



Decision Notice and Statement of Reasons

Site visits made on 16 April 2025 and 6 May 2025.

By Zoe Raygen DipURP MRTPI

A person appointed by the Secretary of State

Decision date: 11 June 2025

Application Reference: S62A/2025/0077

Site address: Land west of High Street, Stebbing

- The application is made under section 62A of the Town and Country Planning Act 1990.
 - The site is located within the administrative area of Uttlesford District Council.
 - The application dated 13 January 2025 is made by Montare LLP and was validated on 12 February 2025.
 - The development proposed is the erection of 28 residential dwellings (comprising 14 affordable and 11 private market homes together with 3 self-build plots); provision of public open space and associated local amenity facilities (activating Local Green Space allocation); together with integrated landscaping and car parking (to include additional community parking facility).
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Decision

1. Planning permission is refused for development described above for the following reasons:
 - The application site lies outside of the defined settlement limits of Stebbing. The proposal is therefore contrary to the spatial strategy and the siting, size, scale and layout of the development would harmfully intrude into the countryside to the detriment of the character and appearance of the area. Consequently, it would conflict with policies S3, S7 and GEN2 of the Uttlesford District Local Plan adopted 2005, policies STEB6, STEB7 and STEB9 of the Stebbing Neighbourhood Development Plan 2019-2033 made July 2022 and paragraphs 135c and 187b of the National Planning Policy Framework.
 - The proposal would lead to less than substantial harm to the motte castle scheduled ancient monument, Stebbing Park and Stebbing Park Barn, listed buildings which would not be outweighed by public benefits. It would therefore conflict with Policies ENV2 and ENV4 of the Uttlesford Local Plan 2005, Policy STEB1 of the Stebbing Neighbourhood Development Plan 2019-2033 made July 2022 and paragraphs 210 and 215 of the National Planning Policy Framework

- The proposal would lead to the loss of designated Local Green Space in conflict with Policies STEB2 and STEB4 of the Stebbing Neighbourhood Development Plan 2019-2033 made July 2022 and paragraphs 107 and 108 of the National Planning Policy Framework.

Statement of Reasons

Procedural matters

2. The application was made under Section 62A of the Town and Country Planning Act 1990, which allows for applications to be made directly to the Planning Inspectorate where a Council has been designated by the Secretary of State. Uttlesford District Council has been designated for major applications since 8 February 2022. Although that designation ceased on the 6 June 2025, the Planning Inspectorate will proceed to determine all those applications which were received prior to that date.
3. Following screening by the Planning Inspectorate under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), it was found that the proposed development would not be of a scale or nature likely to give rise to significant environmental effects. Therefore, an Environmental Impact Assessment was not required, and I am satisfied that the requirements of the Regulations have been complied with.
4. Consultation was undertaken on 17 February 2025 which allowed for responses by 20 March 2025, subsequently extended to the 11 April 2025. Responses were received from the parties listed in Appendix 1 of this statement. A number of interested parties and local residents also submitted responses.
5. Uttlesford District Council submitted an officer report and minutes following a planning committee meeting on 9 April 2025. The consultation response summarises these documents and sets out the Council's objections/comments to the proposed development on a number of grounds including harm to heritage assets, the character and appearance of the area and the Local Green Space.
6. Some of the consultation responses raised issues that required further information. These include responses from Essex County Council as Lead Local Flood Authority as well as Place Services with regard to ecology. Having regard to the Wheatcroft and Holborn Principles, I accepted additional information dated 29 April 2025 regarding ecology and information dated 2 May 2025 regarding flooding from the applicant in response to those comments and a targeted re-consultation of the relevant consultees only was carried out.
7. Following the closure of the representation period, Article 22 of The Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013 requires the SoS (or appointed

person) to consider the application either by hearing or on the basis of representations in writing.

8. Taking into account Section 319A of the TCPA and the Procedural guidance for Section 62A Authorities in Special Measures published by the SoS, as the appointed person I considered that the issues raised in this case should be dealt with by means of the Written Representations procedure.
9. As the proposal is near to listed buildings I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
10. I carried out unaccompanied site visits on 16 April and 6 May which enabled me to view the site, the surrounding area and the nearby roads and public rights of way.
11. The applicant has submitted a legal agreement (the S106 agreement). This secures:
 - 50% affordable housing (10 affordable rented units and 4 shared ownership units);
 - 3 self-build units;
 - Provision of 5% wheelchair accessible and adaptable dwellings (M4(3) – Building Regulations 2010
 - Health care contribution;
 - Provision and maintenance of sustainable drainage scheme
 - Provision and maintenance of public open space
 - Provision and management of parking area
 - Secondary Education contribution;
 - School Transport contribution;
 - Library contribution
 - Monitoring fee
12. I will return to this later in my decision.
13. In determining this application, the Planning Inspectorate has worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with the planning application. In doing so, the Planning Inspectorate gave clear advice of the expectation and requirements for the submission of documents and information, ensured consultation responses were published in good time, gave clear deadlines for submissions and responses, and accepted additional information submitted by the applicant in response to the matters raised during consultation.
14. I have taken account of all written representations in reaching my decision.
15. The houses are proposed in two application sites, separated by the access to Stebbing Park. I have referred to them in my decision as “the application site”.

Recent planning history

16. In 2023 a planning application was submitted to the Council for the same development as proposed here. Although reported to the Planning Committee with a positive recommendation, Members of the Committee resolved to refuse the application in September 2024 for reasons relating to harm to designated heritage assets, the character and appearance of the area and Local Green Space. In addition, no legal agreement was submitted to secure infrastructure required due to the development proposals¹.

Planning Policy and Guidance

17. The adopted development plan for this part of the Uttlesford District includes the Uttlesford District Local Plan adopted in 2005 (the Local Plan) as well as the Stebbing Neighbourhood Plan 2022 (the NP).
18. The National Planning Policy Framework (the Framework) is an important material consideration. It was last updated in December 2024.
19. Parts 12 and 15 of the Framework seek to achieve well-designed and beautiful places and conserve and enhance the historic environment respectively. Furthermore, Chapter 8 promoting healthy and safe communities is particularly relevant to the consideration of Local Green Spaces.

Main Issues

20. Having regard to the application, the consultation responses, comments from interested parties, the Council's report and Committee resolution, together with what I saw on site, the main issues for this application are:
 - *Whether the application site is an acceptable location for housing having regard to the Council's spatial strategy;*
 - *The effect of the proposal on the character and appearance of the area having particular regard to the Stebbing Conservation Area; the motte castle scheduled ancient monument, Stebbing Park and Stebbing Park Barn, listed buildings;*
 - *The effect of the proposal on the Local Green Space;*
 - *The effect of the proposal on flooding;*
 - *The effect of the development on agricultural land; and*
 - *Whether the proposal provides acceptable infrastructure.*

¹ UTT/23/2496/FUL

Reasons

Location

21. Policy S3 of the Local Plan allows for development within the settlement boundaries of villages. The proposed development is divided between two sites which are both outside of the settlement boundary for Stebbing and therefore are classed as countryside for policy purposes.
22. Policy STEB9 of the NP seeks to support a number of categories of development within the countryside none of which apply to the proposed houses.
23. The proposed housing would be outside the settlement limit of Stebbing and would not need to take place in the countryside nor is it appropriate to a rural area as defined in paragraph 2.2.8 of the Local Plan. The proposal would therefore be contrary to the spatial strategy.
24. For the reasons above I conclude that the proposal would not be in an acceptable location having regard to the spatial strategy. It would therefore be contrary to Policies S3 and S7 of the Local Plan and Policy STEB9 of the NP.

Character and appearance

25. Stebbing forms a small village mainly arranged around the main road through the centre, but with some backland development to the north of the village. The open countryside is fairly prominent and close to the road in places including the application site. This together with the high number of trees and well stocked gardens gives a verdant character and appearance to the area
26. The Stebbing conservation area (the CA) covers a large part of the central historic core of the town as it existed in the nineteenth century, together with Stebbing Park to the northwest of the main built form, in the main forming a historic linear settlement. It has a high number of good quality historic buildings, some of which are listed, many of which are early timber framed and plastered buildings. There are also important open spaces and an abundance of trees with walls, railings and hedges forming important features. Consequently, the significance of the CA for the purposes of this application is largely derived from the surviving elements of the historic structures, the street layout and the interrelationship between structures and open space.
27. Stebbing Park is an important part of the CA at the north end of the High Street providing a counterpart to St Mary's Church, also set in a large open space, at the southern end of the village demonstrating the balance of religious and civil power in medieval times. It comprises the site of the historic manor of Henry de Ferrers, one of the Norman lords who took ownership of the village from Siward, the former Saxon ruler.
28. Stebbing Park includes the Mount, which is a well preserved motte castle, a scheduled ancient monument (the SAM), built between the eleventh and

thirteenth centuries on a strategically positive position on a west facing spur adjacent to a watercourse. It has a moat around it and can be reached via a bridge. It is relatively close to the settlement to the east and would have overlooked the wider landscape to the west.

29. There are later additions in the form of an icehouse and summerhouse which potentially accompanied nineteenth century tree planting. The planting is extensive and largely screens the SAM from the wider landscape particularly in the summer months when the trees are in leaf. However, the SAM is visible from the nearby Public Right of Way (PROW) and plot D and would be more so when the trees lose their leaf. The lack of visibility does not, in my view, undermine the SAM either functionally or visually as a medieval fortification. Its significance for the purposes of this application is derived from its historic and evidential values as a former Norman earthwork castle mound. This is particularly so in views from the east, where the motte can be seen as a circular earthen mound with little other adornment.
30. To the west of the SAM are the complex of buildings which formed the Manor house comprising a grade II* house deriving from the sixteenth century with later additions. In its grounds are the remnants of a Grade II listed barn originating from the thirteenth century. The significance of these buildings for the purposes of this application is largely derived from their historic and remaining architectural interest giving an understanding to the early occupation of the settlement.
31. The application site is located adjacent to the CA and close to the SAM and the listed buildings. Although not mentioned specifically in the Councils Conservation Area Character Appraisal it nevertheless forms part of the original setting of the heritage assets contributing to an understanding of the historic core of the settlement and its evolution within the countryside. Views of the historic core including its varied historic roofscape are available, particularly from Plot D and it is prominent from the PROW, adjacent to the SAM.
32. Furthermore, the application site forms part of the quiet, rural setting of the SAM and Stebbing Park, marking their separation from the settlement and giving an understanding of their former importance within the evolution of the settlement.
33. The application sites are also located within a designated Important Open Gap within the NP which are central to protecting the individual identities of the three Character Areas of Bran End, Church End and The Core Village. There are also important and protected views which are protected under Policy STEB 7 of the NP that need to be assessed.
34. The erection of houses on the application site as proposed would significantly erode its rural character. Although houses along the roadside are characteristic of this part of the village, the individual layouts of each plot means that houses would extend further back, harmfully extending into the countryside and would not effectively integrate with the pattern of development on this side of the road. Furthermore, the requirement to

puncture the existing hedge/tree line to facilitate four new accesses would significantly harmfully erode the verdant rural character and appearance. Moreover, the mass of parking at Plot D, adjacent to the road would be markedly obtrusive and harmful to the character and appearance of the area on this side of the road.

35. The Proposal would effectively enclose the gap between the Core Village and Bran End Character Areas, such that the open nature of the Gap would be significantly harmfully eroded together with the setting of each Character Area through the introduction of built development and the loss of vegetation and the open character, even given the landscaping proposed. Also, as a consequence, key views into and out of the historic core would be adversely affected including view 4 northwards from High Street towards the Downs, View 5 from the Downs towards Stebbing Park and view 6 from the Downs towards the Mount.
36. The proposal at plots C and D would introduce housing into the small gap between the settlement and the SAM and the listed buildings. While the modern housing would reflect that to the southeast, it would bring the settlement closer to the heritage assets, altering the quiet rural tranquil experience of them in the agricultural landscape and eroding their original position in respect of the settlement. This would be reinforced by the position of a community car park at site D which would add to activity in this otherwise quiet location. While the houses on plots A and B would also erode the relationship, given their distance further away from the heritage assets the degree of harm would be far less.
37. The position of Plots C and D would also harmfully interfere with views into the historic core of the CA removing the open and verdant nature of the setting in this location which contributes positively to the character and appearance of the CA. The relationship would be seen both from the High Street and the adjacent PROW.
38. The design of the houses themselves has been well executed taking account of the existing topography, and they would successfully integrate into the village environment without harming the character or appearance of the area. In this respect they would accord with the Uttlesford District Council District-Wide Design Code 2024 (the Design Code).
39. However, for the reasons above, I conclude that the proposal would be harmful to the character and appearance of the area, would fail to preserve or enhance the character or appearance of the CA, would harm the significance of the SAM and Stebbing Park. Consequently, it would conflict with policies GEN2, ENV2 and ENV4 of the Local Plan, Policy STEB1, STEB6, STEB7 and STEB9 of the NP, and the Framework. These require that development is compatible with the scale, form, layout, appearance and materials of the surrounding area as well as the context and distinctive character. In addition, proposals should preserve or enhance the character and appearance and essential features of the CA.

Local Green Space

40. The application site is designated as Local Green Space under Policy STEB4 of the NP as being demonstrably special to the Parish of Stebbing. Policy STEB2 of the NP states that proposals will be encouraged that seek to conserve and, where appropriate enhance designated green spaces. Paragraph 108 of the Framework states that policies and decisions for managing development within a Local Green Space should be consistent with national policy for Green Belts as set out in the Framework but excluding provisions relating to Grey Belt and previously developed land.
41. Housing as proposed here is not contained within any of the exceptions contained within paragraph 154 of the Framework. The proposal would therefore be inappropriate development, which paragraph 153 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
42. There would be increased access to the LGS, together with community orchards, interpretive panels, play areas and areas for holding community events as well as opportunities to improve routes and cycle paths, in other words opening up the LGS to allow more activity and public access encouraging physical activity and social interaction. However, in my view this is not the purpose of these LGS. As the Steering Group suggest these areas are subject to protective policy and were designated due to their local characteristics of beauty, historic importances, recreational value, tranquility and richness of wildlife. While their recreational value could be improved by some of the applicant's suggestions, the essential other features would be eroded through the introduction of increased activity and built form.
43. The intended experience of the LGS afforded through their protection is more than adequately experienced through walking the PROW and development as proposed would erode this. Furthermore, the considerable objection received both from the Parish Council and the Steering Group, suggests that the public would not be supportive of these enhancements. Moreover, as the Parish Council point out, Stebbing has a great deal of outdoor sport and recreation space for residents to access and therefore there is no need for the enhancement. Given that the LGS was designated in the NP which was supported by a majority of residents then this is an important consideration. The enhancement in this instance is not therefore considered appropriate and the provision of housing on the site would not conserve or appropriately enhance the LGS.
44. The proposed housing would also have a significant effect on spatial openness given that there would be development where there is none. Furthermore, although there would be vegetation which would screen the development, and landscaping is proposed, the View Study submitted by the applicant shows that the houses would still have high visibility from High Street and the PROW to the west of the site. There would therefore be a significantly harmful effect on openness.

45. For the reasons above the proposal would have a harmful effect on the LGS. It would therefore be contrary to Policies STEB2 and STEB4 of the NP and the Framework. Together these seek to conserve and where appropriate enhance designated green spaces.

Flooding

46. The Lead Local Flood Authority (the LLFA) raised initial concerns regarding the scheme which led it to issue a holding objection. However, following the receipt of further explanatory information by the applicant the LLFA is now content that the scheme can achieve an acceptable surface water drainage scheme and has withdrawn its objection subject to the imposition of a number of conditions.
47. There is no substantive evidence before me which would lead me to a different conclusion. Therefore, I conclude that the proposal would not have a harmful effect on flooding, nor would it cause flooding elsewhere. There would therefore be no conflict with the requirements of the Framework in this respect.

Agricultural Land

48. The Framework identifies the best and most versatile agricultural land as land in Grades 1, 2 and 3a of the Agricultural Land Classification (BMVAL).
49. The application site contains Grade 3 agricultural land. The Framework makes little distinction between the grades within the overall BMVAL classification, other than at Footnote 65 where it states that "where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality should be preferred to those of higher quality."
50. I appreciate that there is no definition of significant in this context within the Framework. However, given the relatively small amount of land classified as BMVAL on the application site, then the harm caused by its loss would be minor. This is especially so given that a large proportion of land in Uttlesford is also BMVAL.
51. Therefore, while there is conflict with Policy ENV5 of the Local Plan, which states that development of the best and most versatile (BMV) agricultural land will only be permitted where opportunities have been assessed for accommodating development on previously developed sites or within existing development limits, the resultant harm would be minor.

Infrastructure

52. Contributions would be secured via planning obligations in the submitted legal agreement towards the cost of secondary education, school transport, libraries and the health service. In addition, an obligation would secure the provision and maintenance of public open space.
53. Given that the proposal will increase the local population, increasing demand for services, and the policy requirements in the Local Plan DP, then

I am satisfied that the obligations are necessary to make the development acceptable and directly related to the development.

- 54. The legal agreement also includes an obligation securing the provision and maintenance of the sustainable drainage system.
- 55. Consequently, for the reasons above I conclude that an acceptable level of infrastructure would be provided by the development. There would therefore be no conflict with Policy GEN6 of the Local Plan which requires that development makes provision at the appropriate time for community facilities, school capacity, public services, transport provision, drainage and other infrastructure that are made necessary by the proposed development.

Legal Agreement

- 56. Policy H9 of the Local Plan requires the provision 40% affordable housing on appropriate allocated and windfall sites. An obligation is included which secures 50% of the units as affordable.
- 57. Two units would be wheelchair accessible which is supported by the Design Code.
- 58. An obligation is included which requires the payment of a NHS contribution to the Council. I understand from the response from the Hertfordshire and West Essex Integrated Care Board how this is calculated and that it would be proposed to be spent within Angel Lane surgery. However, this detail has not be included in the agreement which only requires that the sum of money be paid to the Council. Therefore this obligation does not contain sufficient detail to demonstrate that it meets the tests of paragraph 58 of the Framework and Regulation 122 of the Community Infrastructure Regulations 2010 (the CIL Regs).
- 59. The provision and maintenance of the parking area would contribute to the scheme not being harmful to highway safety through the introduction of further residents using cars in the vicinity of the school which contributes to highway congestion at certain times of the day.
- 60. I am also satisfied that the requested monitoring fee is proportionate to the extent and amount of planning obligations and the various trigger points they contain.
- 61. Therefore, except for the obligation regarding the NHS contribution, I am satisfied that the obligations within the S106 agreement are in accordance with the CIL Regs and paragraph 58 of the Framework.

Other Considerations

- 62. The proposal would provide 28 houses at a time when the Council is unable to demonstrate a five-year housing supply. I saw that the site, is well located in an accessible location where housing would, in principle, be accepted subject to consideration of other policies in the development plan. This attracts significant weight.

63. Of those 28 units, 14 would be affordable accommodation which would be above the policy requirement in the development plan at a time when there is considerable demand. The S106 agreement would effectively secure these. Therefore, I give this provision significant weight. A planning obligation would also secure three self-built units to which I give moderate weight given that according to its 2023 report the Council has granted planning permission for sufficient plots to meet demand. A further obligation would secure two units as wheelchair accessible to which I give moderate weight.
64. The proposal would deliver economic benefits in the form of jobs and the purchase of materials during construction as well as the contribution of future residents to the local economy to which I give moderate weight.
65. I have already found that the enhancement and increased access to the LGS would not be appropriate as proposed in this instance and consequently give it minor weight.
66. The proposal would also provide community parking on plot D which would assist with the congestion which occurs around school drop off and pick up traffic associated with the school opposite the application site. This was highlighted by the community in the public consultation events as being of particular concern. I therefore give this significant weight.
67. The proposal will also deliver 18.6% Biodiversity Net Gain to which I attach minor weight.
68. The provision of SuDs, energy efficiency and the use of high quality traditional materials to create good design would all be expected as part of good high quality design and therefore are neutral in the planning balance.
69. The proposal would cause less than substantial harm to the heritage assets of the SAM, Stebbing Park and the CA. In accordance with paragraph 213 of the Framework, The Mount and Stebbing Park, are assets of the highest significance and therefore I give the less than substantial harm very considerable importance and weight. I also give the less than substantial harm to the CA considerable importance and weight.
70. While the public benefits are significant, they would not outweigh the harm to the Mount, Stebbing Park and the CA, either individually or cumulatively.
71. In addition, the other considerations, when taken together, would not *clearly* outweigh the substantial weight given to the harm to the LGS together with the other identified harm caused by the proposal. Consequently, the very special circumstances necessary to justify the development do not exist. This being the case, in accordance with paragraph 11di of the Framework I have not gone on to apply the balance in paragraph 11dii as the harm caused to the heritage assets and the LGS provides a strong reason for refusing the development.

Conclusion

72. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is such a material consideration.
73. I have found that the proposal would be in an unacceptable location. Policy S7 of the Local Plan states that the countryside will be protected for its own sake, and that planning permission will only be given for development that needs to take place there or is appropriate to a rural area. However, given that the Council is unable to demonstrate a five year land supply based on its existing spatial strategy then the development limits set out in Policy S1 and relied upon in Policy STEB9 of the NP cannot be considered up to date, albeit the principle of directing development to accessible locations would accord with the requirement of the Framework. However, the requirement to protect the countryside for its own sake within Policy S7 would not accord with the Framework. In that context I give the conflict with these policies minor weight.
74. Policies ENV2 and GEN2 of the Local Plan and policies STEB1, STEB2, STEB4 and STEB 7 are all in accordance with the Frameworks requirements regarding, development affecting heritage assets, the character and appearance of the area and LGS and I give conflict with them full weight.
75. Conflict with policy ENV5 is given minor weight.
76. For these reasons, and having regard to all other matters, the proposal conflicts with the development plan as a whole. There are no material considerations, including the Framework, which indicate that the plan should not be followed.
77. As such the application should be refused.

Zoe Raygen

Inspector and Appointed Person

Informatives:

- i. In determining this application, the Planning Inspectorate, on behalf of the Secretary of State, has worked with the applicant in a positive and proactive manner. In doing so the Planning Inspectorate sought further information in response to comments made by the Local Planning Authority.
- ii. The decision of the appointed person (acting on behalf of the Secretary of State) on an application under section 62A of the Town and Country Planning Act 1990 ("the Act") is final. An application to the High Court under s288(1) of the Town and Country Planning Act 1990 is the only way in which the decision made on an application under Section 62A can be challenged. An application must be made within 6 weeks of the date of the decision
- iii. These notes are provided for guidance only. A person who thinks they may have grounds for challenging this decision is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (0207 947 6655) or follow this link: <https://www.gov.uk/courts-tribunals/planning-court>

APPENDIX 1 Consultee responses

- Affinity Water Ltd
- Anglian Water
- Environment Agency
- ECC Development and Flood Risk Officer (LLFA)
- ECC Infrastructure Planning Officer
- ECC Mineral Planning Authority
- ECC Highway Authority
- Essex Police Crime Prevention Technical Advisor
- Health and Safety Executive
- Hertfordshire and West Essex Integrated Care Board
- Historic England
- Historic Environment Advisor
- Housing Strategy, Enabling & Development Officer
- Health and Safety Executive
- MAG Highways and Safeguarding
- National Highways
- Natural England
- Place Services – Ecology
- Stebbing Parish Council
- Uttlesford District Council
- UDC Built Heritage and Conservation
- UDC Urban Design

In addition, 119 responses were received from local residents as well as a response from the Stebbing Neighbourhood Plan Steering Group all either outlining concerns or explicitly objecting to the proposed development.

APPENDIX 2

Additional / revised documents following consultation process:

- Response from applicant dated 29 April 2025
- Response from applicant dated 2 May 2025
- Section 106 Agreement dated 29 May 2025

Richborough