



Appeal Decision

Site visit made on 17 November 2025

by Ms Beloe MSc DIC BSc (Hons) CSci CEnv C.WEM MCIWEM

an Inspector appointed by the Secretary of State

Decision date: 26th November 2025

Appeal Ref: APP/C1570/W/25/3371333

**Land between Bayer House and Primrose House, Ivy Todd Hill, Debden
CB11 3LA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Robert Tetlow against the decision of Uttlesford District Council.
 - The application Ref is UTT/24/2524/FUL.
 - The development proposed is the erection of a five-bedroom infill self-build dwelling and detached garage with associated landscaping and new driveway access.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the appeal site would be in a suitable location for housing development, having regard to policies relating to defined settlement development limits.

Reasons

Character and appearance

3. The appeal site is located to the east of Ivy Todd Hill, to the north of Debden village. The immediate surrounding area consists mainly of farmland. The appeal site is located in between two existing detached dwellings with generous garden areas to the rear. There is a moderately steep, short embankment on the boundary of the appeal site with Ivy Todd Hill. There is driveway access across this embankment to the existing properties either side of the appeal site. The existing properties along Ivy Todd Hill are clearly visible from a stretch of the nearby public right of way to the rear and to the south. They appear spaciouly set out, in proportion to the surrounding areas of vegetation.
4. The proposed development, by nature of its size and layout with a substantial outbuilding proposed, referred to as a cartlodge, would fill the majority of the space between the existing dwellings. This would increase the density of residential dwellings along this stretch of Ivy Todd Hill, reducing the spacious nature of development in this vicinity, creating a more consolidated form of development.

5. The size and proportions of the proposed development, taking up the majority of the space in between existing development along Ivy Todd Hill, when viewed alongside the existing dwellings from locations along the public footpaths, would result in a much more cramped and congested form of development. This would be noticeably out of character with the spacious development along Ivy Todd Hill, characterised by dwellings with significant breaks in between.
6. Views into the appeal site from Ivy Todd Hill are currently partially obscured by dense vegetation. I note the bank regrading proposal PL04 and that the Design and Access Statement Rev A, states that the existing vegetation along Ivy Todd Hill in front of the proposed dwelling would be retained where possible, with some needing removal to form the driveway entrance. Even if the vegetation were to be retained as much as possible, the proposed dwelling would still be visible from Ivy Todd Lane. The significant works required to construct the access and driveway would open up the area such that harm would be caused to the character and appearance of Ivy Todd Lane.
7. The adverse impacts identified above would result in harm to the site's countryside setting and significantly harm the character and appearance of the wider area by reducing the rural character of sporadic and interspersed, well proportioned dwellings, separated by undeveloped areas of countryside.
8. I note the proposal includes planting of 18 new trees and the creation of terrestrial habitat. There is a lack of detail as to the species mix and the anticipated width and height of the mature canopy. As such, I am not confident that this proposal as it stands, would be able to mitigate the harm to the character and appearance of the area identified above.
9. The proposed development would therefore conflict with Policy S7 of the ULP which seeks to only allow development where its appearance protects or enhances the particular character of the part of the countryside within which it would be located. The proposed development would also conflict with the National Planning Policy Framework (the Framework), specifically 135(c), which requires developments to be sympathetic to local character, including the surrounding built environment and landscape setting, and paragraph 187(b) which requires planning policies to recognise the intrinsic character and beauty of the countryside.
10. While the style of the proposed dwelling may well be consistent with its immediate neighbours, that would not mitigate the harm identified to the character and appearance of the area identified above.

Housing development outside settlement limits

11. The Council's reasons for refusal state that the appeal site lies outside the defined settlement development limits of any village or town as defined by the ULP and is thereby located within the countryside.
12. It has been put to me that there is an existing unmet need for six service plots of land for self-build and custom built house building in Debden and that the emerging plan has identified a requirement for 29 housing sites in Debden. Given the emerging plan has been submitted for examination, I give this emerging housing requirement moderate weight. I acknowledge in principle that this is where housing should therefore be accommodated, but as conflict has been found with the ULP on character and appearance for the proposal in its current form, there is no reason

why a development of this size and scale needs to be located in this particular infill location. In addition, I note that the appellant suggests that a condition could be used to secure the dwelling as a self/ custom build plot, with an example provided where such a condition was used in an appeal decision. I do not have the full details of that appeal, including the evidence that was considered relevant to the wording and suitability of the condition. I am not convinced that a condition is appropriate or would meet the tests in the Framework including in respect of enforceability or whether it is necessary to also secure the occupation of any self/ custom build dwelling for a prescribed period of time. Therefore, at this stage, I am not satisfied that the dwelling could be adequately secured as a self/ custom build plot.

13. The proposed development would therefore conflict with Policy S7 of the ULP which allows sensitive infilling in the countryside outside of development limits only where its appearance protects or enhances the particular character of the part of the countryside within which it would be located. The proposed development would also conflict with the Framework, specifically paragraph 135(c), which requires developments to be sympathetic to local character including the surrounding built environment and landscape setting, and paragraph 187(b) which requires planning policies to recognise the intrinsic character and beauty of the countryside.
14. It has been put to me that limited weight should be given to Policy S7 of the ULP due to the age of the current ULP. It can be seen below that paragraph 11(d) of the Framework is engaged and the planning balance undertaken accordingly.

Planning Balance

15. It is common ground that at the time of this decision, the Council does not have a five-year supply of deliverable housing sites and therefore section 11(d) of the Framework is engaged. The Framework does not change the statutory status of the development plan as the starting point for decision making.
16. The proposal is not in accordance with the aforementioned policies of the ULP with the associated conflict reflecting harm to the character and appearance of the area.
17. Paragraph 11(d) of the Framework, explains that in these circumstances, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. For this reason, the development conflicts with the development plan as a whole and should be refused unless other material considerations indicate otherwise.
18. Paragraph 11(d) of the Framework explains that, were a local planning authority is unable to demonstrate a five-year supply of deliverable housing sites, then planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
19. Whilst the proposed development is within walking distance of services and facilities with associated social and economic benefits during the period of construction and once the dwelling is occupied, the scale of development proposed is a single property. Even when acknowledging the benefit cumulative individual

small sites can have, the contribution of one additional dwelling to meeting housing need would be very limited.

20. In the particular circumstances of this case, I have concluded that the harmful effect on the character and appearance of the area would conflict with policies of the Framework and would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.

Other Matters

21. It has been brought to my attention that the land adjacent to Ivy Todd Lane, through which the access driveway is proposed, may not be in the ownership of the appellant and may be common land. I observe from the application form that the appellant has indicated that they have served the requisite notice on the owner, notifying the owner that the proposal would include this parcel of land. Matters of ownership are not determinative and have no bearing on the reasoning for this decision.
22. Compliance with the ULP policies regarding flooding and ecology are neutral factors.
23. My attention has been drawn to a number of appeal decisions, however, the circumstances presented in these cases differ and I must consider this appeal based on its own merits.

Conclusion

24. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

Ms Beloe

INSPECTOR