
Appeal Decision

Site visit made on 8 December 2025

by **C Housden BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12th March 2026

Appeal Ref: APP/C1570/W/25/3373979

Dunwell, Chapel End, Broxted, Essex CM6 2BW

- 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 John Tapfield against the decision of Uttlesford District Council.
 - The application ref is UTT/25/0320/FUL.
 - The development proposed is use of land for car parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I sought comments from the parties to confirm the status of the emerging Uttlesford Local Plan (ELP) and the relevance of it to this appeal. The Council confirmed that the ELP had completed its examination, and the examining inspectors had found the ELP to be sound and legally compliant, subject to the inclusion of main modifications which have been subject to consultation. It has however, not yet been formally adopted by the Council.
3. Nevertheless, relevant emerging policies are material considerations to this appeal, with paragraph 49 of the National Planning Policy Framework (the Framework) setting out the criteria for attributing weight to such emerging policies. In this regard, the ELP is at a very advanced stage and there are no unresolved objections to the relevant policies. Furthermore, by the examining inspectors finding the ELP sound, the policies have a high degree of consistency with the Framework. I therefore consider the ELP to carry considerable weight in this appeal.
4. The Council has referred to the development as retrospective, and on my visit, I observed that the ground had been laid with aggregate and cars were parked on the land. Nevertheless, I have dealt with the appeal on its individual merits on the basis that planning permission is being sought for the development reflected in the banner heading, in accordance with the submitted plans.

Main Issues

5. The main issues are:
 - the location of the development, with particular regard to it being situated outside of the Stansted Airport boundary; and

- the effect of the proposal on the character and appearance of the area, with particular regard to the effect on the countryside and Countryside Protection Zone (CPZ).

Reasons

Location of development

6. Policy T3 of the Uttlesford Local Plan (2005) (LP) sets out that proposals for car parking associated with any use at Stansted Airport will be refused beyond the airport boundaries. The appeal site is situated to the north east of the airport.
7. The appellant sets out that the proposal is for general commercial parking and there is no contractual or operational integration with Stansted Airport. However, they accept that some users of the development may choose to travel to the airport from the appeal site. The appellant does not propose any restriction on the proposed parking to ensure that it is not used by airport customers or workers.
8. As such, the development has introduced a car parking facility outside of the airport boundaries which can be used for, and does not restrict, car parking associated with Stansted Airport. In these circumstances, the proposal conflicts with Policy T3 of the LP.

Character and appearance

9. The appeal site is situated within the countryside and comprises a deep rectangular plot set behind a detached dwelling. The area comprises development set in an informal pattern with a verdant, open and spacious character and appearance. Whilst buildings usually front onto the road, directly adjacent to the appeal site and set back from the road is a commercial premises which includes a large metal commercial building set directly adjacent to the appeal site. Furthermore, to the other side of the appeal site is a pair of dwellings which have been recently constructed in a backland location. Overall, the area appears as a loose cluster of mixed development set within a rural landscape. The appeal site would have positively contributed to the open and spacious character, separating built form, prior to the development commencing.
10. The appeal site is also situated within the CPZ around Stansted Airport, as defined by Policy S8, and continued through emerging Core Policy 12. The CPZ seeks to restrict development where it would adversely affect the open characteristics of the CPZ.
11. The proposal involves the laying of aggregate and the facilitation of the parking of over thirty vehicles. This arrangement results in a detrimental urbanisation and formalisation of the site which appears highly incongruous to the informal pattern of development, and spacious open appearance of the area. The extensive aggregate appears incongruous to the broadly verdant surroundings and combined with the extensive parking of vehicles harmfully erodes an open space within the CPZ. In addition, the proposed activity and regular movements associated with the parking of such a number of individual vehicles is distinctly out of keeping with the overall modest scale of the area.
12. The harm is predominantly notable at a localised scale, owing to the fairly enclosed nature of the proposal and limited public vantage points. Nevertheless, this localised harm is still significant and detrimental to the character and

appearance of the area and landscape, along with the open characteristics of the CPZ.

13. The appellant contends that conditions relating to landscaping, surfacing, lighting, and operational management could address the Council's reasons for refusal. However, the control of these elements of the development through conditions would not address the fundamental concerns I have with the scheme in relation to the character and appearance of the area and CPZ. Conditions therefore could not make the otherwise unacceptable development, acceptable.
14. The appeal proposal therefore results in significant harm to the character and appearance of the area, including the countryside and the open characteristics of the CPZ. The development therefore conflicts with Policies T3, S7, S8, GEN2 and ENV3 of the LP. These policies, amongst other matters, seek to only permit development in the countryside which is appropriate to a rural area, compatible with the scale, form, layout, appearance and materials of surrounding buildings, protect the CPZ from adverse effects to its open characteristics and not permit the loss of open spaces.
15. The proposal also conflicts with emerging Core Policies 12 and 52 of the ELP. These emerging policies, amongst other matters, seek to ensure proposals would not adversely affect the open characteristics of the Countryside Protection Zone and ensure that proposals understand and enhance the surroundings and demonstrate how landscape character has been valued and incorporated.

Other Matters

16. The appellant has highlighted that other developments within, or adjacent to the CPZ have been granted by the Council. Whilst I noted the two recently constructed dwellings on my visit, this proposal is not directly comparable to the development before me and therefore would not justify the proposed development. In any case, each proposal should be assessed on its individual merits which I have done so in this case.
17. I have had regard to case law¹ referenced by the appellant in support of their submission, but there is nothing contained within it that would alter my findings on the proposal.

Planning Balance

18. The appellant contends that the LP is out-of-date and the weight attributed to the policies of the LP should be given reduced weight due to its age and in such circumstances the presumption in favour of sustainable development, as expressed at paragraph 11d) of the Framework should apply.
19. However, paragraph 232 of the Framework is clear that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework. I consider the most important policies to this appeal to be T3, S7, S8, GEN2 and ENV3 of the LP which formed the basis for the Council's refusal.

¹ Barbone & Ross (on behalf of Stop Stansted Expansion) v Secretary of State & others [2009] EWHC 463 (Admin) and Fawcett Properties v Buckinghamshire CC [1960] 3 All ER 503

20. In relation to the location of the development and Policy T3, the subtext of this policy is clear that it serves a number of purposes in restricting parking outside of the airport boundary. This includes there being sufficient capacity within the boundary, ensuring airport parking does not become fragmented to maximise the percentage of non-transfer air passengers using public transport to get to or from the airport, to not undermine the airport surface access strategy and ensuring the scale of car parking associated with hotels, bed and breakfast accommodation does not exceed vehicle parking standards. It also identifies market pressures to use spare capacity to accommodate the cars of passengers.
21. I do not have any up-to-date information or details regarding the current parking capacity within the boundary, the airport surface access strategy or market pressures. However, it is clear that the policy is consistent with paragraphs 115 and 117 of the Framework in encouraging the use of public transport by ensuring car parking is not fragmented. On this basis, the policy retains consistency with the Framework and therefore the conflict carries considerable weight against the proposal.
22. In relation to character and appearance, paragraph 187b) of the Framework sets out policies should recognise the intrinsic character and beauty of the countryside. Furthermore, the importance of achieving well-designed development is a key aspect of sustainable development, as set out in section 12 of the Framework where paragraph 139 states that development which is not well designed should be refused. In addition, whilst paragraph 124 seeks to make effective use of land, this should be whilst safeguarding and improving the environment. As such, the conflict with Policies T3, S7, S8, GEN2 and ENV3 of the LP insofar as they relate to character and appearance carries significant weight against the development due to the considerable consistency with the Framework.
23. Given these findings, the most important policies taken as a whole are not out-of-date for the purposes of the decision. As the proposal conflicts with these policies, the presumption in favour of sustainable development would not apply.
24. The benefits of the proposal include the generation of economic activity and the provision of parking spaces for people within the area. However, the demand for the parking and the economic activity generated has not been quantified. In any case, given the modest scale of the proposal these benefits only attract limited weight in favour of the development. This does not outweigh the harms identified.

Conclusion

25. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above, the appeal should be dismissed.

C Housden

INSPECTOR