



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: 25 February 2026

Appeal Ref: APP/C1570/W/25/3375597

Land at Eastfield Stables, Elsenham Road, Stansted, Essex CM24 8SS

- 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 James Chatten against the decision of Uttlesford District Council.
 - The application Ref is UTT/25/1789/FUL.
 - The development proposed is described on the application form as 'new self-build detached dwelling and associated landscaping on existing redundant menage land'.
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Decision

1. The appeal is allowed and planning permission is granted for a new self-build detached dwelling and associated landscaping on existing redundant menage land at Land at Eastfield Stables, Elsenham Road, Stansted, Essex CM24 8SS in accordance with the terms of the application, Ref UTT/25/1789/FUL, subject to the conditions in the schedule below.

Preliminary Matters

2. I am aware there are many earlier appeal decisions relating to the wider site. In particular, two appeals have been determined very recently¹. Both main parties were invited to comment on the implications of those decisions for this appeal, and I have taken those responses into account.
3. There has also been progress on the Council's emerging Local Plan 2021-2042 during the course of the appeal ('the ELP'). The Council have received the Examiner's Report following examination hearings in June 2025, which found the ELP to be sound and legally compliant subject to Main Modifications which have been subject to public consultation. The document is not currently adopted, but officers expect this to occur in March 2026. The responses of both main parties on this matter have been taken into account.

Main Issues

4. The main issues are: i) whether the site is suitably located for a new dwelling, having regard to the availability of sustainable travel options, and ii) the effects of the proposal on the character and appearance of the area.

Reasons

Location

¹ Appeals APP/C1570/W/25/3375082 and APP/C1570/W/25/3374233

5. Policy GEN1(e) of the Uttlesford Local Plan 2005 (the ULP) states development will only be permitted where, among other things, it encourages movement by means other than driving a car. Code M1.2C of the Uttlesford District-Wide Design Code 2024 (the UDC) states that street networks must be direct, ensuring walking and cycling routes are the quickest means possible for people to easily access local destinations. Those aims are also apparent in Core Policies 26, 27 and 28 of the ELP, which include that sustainable modes of transport should be prioritised.
6. The appeal site is distinct from the settlement of Elsenham, which lies to the east beyond the M11 motorway. A consistent footway runs along this part of the B1050, which links the appeal site to Elsenham and I observed a bus stop a short distance from the site.
7. This issue was assessed by the Inspector in the recent appeal decision for a new dwelling by way of conversion, within the same Eastfield Stables site. The circumstances in terms of the site's accessibility to services and facilities, and sustainable travel, are therefore very similar. That Inspector found that, due to the footway on the B1051 being unlit and adjacent to fast moving traffic, it would provide a hostile environment for pedestrians and cyclists. Based on the findings of my site visit, I agree that that footpath is unlikely to be attractive for frequent use by future occupiers, including to access bus services. The May Walk public right of way is also likely to be an unattractive alternative to car use, particularly at night or in inclement weather. Having regard to that earlier decision, which in turn had regard to other appeal decisions before it, I have no strong reason to reach a different conclusion, that the site would offer limited accessibility to services and facilities via sustainable modes of travel.
8. Future occupants would therefore be very likely to rely on private cars to meet their day to day needs. Accordingly, the site's location would offer very limited sustainable travel options and the proposal would conflict with Policy GEN1(e) and the UDC. There would also be conflict with Core Policies 26, 27 and 28 of the ELP, summarised above.
9. Based on the information before me, the proposal would not meet any of the criteria in Development Policy 1 of the ELP, relating to new dwellings in the countryside. It follows that the proposal would therefore conflict with Core Policy 3 which contains the settlement hierarchy. As such, the proposal would be in conflict with the Council's Spatial Strategy for new development under the emerging plan. As above, those policies are at an advanced stage having undergone examination and have been found to be sound. The Council report no substantive objections to those policies and I have no strong reason to doubt the consistency of these policies with the National Planning Policy Framework (the Framework). Given they are not yet part of the development plan, and as that decision is yet to be taken by the Council, I give the proposal's conflict with those emerging policies significant weight.

Character and Appearance

10. The appeal site is in a rural location and the open grassland and verdant boundaries of the wider Eastfield Stables site contribute positively to the appreciation of the countryside character. The wider site nonetheless comprises a number of existing buildings, including residential uses, predominantly clustered around its northern side and these are broadly consistent in their scale and design,

including materials. Together they create a low level group of buildings of coherent design.

11. The proposal would entail the spread of development onto part of the site where there is currently no built form. I have had regard to the findings of another earlier Inspector² regarding a new dwelling on this part of the site, albeit slightly larger and positioned further south. That Inspector found it would cause limited harm to the openness and rural character of the area. At the time of my visit, this part of the site was being used for outdoor storage, set on a loose surface of rubber chips. Even if this part of the site were tidied and reverted to agricultural use, as the Council suggest, given its enclosure by bunds and the adjacent building, it makes a limited contribution to the open and rural character of the site.
12. In contrast to the earlier scheme, the proposal before me would be positioned further back, closer to the site's northern boundary and be positioned directly adjacent to the existing barn/ storage building. As such the proposal would maintain more of the site's open qualities and it would read as a part of the tight-knit development at the northern side of the site. In addition, its height and design, being single storey and with black timber cladding and red clay roof tiles, would be consistent with the other buildings on this part of the site. The appearance of the development would therefore sit comfortably in this setting.
13. For these reasons in combination, the proposal, including the curtilage of the proposed dwelling, would not cause harm to the character and appearance of the area. The proposal would comply with policies S7 and GEN2 of the ULP insofar as they require development to protect the character of the countryside and be compatible with surrounding buildings. For the same reasons the proposal would comply with the Codes referenced in the UDC relating to site context, character and identity. Neither do I find conflict with the Essex Design Guide 2018.

Planning Balance

14. Despite the progress of the ELP, the Council accept that it is unable to demonstrate a five year land supply for housing at this time and the undersupply is significant. Accordingly, the provisions of paragraph 11d) of the Framework apply to the appeal. 11d)ii. states that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole, and having regard to the policies given in the associated footnote.
15. The adverse impact of granting planning permission here would be the provision of a new home in an area which does not inherently support or encourage sustainable means of travel. This would be at odds with paragraph 115 of the Framework which states that sustainable transport modes should be prioritised. I appreciate there have been differences in the weight which earlier Inspectors have given to this harm, as evidenced by both main parties. Nonetheless, the site is connected to Elsenham by the footpath on the B1051. While unlikely to be an attractive route for regular use, it nonetheless presents some alternative to private car use. Paragraph 110 of the Framework, which is among the key policies highlighted in the footnote, acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Having

² Appeal decision APP/C1570/W/3368007 – decision dated 8 October 2025

taken account of these matters, I give moderate weight to the harm arising from the level of sustainable travel options offered by the appeal site.

16. The Council acknowledge the proposal would entail the loss of part of the District's best and most versatile agricultural land, in conflict with Policy ENV5 of the ULP. I agree with the Council that very limited weight should be given to this matter, given the abundance of such land in the vicinity of the site. In addition, as set out above, the proposal would be contrary to the Spatial Strategy of the ELP, produced in relation to the Framework, albeit this is not yet part of the development plan.
17. In terms of benefits, the proposal would provide a new home which would contribute to the national objective to boost the supply of homes. This is particularly important here given the Council's current under supply of land for new homes. There would also be some economic benefit arising from the construction process and expenditure into the local economy by future occupants. Together I give these benefits moderate weight, given the scale of the proposal.
18. Overall, and even if significant weight were given to the adverse impacts in combination, I do not consider that their weight would *significantly and demonstrably* outweigh the benefits here. The proposal therefore benefits from the presumption in favour of sustainable development and I find this amounts to a consideration of sufficient weight to make a decision other than in accordance with the development plan.

Other Matters

19. The Council accept that the scheme would be exempt from the statutory biodiversity net gain (BNG) condition as a scheme for self-build. There is no legal agreement before me to secure the proposal as self-build. Nonetheless, I note the Council's comments regarding the enforceability of a condition for this purpose, and such a condition has been suggested. For these reasons, together with the description of development and being led by the evidence before me, I have imposed such a condition. Accordingly, the proposal would be exempt from the statutory BNG condition.
20. I have had regard to the other issues raised by interested parties. While I appreciate concerns relating to the incremental development of the land, my considerations must relate to the proposal before me. In doing so I have had regard to the planning history of the site including relevant recent appeal decisions. There is not substantive evidence which would lead me to different conclusions to the Council and the highways authority in respect of highway safety.

Conditions

21. The Council and its consultees have suggested conditions which should be imposed if the appeal were allowed, and I have considered these in light of the relevant tests for conditions. In addition to the standard time limit condition, it is necessary to list the approved drawings to provide certainty.
22. To ensure the development were self-build, as above, a condition is necessary. I have adopted the Council's wording but removed the requirement for it to be maintained as such in perpetuity, since it is not apparent that would meet the test of reasonableness. Given the proximity to the M11 and to ensure an acceptable

standard of accommodation, an acoustic assessment and associated mitigation, are also necessary. I have amended the trigger since it is not apparent that a later trigger than commencement would necessarily limit the scope of measures which could be used.

23. Despite the statutory BNG exemption, biodiversity enhancements should be secured to meet the development plan requirements cited and I have simplified the condition to be proportionate to the appeal scheme. External lighting is also controlled having regard to the findings of the appellant's ecological report to prevent potential adverse effects on biodiversity. For the safety of future occupants, and given the current use of the land, a precautionary approach to contamination is required, and to meet the development plan requirement, the accessibility level of the house is secured.
24. As the approved drawings include detailed annotations of materials, further details would not be necessary. Parking areas are similarly inherent on the drawings. Given the nature and scale of this particular appeal site, neither would controls over hard and soft landscaping meet the test of necessity. As the proposal would utilise an existing shared access, it is not apparent that conditions are required relating to its alteration, and in the absence of details of a development plan requirement, I have not conditioned a vehicle charging point. As the appellant's ecological report found the likelihood of protected species on the site to be negligible, including bats, and in the absence of evidence to the contrary, further conditions relating to effects on protected species are also not necessary or reasonable. No gates are shown as part of the proposal, so controlling their position would not meet the test of necessity for the planning permission.

Conclusion

25. While the proposal would conflict in part with the development plan, there are material considerations in this instance of sufficient weight which indicate that a decision should be made other than in accordance with it. The appeal is therefore allowed.

C Shearing

INSPECTOR

Schedule of 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: 209/24/100/A, 209/24/101/B, 209/24/102/B, 209/24/103/A.
- 3) Notwithstanding the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development (England) Order 2015 (or any order revoking and/or re-enacting those orders with or without modifications), the dwelling hereby approved shall be constructed and occupied as a self-build or custom housebuilding dwelling in accordance with the definition of the 2015 Self-Build and Custom Housebuilding Act (as amended by the 2016 Housing and Planning Act).

- 4) Prior to commencement above the damp proof course of the building, an acoustic assessment in accordance with British Standard 8233:2014 shall be submitted to, and approved in writing by the Local Planning Authority, this shall demonstrate how the following shall be achieved, with reference to mitigation measures if required:
- i) Maximum internal night noise levels of 30dBLAeq,T for living rooms and bedrooms with windows open (or closed with provided acoustic mechanical ventilation including heat recovery);
 - ii) For bedrooms at night, individual noise events shall not normally exceed 45dBLAmax;
 - iii) Maximum living room day (07:23:00hrs) noise levels of 35dB LAeq.
 - iv) External areas shall be designed and located to ensure that amenity areas are protected on all boundaries as to not exceed 50 dBLAeq,16hrs. Justification should be provided for any relaxation.

Any mitigation measures identified by the acoustic assessment as being necessary to achieve the above, shall be installed in full prior to the first occupation of the dwelling and shall be maintained at all times.

- 5) The development hereby permitted shall be built in accordance with the guidance in Approved Document S 2021 and shall be built in accordance with Optional Requirement M4(2) (Accessible and adaptable dwellings) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.
- 6) Prior to the first occupation of the dwelling, details of biodiversity enhancements for the site shall be submitted to and approved in writing by the local planning authority. Those enhancements shall be installed in full accordance with those details within 6 months of their approval in writing.
- 7) No external lighting shall be installed to the site unless details have first been submitted to, and approved in writing by the local planning authority, to demonstrate how the lighting is sensitively designed to reduce potential adverse lighting-related effects on biodiversity. External lighting shall be installed only in accordance with the details approved.
- 8) If, during any site works, evidence of land contamination is identified, the developer shall notify the local planning authority in writing immediately. Any land contamination identified shall be remediated to the satisfaction of the local planning authority (including through submission of a remediation strategy and verification report) prior to the occupation of the development.

End of Schedule