



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/C/24/3344991

The Nook, Burton End, Stansted, Essex, CM24 8UQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by JBF Parking Services Ltd against an enforcement notice issued by Uttlesford District Council.
 - The notice was issued on 17 April 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, the laying of a membrane and hardcore surface.
 - The requirements of the notice are to: Remove the hardstanding and membrane from the land and restore the land to its original state.
 - The period for compliance with the requirements is 28 days from the date the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2) (a), (f) & (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
-

Decision

1. It is directed that the enforcement notice is corrected and varied by:
 - i) The deletion of the words "original state" from the second bullet point in the requirements at Section 6 and the substitution with the words "condition before the breach took place"; and
 - ii) The deletion of the words "28 days" in relation to the time period for compliance at Section 6 and the substitution with the words "3 months".
2. Subject to those corrections and variations, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matters

3. The second requirement of the enforcement notice, at section 6, is to restore the land to its "original state". The term is imprecise. How far back does one need to go before finding the "original" state of the land? To provide greater clarity, I have corrected the requirements of the notice to require the land be restored to its condition before the breach took place. That term should be clear to all parties, particularly as the appellant's appeal statement clearly indicates that the area was formerly covered in grass, as shown in the overhead images provided. Accordingly, I am satisfied that no injustice will arise as a result of me correcting the notice in that manner.
4. The appellant also raises the point that the red line area of the enforcement notice exceeds the area covered by the hardstanding and membrane. From my site visit

that would appear to be the case, with the planted bund to the front of the site and more recently constructed bunds to the rear of the parking area being within the red line.

5. However, that poses no particular problem given that the description of the breach and the requirements clearly relate to the hardstanding and associated membrane only and nothing else. There is no confusion as to where the hardstanding is located within the area identified or as to what development is “attacked” by the notice. Nor is there any doubt in respect of the requirements which relate to the hardstanding and membrane only and not to the surrounding bunds and landscaping. Accordingly, I see no reason to amend the plan, notwithstanding that it covers a slightly wider area.

The Appeal on Ground (a)

6. The main issues in the determination of the appeal on ground (a) are:
 - i) Whether the development is acceptable having regard to the aims of the development plan in respect of the location of airport parking; and
 - ii) The effect of the development on the character and appearance of the area.

Airport Parking

7. Saved Policy T3 of the Uttlesford Local Plan (2005) (the Local Plan) states that proposals for car parking associated with Stansted Airport will be refused beyond airport boundaries, as identified in the Local Plan. The reasons for that are due to the need to properly manage the scale and location of airport parking, to maximise the number of “non-transfer” airport passengers using public transport and to avoid such services becoming fragmented, including provision at sites beyond the airport itself.
8. Whilst it is of some vintage, no evidence has been presented to indicate that the aims of that policy no longer apply or to indicate a defined need for parking beyond the airport boundary. It is clear that the purpose of the hardstanding and associated membrane is to facilitate airport parking. At the time of my visit, the area was in use for the parking of a large number of cars, likely in the hundreds, and I observed people dropping off and picking up cars and being transferred to the airport. It was a substantial operation. No other function has been suggested and the name of the appellant – JBF Parking Services Ltd, provides a strong hint as to the nature of the activity.
9. The unauthorised material change of use of the area to airport parking is the subject of an extant enforcement notice which was not appealed by the appellant. Whilst the notice in this case does not relate to the material change of use, it is clear that the physical works have enabled the intensity of the use to increase substantially. The delegated officer report noted 21 cars on the grass in 2023, prior to the works taking place. Whilst the surface area may be no greater the provision of a hard surface will enable vastly greater numbers of cars to be accommodated over the winter months when the grass field would have been unsuited in poor weather.
10. Consequently, it is clear that the development is contrary to the aims of Policy T3 of the Local Plan and that it flies in the face of the enforcement notice that has

been served which requires the use of the site for airport parking to cease. It is a flagrant breach of planning control for which no justification has been put forward.

Effect on the Character and Appearance of the Area

11. The Local Plan identifies a Countryside Protection Zone around the airport, the aim of which is to ensure that the rural character of the area surrounding the facility is not eroded by coalescing developments. Policy S8 of the Local Plan states that permission will only be granted for development for which a countryside location is required or is appropriate to the rural area. Development will not be permitted where it would promote coalescence between the airport and existing development in the countryside or if it would erode the open characteristics of the zone.
12. Notwithstanding the proximity of the airport, Burton End largely retains its rural character. The lane itself is narrow, unlit, with grass verges, surrounded by hedgerows and fields, interspersed with built development. The majority of buildings have a vernacular character, including old farmsteads, the thatched pub adjacent and nearby cottages and housing. The Nook is a former farmstead which has been converted, along with its barns, into commercial use. There is evidence of commercial uses nearby but not to an extent that dominates the verdant and generally open rural character.
13. However, the expansion of airport parking to the front of the site has a notable and detrimental impact on that established pattern, particularly as a result of the visual impact of parked cars in significant numbers. That presents a stark and unsympathetic urban picture which contrasts unfavourably with the openness and greenery of the former grass paddock. Views into the site are limited, given the landscaped bund to the front but the impact is still noticeable as one passes the access to the site and it would not be possible to adequately screen the development from those angles, given the need to maintain vehicular access to the site.
14. The appellant contends that adjacent commercial parking is such that the development at the appeal site should be considered acceptable. It is not clear if that parking has the benefit of planning permission. Even if it has, the visual impact of parking at the appeal site has resulted in the coalescence of such uses, directly next to the airport, which is in direct contravention of one of the key aims of Policy S8 of the Local Plan.
15. For those reasons, the development has significantly eroded the character of the countryside and is plainly in contravention of Policy S8 of the Local Plan and also the more general aims of Policy S7, which seeks to protect the character of the countryside for its own sake.

Conclusion on Ground (a)

16. The development has caused clear harm to the countryside surrounding Stansted Airport and its use is patently linked to airport parking which is prohibited by an extant enforcement notice and contrary to the aims of Policy T3 of the Local Plan.
17. Thus, the development is contrary to the policies of the development plan as a whole and no material considerations have been put forward that would lead me to a decision other than in accordance with the development plan. No conditions

could be imposed that would mitigate the harm. It follows that the appeal on ground (a) shall be dismissed and I shall refuse to grant planning permission in respect of the deemed application.

The Appeal on Ground (f)

18. An appeal on ground (f) is made on the basis that that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
19. In this case, it is clear that the Council is seeking to remedy the breach in its entirety and the removal of the hardstanding and associated membrane go no further than is necessary in that respect. The appellant has put forward no alternative lesser steps and none are obvious to me. It follows that the appeal on ground (f) must fail.
20. The points raised by the appellant under the heading of “ground (f)” relate more to the question of whether the plan associated with the notice was correctly drawn and to the wording of the requirement to return the land to its “original” condition. Those matters do not strictly relate to ground (f) and I have addressed them above.

The Appeal on Ground (g)

21. The period given for compliance with the notice is 28 days which seems unreasonably short, given the extent of work required. Whilst a contractor may be able to carry out the work within that period, I agree with the appellant that time should be afforded to enable a contractor to be engaged, bearing in mind that such contractors are likely to have other work planned. The period suggested by the appellant of 3 months strikes the right balance between the practicality of securing contractors and carrying out the work, whilst maintaining expediency in the enforcement of the planning system.
22. Accordingly, the appeal on ground (g) succeeds to that extent and I shall vary the terms of the notice.

Overall Conclusion

23. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice as corrected and varied.

Chris Preston

INSPECTOR