



Appeal Decision

Site visit made on 4 November 2025

by A Phillips MPlan BA CertHE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th December 2025

Appeal Ref: APP/C1570/W/25/3371686

The Mole Hill, Hollow Road, Felsted, Essex CM6 3JF

- 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 & Mrs Graty against the decision of Uttlesford District Council.
 - The application Ref is UTT/24/3025/FUL.
 - The development proposed is Demolition of existing agricultural building and erection of one dwelling, new access and associated development.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant was given opportunity to provide additional information regarding on potential mechanisms to control that the proposal was developed as a self-build property. This also links to the requirements of biodiversity net gain (BNG), as if the property does not meet the requirements of a self-build then there is no exemption to BNG for this development. Given the importance of this matter, I have dealt with it under main issues.
3. It is noted that the Council is progressing on a new Local Plan. However, both parties recognise that due to the stage the emerging Local Plan is in, limited weight can be attributed to this plan and neither party are relying on it to support their case. On this basis I have determined the appeal on relevant national planning legislation and policy, as well as the local policies that the Council determined the application on.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area.
 - Whether the proposal meets the definition of a self-build dwelling and the impact on this on BNG.

Reasons

Character and appearance

5. The proposal is seeking to demolish a barn and replace it with a single storey dwelling. It is noted that the barn has previously gained prior approval to be converted into a single dwelling. The appellant has also provided a copy of a

decision notice that details the site recently gained planning permission to demolish the barn and erect a single dwelling. In addition, the proposal seeks to create a new access and driveway to connect onto Hollow Road.

6. The site is in the countryside and located on two different fields, with a variety of mature hedgerows and trees providing definition to both field boundaries. There is a Public Rights of Way footpath (PRoW) to the east and south of the existing barn, with the barn clearly seen from the eastern section of the footpath. In the immediate setting of the proposed access there were three dwellings, including the two storey flat roofed contemporary building of 'Libertus'.
7. The existing barn is small in scale and has no architectural merit. The proposed dwelling is of a contemporary design that breaks the overall mass up of the building by the creation of two joined wings. So while the overall footprint increases by 66sqm, this would not cause the design of the dwelling to appear oversized or having an unacceptable bulk. It is noted that the proposed dwelling would not have an agricultural appearance and while this weighs against the proposal, the overall quality of the design outweighs this harm.
8. With the quality of the design outweighing the harm identified above and that the building has already been increased in size, it would be necessary to remove permitted development rights to prevent further extensions to the proposal undermining the careful design of the dwelling. In addition, given the size of the proposed rear garden permitted development rights would also need to be removed for outbuildings, to prevent additional buildings undermining the rural character of the area.
9. The proposed driveway could cause harm by virtue of it cutting across an open field and eroding the rural character of the area. However, apart from the entrance onto Hollow Road where the materials need to ensure highway safety by ensuring mud and debris is not dragged onto the highway, the remainder of the proposed driveway can have a finished appearance that would limit the visual impact on the local area. A material, such as grasscrete, would allow preservation of the open rural character of the field. Therefore, the harm that the driveway would cause could be overcome by way of a hard landscaping condition.
10. Given the enlarged garden space it is expected that a very comprehensive soft landscaping scheme would be needed to both minimise the effects of domestic paraphernalia and help blend the proposed dwelling into the wider countryside, specifically when viewed from the PRoW.
11. It is concluded that the proposed development would preserve the character and appearance of the local area. On this basis it complies with Policy S7 of the Uttlesford Local Plan Adopted 20 January 2005, which only allows development if it protects or enhances the countryside.

Self Build and BNG

12. The appellant has provided details of a recent decision on the same site for a self-build dwelling, where the Council approved the application with a self-build condition.
13. The appellant is recommending a condition to control the self-build element, as used by the Council on a similar development on the site. However, it is my

judgment that it does not meet all the six tests for conditions as set out in the Framework, with specific reference to enforceability, and I do not see any amendment that would lead me to a different view. With no legal agreement to ensure the proposal comes forward as a self-build plot, the potential benefit of this coming as a self-build plot and fulfilling a demand in the district only holds limited weight.

14. With the proposal not meeting the definition of a self-build dwelling, it is therefore not exempt from BNG. With no valid exemption, the proposal would be subject to the biodiversity gain condition and the minimum information requirements as detailed under Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).
15. While I have noted the appellant has a fallback position that I have given significant weight to, the failure to provide the necessary information to satisfy the biodiversity condition substantially weighs against the application.

Planning Balance

16. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise.
17. The Council accepts that they cannot demonstrate a deliverable five year supply of housing land as required by Paragraph 78 of the Framework. Consequently, paragraph 11 d) of the Framework, which is a material consideration of significant weight, is engaged. It states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. The Framework does not change the statutory status of the development plan as the starting point for decision making.
18. The Framework promotes residential development where it will enhance or maintain the vitality of rural communities and acknowledges that this might be in nearby settlements. The benefit of a potential self-build dwelling in supporting both services within the village and nearby settlements is limited. There is also likely limited economic benefits during the construction phase. It is also noted that the proposal is seeking to meet above standard requirements in building regulations to make the house more accessible to wheelchair users, this has limited weight in favour of the proposal.
19. However, while noting the fallback position I have concluded that there is a fundamental requirement to comply with BNG legislation and therefore substantial harm is caused due to lack of compliance with that legislation.
20. The adverse impacts would, therefore, significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.

Conclusion

21. For the reasons given above the appeal should be dismissed.

A Phillips

INSPECTOR