



Appeal Decision

Site visit made on 5 November 2025

by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th November 2025

Appeal Ref: APP/C1570/W/24/3353789

The White House Coffee Co Ltd, The Roastery, Clavering Road, Manuden, Essex, CM23 1BQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Charlie Kershaw against the decision of Uttlesford District Council.
 - The application Ref is UTT/23/2200/OP.
 - The development proposed is: Outline application with all matters reserved except access for the demolition of coffee roastery and erection of single dwellinghouse.
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Decision

1. The appeal is allowed and planning permission is granted for an outline application with all matters reserved, except access, for the demolition of coffee roastery and erection of single dwellinghouse at The White House Coffee Co Ltd, Manuden, CM23 1BQ in accordance with the terms of the application, Ref UTT/23/2200/OP, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. Two appeals are before me relating to the same site. One seeks confirmation that the use of a former residential outbuilding as a coffee roastery is lawful and the other, subject of this decision, seeks outline planning permission for the erection of a single dwelling. Given that the two appeals deal with distinct issues I have issued a separate decision letter for each appeal.
3. The outline application was submitted with all matters reserved apart from access, which would be gained via the existing access track. A site plan was submitted with the application which depicts a proposed layout, including the position of the dwelling and associated parking and turning areas. Given that all matters apart from access are reserved that plan is an indicative proposal which shows one option of how the site could be laid out.
4. In other words, permission is not sought for the layout shown and that would be a matter for detailed consideration at the reserved matters stage, if outline permission is granted.

Main Issues

5. The main issues in the determination of the appeal are:
 - i) The effect of the development on the character and appearance of the area;

- ii) Whether the location of the site is suitable for the development proposed, having regard to likely travel patterns, modes of travel and the accessibility of local shops and services; and
- iii) The degree of weight that should be afforded to any benefits of the proposal, with particular reference to the supply of additional housing, associated economic impacts, and whether the site would constitute the re-use of previously developed land.

Reasons

Character and Appearance of the Area

6. The appeal site is located within the countryside, set slightly to the north of the village of Manuden, an attractive rural settlement which stretches out in linear fashion along its main highways. There has clearly been significant expansion northwards in recent years, including the development at David Collins Drive and the adjacent community centre and sports fields. At the time of my visit the residential development on the opposite side of The Street was under construction. As a result, the built form of the settlement on that side of the road will be broadly contiguous with the entrance point into David Collins Drive.
7. Thus, whereas the appeal site would once have been more detached from the edge of the village it is now only a short distance to the north, just beyond the junction with Maggots End. In fact, the sports pitches associated with the community facility are on the opposite side of the road. Nonetheless, the site does retain some sense of detachment from the village due to the presence of fields, open space and hedgerows in the intervening gap.
8. The existing building on the site has a close visual relationship with the dwelling at White House Corner, having originally formed part of the curtilage of that property. Thus, in terms of the existing context, the site has residential development to one side but is surrounded by gently rolling countryside on its outer perimeter.
9. Having walked along the Public Right of Way (PROW) which runs across the field to the north it is evident that the appeal site sits in a slight fold in the landscape with land rising gently upward to the north and west. That topography effectively limits any views back towards the site such that it is only visible at short to medium range from those vantage points. Looking back towards the site it is seen in the context of the residential development to the rear.
10. Similarly, when approaching from the south, along Clavering Road, the dwelling at White House Corner sits in the foreground and the building on the appeal site is hidden from view. It is only at close range, looking down the driveway from the site entrance, where the building is prominent. Views are fleeting and most people would pass the site without being particularly aware of the structure due to the distance from the carriageway and the presence of mature planting immediately to the north.
11. Furthermore, the surrounding landscape is not devoid of buildings. There are numerous farmhouses, barns and farmsteads set within the countryside beyond the village. The stated reason for refusal states that the development would introduce built form into the countryside with urbanising effects. That ignores the fact that the site is already developed with a building which is comparable in scale

to the size of a modest dwelling. Whilst the existing use of the building may not be lawful, the structure itself has been in situ for a considerable period of time, having previously been an outbuilding associated with the adjacent dwelling.

12. Having regard to the above, I see no reason why the replacement of the existing structures with a sensitively designed residential property would cause harm to the character and appearance of the area. The detailed design would be controlled through any reserved matters application but in principle, a modest and well-considered proposal would sit comfortably against the residential backdrop of the adjacent property and would not be prominent in the wider landscape.
13. Prior to being separated from the adjacent dwelling the site formed part of the curtilage of that residential property. Accordingly, the domestication of the garden would not be harmful given that historic use and association. There is sufficient space to allow for perimeter planting to provide an appropriate edge between the development and the surrounding countryside and the precise details of that planting could be secured at the reserved matters stage. To the extent that the dwelling would be seen that would not be unusual or harmful, given that it is a landscape with numerous buildings within it, especially if the property was designed to be sensitive to its context.
14. For all of those reasons I am satisfied that the proposal would not cause harm to the character and appearance of the area and that it would comply with the aims of saved policy S7 of the Uttlesford Local Plan (2005) (the Local Plan), in respect of its stated aims to protect or enhance the particular character of the part of the countryside within which development is set. There is also no conflict with paragraph 187(b) of the National Planning Policy Framework (the Framework) which states that planning decisions should recognise the intrinsic beauty and value of the countryside.

Location of the Development and Travel Patterns

15. As noted above, the site sits just outside the settlement boundary of the village and is within the countryside in terms of planning policy. Policy S7 of the Local Plan identifies that the countryside will be protected for its own sake and that planning permission will only be given for development that needs to take place there or is appropriate to a rural area.
16. In the appeal related to the proposed housing development on land to the north of Stewarts Way the Council accepted that policy S7 was not fully compliant with the Framework due to the fact that it seeks to protect the countryside for its own sake¹. That is the case and, additionally, the Framework does not place an explicit limitation on the type of development that may be considered acceptable in principle in the countryside in the same manner as policy S7.
17. Furthermore, in a position where the Council cannot demonstrate a five-year supply of deliverable housing land, it is likely that development will need to take place beyond established settlement boundaries in order for the authority to deliver sufficient housing to meet its defined need. For all of those reasons, the conflict with policy S7 in respect of the location of the site is not a matter that attracts significant weight.

¹ Appeal reference APP/C1570/W/20/3242024 paragraph 68

18. Policy GEN1(e) of the Local Plan seeks to ensure that development encourages movement by means other than driving a car and that policy is broadly consistent with the aims of the Framework, including paragraph 110 which states that the planning system should actively manage growth to support transport related objectives, including those at paragraph 109(e) which are to identify and pursue opportunities to support walking, cycling and public transport use. The Framework does recognise that opportunities to maximise sustainable transport options will vary between urban and rural areas and that should be taken into account in decision making.
19. The Inspector in the Stewarts Way appeal addressed the same issue as it related to that site and found no conflict with policy GEN1(e), noting that Manuden has a *“comparatively good range of day to day services including a community centre, primary school, church, public house, and a range of sporting facilities. At the Hearing it was confirmed that some of these facilities were introduced after the settlement hierarchy in the Local Plan was formally established in 2005.”*
20. He went on to find that access to those services on foot or by cycle would be possible and that whilst bus services beyond the village, other than school buses, were limited, Stansted Mountfitchet with its higher order services and rail connections was reasonably close, being 3 miles from the village. Overall, whilst accepting that there would remain a degree of car dependence the Inspector found that the proposal would encourage different modes of travel such that he found no conflict with the aims of policy GEN1(e), taking account of the fact that transport options will vary between rural and urban areas.
21. The facilities within the village appear to remain the same and the sense is of a thriving community with a number of available facilities, even though no shops are available. The community centre is a relatively new facility and appears to be well-used judging by the notices of activities and I witness what appeared to be a yoga/ pilates group entering on the morning of my visit.
22. However, the site is set slightly further from the village than the Stewarts Way site, approximately 200m from the edge of the settlement according to the Council. There is no pavement or public footpath adjacent to the road for the short stretch to the junction with Maggots End. Beyond that a PROW runs along the highway verge into the village. It is also possible to cut through the recreation ground via the access at David Collins Drive and move south away from the side of the road.
23. I walked the route to the site, following the line of the PROW at the morning of my visit and it did not feel particularly unsafe or unpleasant. However, it was dry, in good daylight and traffic levels were low. It would no doubt be less appealing in darkness due to the absence of streetlighting or a dedicated pavement, particularly the final stretch to the access to the property. Nor would it be particularly suitable for children walking to school for those reasons.
24. That is not to say that walking or cycling would be unrealistic for those living at the property. It would be perfectly feasible on many occasions. In fact, the community centre is closer to the appeal site than it is to most dwellings within the settlement. The Council has not highlighted any safety concerns with the lane or any incidents to indicate an issue with highway safety.
25. In rural areas people frequently walk and cycle on lanes without dedicated cycles lanes or pavements and it would be possible to cycle to nearby facilities, including

the railway station in Stansted Mountfitchet which is just under 3 miles away. Whether somebody actually would undertake such a journey for commuting or other purposes would be a matter of personal choice but it is not an unfeasible option.

26. The case officer report notes that it would be unlikely that people would be able to walk to the closest supermarket and carry shopping back to the site on foot. Whilst I concur with that assessment it is not a realistic benchmark against which to assess the location of rural housing. The reality is that most people in rural areas, even in towns, will use the car for larger shopping trips.
27. The appeal site would be no different and there would be a reliance upon the private car for many trips, as is common in most rural areas. Overall, whilst those residing at the dwelling would be able to integrate with the local community without needing to drive in many instances, the lack of street lighting and segregated pavement would impede alternatives at particular times, in darkness or inclement weather, when the final stretch to the property would not be enticing.
28. Overall, I cannot conclude that the location would actively encourage alternative modes of travel due to the inherent drawbacks in the location and there is some conflict with the aims of Policy GEN1(e) in that respect and with the aims of paragraph 109(e) of the Framework. The site is undoubtedly less accessible to local services than the site off Stewarts Way, previously found acceptable at appeal, albeit marginally so.
29. That said, the extent of the harm would be limited in my view and the travel choices available to residents of the proposed dwelling would not be substantially different to those of other residents within the village or other rural communities in the area. Thus, it is not a matter that weighs heavily against the proposal in the planning balance, even though I cannot conclude that the proposal fully accords with Policy GEN1(e).

Housing Land Supply & Previously Developed Land

30. It is common ground that the Council cannot demonstrate a five-year supply of deliverable housing land, as required by paragraph 78 of the Framework. Consequently, the provision of an additional dwelling is a matter that weighs in favour of the proposal, particularly so given the Government's objective of significantly boosting the supply of housing. Clearly, the scale of development is small but the additional supply attracts moderate weight in that context.
31. The definition of previously developed land (PDL) is set out in the annex to the Framework and includes land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land. In my associated decision I have concluded that the use as a coffee roastery is not lawful. Nonetheless, a garden outbuilding has stood on the site for a significant number of years – permission was granted to extend an existing outbuilding in 2010 to allow for the structure that is now in place.
32. Even if the use is not lawful, the structure itself has been in place for well in excess of ten years such that it would be immune from enforcement action. If its lawful use is associated with the adjacent residential building, as suggested by the Council, it would still fall within the definition of PDL. Residential gardens in built-

up areas are excluded from the definition but the site is in the countryside and not a built-up area. Consequently, I am satisfied that the site can be considered as PDL.

33. Paragraph 125(c) requires significant weight to be given to the use of suitable brownfield land within settlements but that does not apply in this instance on account of the location of the site. Nonetheless, paragraph 124 of the Framework identifies that strategic policies should set out a clear strategy for accommodating objectively assessed needs in a way that makes as much use as possible of PDL, except where it would conflict with other policies of the Framework, including causing harm to sites for importance to biodiversity. Thus, there is some support for the re-use of PDL in the broad thrust of the Framework. However, given that I have concluded that there would be some conflict with the aims of the Framework in terms of location and accessibility it is not a matter that attracts notable weight having regard to footnote 49 to paragraph 124.

Other Material Considerations

34. The development would bring some modest economic benefit through the construction phase and additional spending in the economy associated with the occupation of the new property. The weight I attach is limited on account of the small scale of the development but, nonetheless, represents a positive material consideration in favour of the proposal.
35. The appellant contends that a potential fall-back if the appeal were dismissed would be to convert the existing structure into a dwelling, noting that the pre-amble to policy S7 of the Local Plan recognises that the re-use of rural buildings may be acceptable within the countryside. That may be the case but no alternative scheme is before me and whether it would be possible to convert the building in the manner suggested is not clear without further details. Consequently, it is not a matter that attracts weight in support of the proposal.

The Planning Balance

36. The proposal conflicts with Policy S7 of the Local Plan insofar as it seeks to limit residential development beyond settlement boundaries within the countryside. However, I find no harm in respect of the character and appearance of the rural area. There would also be conflict, albeit to a limited extent, with the aims of Policy GEN1(e) of the Local Plan on account of the location of the site and its accessibility to services. Consequently, there is conflict with the policies of the Development Plan, taken as a whole.
37. However, as stated, Policy S7 is not fully compliant with the Framework in respect of its approach to rural development and it is clear that the Council will need to approve some development beyond settlement boundaries if it is to meet its defined housing need. It presently cannot demonstrate a five-year supply of deliverable housing land and the provision of an additional dwelling attracts moderate weight in that context, taking account of the Government's clear aim to significantly boost the supply of housing. There would also be a small economic benefit associated with the proposal.
38. Given the absence of a five-year supply of housing land, paragraph 11(d) of the Framework applies. In respect of subsection (i) and footnote 7 of that paragraph, no assets or areas of particular importance are affected by the proposal. In

respect of subsection (ii) there are harms and benefits associated with the proposal. However, the extent of harm is limited in my view and future residents would still be able to access services by a range of transport modes, even if the location is not optimal in that respect.

39. On the positive side, the proposal would provide an additional dwelling, making use of PDL and have some economic benefits. Having regard to the policies of the Framework as a whole it is clear that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits such that the presumption in favour of sustainable development applies.
40. Moreover, given the limited extent of harm and the fact that aspects of Policy S7 are clearly not up to date I find that the balance of material considerations justifies a decision other than in accordance with the Development Plan which indicates that planning permission should be granted.

Conditions

41. The Council has put forward a number of conditions in the event that the appeal is allowed. No condition was suggested to require the submission of reserved matters details but I must impose such a requirement to ensure that the details are properly submitted in line with statutory requirements.
42. The application Ecological Survey submitted with the application put forward a number of measures for the enhancement of biodiversity and habitat within the site and the suggested condition to require compliance with the findings of that survey is necessary and reasonable, having regard to the requirements of the Framework and Policy GEN7 of the Local Plan.
43. Providing that those enhancements are secured I am not satisfied that the additional condition requiring biodiversity enhancement is necessary for the development to comply with the aforementioned policies. Similarly, the Ecological Survey concluded that the development would not have an adverse impact upon foraging bats and the suggested lighting condition is not necessary to make the development acceptable in planning terms in those circumstances.
44. Given that landscaping is a reserved matter, those details will need to be submitted as part of that process and a separate condition requiring a landscaping scheme is not necessary. The condition requiring compliance with Building Regulations in respect of accessibility standards seeks to replicate the control of a separate regime. The Council has referred to an associated Supplementary Planning Document in the suggested reason for the condition but has not provided the document itself. I am not satisfied that the somewhat general wording of policy GEN2 of the Local Plan is sufficient to require the imposition of a condition to require the scheme to be built to the particular Building Control standard. Accordingly, I am not satisfied that the condition is necessary in planning terms.
45. The Planning Practice Guidance highlights that conditions removing permitted development rights may not pass the tests of reasonableness or necessity. The suggested reason given is to protect neighbouring amenity and to ensure the plot does not become over developed. The plot is of a good size to accommodate a single dwelling and there is nothing to suggest that it would lead to an overdevelopment of the site or impact upon neighbouring amenity. The Council will

also be able to assess and control the scale, design and layout of the proposal at the reserved matters stage.

46. If, having determined the detailed design, there is a specific aspect that gives rise to concern in respect of the implementation of permitted development rights it would be possible to add a condition to any reserved matters approval. However, I am not satisfied that a condition is required as a matter of principle, given the size and location of the plot.

Conclusion

47. For the reasons given above the appeal should be allowed, subject to all necessary conditions.

Chris Preston

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development shall comply with Location and Site Plan No. 223261-PL-100, insofar as it relates to the approved access to the site but not in relation to the proposed layout and scale of the dwelling shown on that plan, which was submitted for indicative purposes only.
- 5) Prior to the occupation of the dwelling the mitigation and enhancement measures and/or works identified in the Ecological Survey and Assessment (Essex Mammal Surveys, July 2023) shall be completed in full and thereafter maintained in accordance with the recommendations of that report.