



Appeal Decision

Site visit made on 5 February 2026

by **C Shearing BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 February 2026

Appeal Ref: APP/C1570/W/25/3376494

Dalforth House, Bambers Green Road, Takeley, Essex CM22 6PD

- 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 J Taylor against the decision of Uttlesford District Council.
 - The application Ref is UTT/25/2081/FUL.
 - The development proposed is change of use of residential annexe to one-bedroom dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of residential annexe to one-bedroom dwelling at Dalforth House, Bambers Green Road, Takeley, Essex CM22 6PD in accordance with the terms of the application, Ref UTT/25/2081/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos 01, 02, 03, 04.

Preliminary Matters

2. The Council suggest the existing annexe, created from an earlier garage, did not have planning permission. There is not substantive evidence before me as to whether permission was required and it is not for me to determine the lawfulness of the existing use. I have therefore dealt with the appeal on the basis of the description of development for which planning permission was sought, and on which the Council assessed and determined the application.

Main Issue

3. The main issue is the effect of the development proposed on the character and appearance of the area.

Reasons

4. The appeal site is in a distinctly rural area but sits among a group of buildings of varied size and character on the northern side of Bambers Green Road. These include a guest house and semi detached properties to the west, which are set within generous plots, set back from the road behind a wide grass verge. Dalforth House is similarly set back from the road and the existing side annexe benefits from a recessed front door to the side of the main house.

5. While the resulting home would be smaller than others nearby, the proposal would not entail any external alterations to the existing annexe or subdivision of the land in front of the building. Given the scale of the development, the increase in activity on the site is unlikely to be significant and the main manifestation of the building's independent occupation is likely to be the provision of car parking to the front. However, this would be a similar layout to the existing and would not draw undue attention to the proposed use or small unit size, particularly given its set back from the road.
6. Overall, the proposal would preserve the character and appearance of the countryside. It would comply with the part of Policy S7 of the LP¹ which requires development to protect or enhance the character of this part of the countryside, and Policy GEN2 relating to design.
7. LP Policy S7 also states that planning permission will only be granted for development in the countryside that needs to take place there or is appropriate to a rural area. The Policy states that this will include infilling with new houses, which the Council accept applies here. On this basis the development would comply with that policy as a whole.

Other Matters

8. The evidence suggests the proposal is close to the Hatfield Forest Site of Scientific Interest. I have sought comments and documents from the main parties on this matter and, in the absence of a response from the Council, I have relied on the documents provided by the appellant. The Forest is a valuable natural resource which incorporates a variety of habitats and species. It is recognised as having high ecological value as a SSSI and a National Nature Reserve, and it is attracting increasing numbers of visitors who are causing threatening ecological harm through trampling. A condition survey of 2011 showed the site to be in 'unfavourable recovering' condition. Visitor surveys have shown the majority of those visitors arrive from south and central Uttlesford, as well as some neighbouring authorities, and this has informed the 11.1km zone of influence.
9. The appeal site lies within that zone of influence, where occupants are likely to visit the Forest for recreation. However, the proposal would entail the self-containment of existing accommodation and would not entail an uplift in residents on the site likely to use the Forest. This is reaffirmed by the Cabinet Report², where it states that the intended tariff for mitigation should exclude conversions. On this basis, and in the absence of evidence to the contrary, I am satisfied that the proposal would not present adverse effects on the integrity or designated features of the Forest.
10. The Council accept that it cannot demonstrate an appropriate housing land supply, and the provisions of paragraph 11d) of the National Planning Policy Framework therefore apply to the appeal. As the proposal has been found to comply with the development plan, it is not necessary to carry out the balancing exercise of 11d)ii. and the proposal benefits from the presumption in favour of sustainable development. This adds weight in favour of granting planning permission.

¹ The Uttlesford Local Plan adopted 2005

² Uttlesford District Council, Cabinet Report dated 15 July 2025

Conditions

11. In addition to the time limit condition, I have listed the approved drawings to provide certainty. Other conditions have been suggested by the Council's consultees as part of the planning application process, and I have considered those in light of the relevant tests.
12. As changes are not proposed to the access, it is not necessary to condition works to the highway. Similarly, as no ground works are proposed, it is not necessary to condition ground contamination measures. I have also considered those conditions suggested by Environmental Health relating to noise mitigation, given the proximity to Stansted Airport. However, given the proposal entails the re-use of an existing annex, which already provides living and sleeping accommodation, and in the absence of detailed information surrounding the necessity of the condition here, I cannot be certain it would meet the relevant tests. Similarly, given the existing use, it would not be reasonable to draw into control the external lighting of the site. Neither is it necessary to make this proposal acceptable. The Council have accepted that the proposal would be exempt from the statutory biodiversity net gain condition and I have no strong reason to reach a different view. On this basis, and in the absence of evidence of a development plan policy for biodiversity enhancements on schemes of this nature, a condition for a biodiversity enhancement strategy is neither necessary nor reasonable here.

Conclusion

13. The proposal would comply with the development plan and the appeal is allowed.

C Shearing

INSPECTOR