significantly alter and be harmful to the open rural character and appearance of the area.
22. I acknowledge that the bund at Eastfield Stables is now barely perceptible from May Walk due to the 30+ years of landscape growth in front of it. Nonetheless, it has changed the open rural landscape of this area, and the proposed creation of bunds on the appeal site, with or without additional landscaping to screen them,

would similarly change another part of the open rural landscape over time. Current adopted planning policy does not promote or support such change.

23. Concluding on this main issue, the development would cause significant harm to the character and appearance of the area without sufficient justification for this harm. Therefore, it would not accord with Policy S7 of the ULP. While I note that Policy S7 is more restrictive than the terms of the Framework (by seeking to protect the countryside for its own sake), I still find it broadly consistent with the aims of the Framework (paragraph 187 b)) which seek to recognise the intrinsic value and beauty of the countryside.
24. The proposal would also not accord with Policy GEN2 of the ULP, by failing to safeguard important environmental features, nor design codes C1.1C and ID1.1C of the UDC, by failing to accord with key context features and the area's local character.

Protected species and biodiversity net gain

25. The appellant has submitted new information with the appeal, comprising two Method Statements for Great Crested Newts and Hazel Dormice. The Council's ecologist has considered that information and in its appeal statement (dated 7 July 2024, although should state 2025) has confirmed that this information is sufficient to address the reason for refusal relating to European protected species. The Council therefore no longer contests the first part of reason for refusal no. 2, but maintains that the second part of that reason for refusal, regarding biodiversity values, remains robust.
26. Biodiversity net gain (BNG) is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). Every relevant planning permission is deemed to be granted subject to the condition that the biodiversity gain objective is met, in that development delivers at least a 10% increase in biodiversity value, relative to the pre-development biodiversity value of the on-site habitat.
27. Paragraph 187 d) of the Framework also requires planning decisions to contribute to and enhance the natural and local environment, such as through minimising impacts on and providing net gains for biodiversity. In addition, Planning Practice Guidance (PPG) sets out how mandatory biodiversity net gains should be applied through the planning process and what information should be submitted as part of a planning application³, which includes:
 - *a statement whether activities have been carried out prior to the date of application (or earlier proposed date), that result in loss of onsite biodiversity value ('degradation'), and where they have:*
 - *a statement to the effect that these activities have been carried out;*
 - *the date immediately before these activities were carried out;*
 - *the pre-development biodiversity value of the onsite habitat on this date;*
 - *the completed metric calculation tool showing the calculations, and*

³ Planning Practice Guidance - Paragraph: 011 Reference ID: 74-011-20240214

- *any available supporting evidence of this.*

28. The appellant submitted a Biodiversity Metric and Net Gain Report with the application stating that the proposed landscaping scheme will result in a 13.23% net gain in habitat units and a 101.58 % net gain in hedgerow units. However, a 'degradation' statement in line with PPG was not submitted and the Council considers that the habitat net gain calculation is based on a flawed baseline.
29. Given that the bunds were created around 2022 with soil and debris of unknown origin, and the site's ground and habitats were impacted by clearance of previous scrub, grassland and trees, along with compaction as a result of those works, in my view it was necessary for the appellant to submit a degradation statement with the planning application.
30. I note that the appellant's ecologist gave some consideration to the pre-bunding baseline habitat value in three paragraphs in the Net Gain Report. However, that consideration was extremely limited and based solely off a 2020 aerial photograph. Additional commentary in the form of an email between the appellant's ecologist and planning agent, has been submitted with the appeal (Appendix G of the appellant's statement of case), which seeks to provide further justification for the choice of pre-bunding habitats in the Metric.
31. I am mindful of the difficulty in calculating pre-development habitat units once unauthorised development and habitat clearance has occurred, and that professional judgement must be exercised in the absence of physical, surveyable data. Nonetheless, I am not satisfied that the commentary provides certainty that habitat degradation has not occurred. Consequently, I am not satisfied that the biodiversity net gain calculation for habitats is based upon a sound baseline value. Therefore, I cannot be assured that the BNG requirement would be fulfilled.
32. If the 10% net gain could not be achieved on site, the purchase of credits, or an agreement with a relevant off-site provider, would need to be secured through a planning obligation. Such an obligation could form part of a Biodiversity Gain Plan required by the deemed condition. Therefore, granting planning permission without a formal mechanism in place to secure off-site gains or credits, would not affect the Council's ability to ensure that the biodiversity net gain objective is achieved at a later stage.
33. However, as there is insufficient information before me to be certain that the biodiversity net gain calculations accurately reflect the baseline position, the proposal would fail to accord with Policy GEN7 of the ULP, which states that the enhancement of biodiversity through the creation of appropriate new habitats will be sought.

The public rights of way network

34. As already noted, amended plans were submitted into the appeal, which deletes the proposed vehicular access point into the site from the north east corner adjacent to the public footpath. The proposed access point into the site is now from the May Walk bridleway on the west side of the site.
35. As part of the creation of the unauthorised bunds, a large splayed vehicular access into the site was created off May Walk and is currently blocked off by solid plywood doors, hung off timber posts. Those doors are proposed to be replaced with a

much narrower and shorter five-bar timber field gate, 2.4 metres wide and approximately 1 metre high. The gate would also be much closer to the edge of the May Walk bridleway.

36. The highway authority, along with several interested parties had objected to the application with concerns around the appellant's lack of rights to use the public footpath on the north side of the site for vehicular access. In light of the amended plans, which I have accepted into the appeal, those concerns are no longer relevant or maintained, particularly as the amended proposed site plan shows the proposed extension of the bund in place of that site access.
37. However, the highway authority states that while the deletion of the north east access point protects users of the public footpath, the consequential effect is an intensification of the access off May Walk, which is a substandard access at 2.4 metres wide and with a shallow setback of only 6.3 metres from the edge of the bridleway. Like the highway authority, I consider that the proposed access is too narrow to accommodate equine related vehicles, such as horseboxes or private vehicles with trailers, and would result in such vehicles being stationed on or overhanging the bridleway (even if only for temporary periods).
38. The bridleway is only approximately 3.5 metres wide along its entire length⁴ and thus there is insufficient space for two vehicles to pass one another, unless they can use the splay and setback at the site's entrance. This width restriction continues for the length of the bridleway, with passing places only available at the entrance splay and setback at May Tree Farm and Eastfield Stables. While the bridleway is on private land, such that traffic flow is limited, several vehicles did pass the site while I was carrying out my site visit. This confirmed to me that the inadequately dimensioned access into the site would impede passage for other vehicle users by causing any large vehicles attending the site to partially obstruct May Walk.
39. However, I consider that this issue is not determinative in this appeal because a condition could be imposed to require details to be submitted, to the satisfaction of the Council, of a wider access gate with greater setback from the bridleway, to ensure that there is sufficient space off the bridleway and on the site for vehicles to manoeuvre and park. Of course, it would continue to be the case that passing along the rest of May Walk would be problematic, however, I am not convinced that the small scale nature of the private recreational stables would generate any notable volume of traffic over that associated with the occupiers of May Tree Farm and Eastfield Stables to warrant dismissal of the appeal on that basis.
40. Similarly, I do not consider that the highway authority's concerns regarding the visibility splays onto the B1051 Stansted Road from May Walk, can be upheld. I am cognisant of the fact that the B1051 is a traffic carrier between Stansted Mountfichet and Thaxted, however, the access is existing and serves multiple properties. It is also not situated at the bend of the road or at the base or brow of any hill.
41. Without a doubt, the access would benefit from wider visibility splays onto the B1051. However, I have not been presented with any evidence to demonstrate that the access point is an accident blackspot, such that it requires improvement before it can be used by a small number of additional vehicles associated with the

⁴ Distance referred to by the highway authority in its appeal statement

proposed use. Therefore, I consider that the proposal would not detrimentally affect users of the B1051.

42. Lastly, I acknowledge the concerns of the highway authority regarding possible degradation of the bridleway as a result of increased volume of traffic over it, such that it could become more difficult for walkers, cyclists and horse riders to use. Having travelled the length of the bridleway to get to the site, I noted multiple large potholes in several places, particularly in close proximity to the appeal site itself, but the bridleway as a whole was in relatively good condition, and the potholes were passable. While increased motor vehicle movements to and from the site could worsen the condition of the bridleway, I have already concluded that the small scale nature of the private recreational stables would not generate a notable volume of traffic. As a result, the level of degradation associated with vehicular access to and from the site is likely to be insubstantial.
43. Turning briefly to the other highway authority concerns regarding bund gradient, surface water drainage, the purpose and rights over a service strip, and the lack of clear identification of the public rights of way on the submitted plans. In my view nothing turns on these matters. The first two matters could be dealt with by way of conditions if planning permission were granted. The third is a land ownership matter, which is not a material planning consideration. The fourth is a moot point because the appellant has not disputed that land to the north of the site is public footpath no. 44, or that the land to the west is public bridleway no. 25. I consider that none of these issues constitute adequate reasons for refusing the proposed development.
44. Concluding on this main issue, the proposal would generate additional vehicular traffic to and from the site along the May Walk bridleway, which is substandard in width for vehicular traffic in both directions. The proposed new access would also be substandard in dimensions, resulting in likely obstruction of part of the bridleway. Nevertheless, due to the small scale nature of the proposed stable use, the proposal would not significantly exacerbate existing issues, and the proposed access could be improved prior to use of the stables by way of planning condition if planning permission were granted. For the above reasons the development would not have a materially harmful effect on safety of users of the public rights of way, nor users of the B1051. Accordingly, I find that the proposal would not conflict with Policy GEN1 of the ULP, which requires the safety of road users, walkers, cyclists and horse riders to be protected.

Other Matters

45. One interested party raised a concern about the size of the proposed paddock, drawing reference to British Horse Society recommended pasture grazing sizes per horse. However, given my conclusions on the first two main issues, it has not been necessary to consider this matter in any detail.

Conclusion

46. Whilst I have found no significant harm on the matter of the safety of users of the public rights of way network, it nonetheless remains that there would be significant harm to the character and appearance of the area and from the uncertainty in securing an appropriate level of biodiversity net gain. Overall, the proposal would conflict with the development plan as a whole, and there are no other material considerations before me that indicate a decision should be made other than in

accordance with the development plan. Accordingly, for the reasons given above, the appeal is dismissed.

Janine Laver

INSPECTOR