



Appeal Decision

Site visit made on 26 August 2025

by **J Bowyer BSc(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 October 2025

Appeal Ref: APP/C1570/W/25/3362146

Land West of High Street, Stebbing, Dunmow, Essex

- 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 Montare LLP against the decision of Uttlesford District Council.
- The application Ref is UTT/23/2496/FUL.
- The development proposed is 'erection of 28 residential dwellings (comprising 14 affordable and 11 private market homes together with 3 self-build plots) and local affordable employment unit/flexible community space; 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)'.

Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Montare LLP against Uttlesford District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The appeal relates to two parcels of land to the western side of the High Street at Stebbing. I have referred to these individually as the 'Northern Parcel' and the 'Southern Parcel', and the two parcels together as 'the appeal site'.
4. A decision notice and statement of reasons on an application¹ made under section 62A of the Town and Country Planning Act 1990 (as amended) ('the Act') for development on the site ('the S62A Decision') was issued subsequent to the submission of the appeal. The S62A proposal did not include the 'local affordable employment unit/flexible community space' which is part of the description of the appeal development, but the information before me indicates that the two schemes are otherwise alike. The S62A Decision gave three reasons for refusing planning permission which relate broadly to matters raised in the Council's first three reasons for refusal of the appeal application.
5. Given these similarities, the S62A Decision is a relevant material consideration. I have nevertheless determined the appeal having regard to the individual merits of the development that is now before me and the submitted evidence including representations from the main parties on the S62A Decision.
6. The Council's fourth reason for refusal of the appeal proposal concerned the absence of planning obligations relating to various matters. However, the appellants

¹ Application ref S62A/2025/0077

has now provided a completed legal agreement pursuant to section 106 of the Act which has been agreed with the Council ('the s106'). I have framed the main issues accordingly, but return to the matter of planning obligations later in my decision.

7. The Council's emerging Uttlesford Local Plan 2021-2041 ('the eLP') has reached an advanced stage with examination hearing sessions completed. However, I have no details setting out what if any modifications may be sought, and do not know what the outcome of any consultation on modifications might be. Nor can I be sure that policies will be adopted unchanged. These factors limit the weight that I afford to the detailed content of emerging policies at this time. Nevertheless, the eLP does provide relevant context which I consider within my reasoning below.

Main Issues

8. The main issues are:
 - i) whether or not the proposal would be in an acceptable location having regard to its position in the countryside;
 - ii) the effect of the proposal on the character and appearance of the area;
 - iii) the effect of the proposal on heritage assets; and
 - iv) the effect of the proposal on Local Green Space.

Reasons

Location

9. Both parcels of the appeal site sit outside of the development limits of Stebbing and are within the countryside in planning policy terms. In such locations, saved Policy S7 of the Uttlesford Local Plan 2005 ('the LP') sets out that permission will only be given for development that needs to take place there, or is appropriate to a rural area. It further provides that development may be permitted if there are special reasons why the development in the form proposed needs to be there.
10. The information before me does not indicate that the development would have a particular requirement to be located in the countryside, nor that the proposed built development would be of a type specifically identified within the LP as being appropriate to a rural area.
11. Furthermore, the appellant has not argued that the proposal would comprise a category of development which Policy STEB9 of the Stebbing Neighbourhood Plan 2022 ('the NP') indicates may be supported within the defined countryside.
12. The eLP may categorise Stebbing as a 'larger village' and outline a residual housing requirement which is significantly higher than the allocations within the current NP. Nevertheless, I have not been directed to provision within the eLP altering the development limits of Stebbing nor indicating specific support for development in countryside in this location.
13. The development proposed in the countryside would conflict with saved Policy S7 of the LP and Policy STEB9 of the NP and I conclude given this conflict that the proposal would not be in an acceptable location overall.

Character and Appearance

14. Stebbing has a broadly linear form focussed around the High Street, with the historic core of the village situated towards the south and more recent development

to the north extending towards Bran End. Buildings within the historic core typically front the street and are set on or close to their front and side boundaries resulting in a generally tight grain. There is more variety in the layout of the development to the north of the historic core, including a number of cul-de-sacs branching from the Downs, but these run behind frontage dwellings so that the linear pattern of buildings facing the street continues along the main road.

15. The settlement sits within an undulating landscape which predominantly comprises fields with hedgerow boundaries, woodland and bodies of water including Stebbing Brook providing for an attractive rural setting to the village.
16. The appeal site parcels are sloping, rough pasture with boundaries of mature trees and hedgerows. The site is not subject to any formal landscape designation but has a pleasant agrarian and distinctly rural character and significant vegetation along the frontage contributes a verdant quality to the street scene along this side of the High Street. The vegetation coverage and position of the parcels generally below the level of the High Street further provide for a sense of tranquillity on the site despite the proximity of the village.
17. In addition, the open and verdant nature of the parcels provides for a clear break in development to the west side of High Street between the village's historic core and areas of more recent development to the north. Despite development to the opposite side of the main road, there is a resulting sense of distinction between these parts of the village which contributes to Stebbing's identity.
18. These attributes are apparent including from the High Street where Policy STEB7 of the NP identifies some key important and protected views across the appeal site, and from public rights of way which run along the edge of the Southern Parcel and through the Northern Parcel. Overall, the appeal site is clearly appreciated as forming part of the village's countryside setting and I find that it makes a positive contribution to the distinctive character and appearance of Stebbing.
19. The proposal includes built development arranged along the High Street frontage within two separate plots on each of the appeal site parcels. The appellant indicates that each plot has been designed to have a distinct and identifiable character which reflects its context and I am satisfied that the overall form, appearance and materials of the buildings would be suitably high quality and sympathetic to their surroundings.
20. However, the proposal includes four cul-de-sacs branching from the main road resulting in dwellings sitting behind other properties and the typical line of the closest buildings along this side of the road. In addition, few of the buildings would have a direct facing relationship to the High Street or the Downs. In my view, these factors mean that the layout would stand out against the characteristic linear pattern along the main road and through the historic core of the village so that the design would not be entirely sympathetic to its nearby context.
21. Moreover, while the buildings themselves may be of acceptable design, their presence together with the accompanying gardens, boundary treatment, parking, internal roads, lighting and activity would inevitably be urbanising compared to the existing open fields.
22. The development plots have been arranged around the key important and protected views identified by NP Policy STEB7. Significant provision for

landscaping, both around buildings and across the wider parcels could also offer some screening of the development including from viewpoints considered in the appellant's Views Study. However, screening would not be complete and the Views Study indicates that even at Year 10 once new planting had become more established, buildings would be clear in views including from public rights of way on and around the site. In addition, the development may not block the main angle of the key important and protected views across the site, but the presence of built development would be appreciable on the periphery of the views towards the wider open landscape. In each case, the development would be an unwelcome urbanising influence.

23. The four separate highway accesses would also be readily visible along the main road, and would afford clear views of development on the plots that they serve. This would include the fairly large parking area and employment unit/flexible community space building which would be prominently positioned in very close proximity to the entrance of Plot D. Provision of the accesses would additionally involve removal of some existing vegetation along the road. The vegetation may not in itself be of notable quality, but its loss and the formation of gaps would still diminish the attractive verdant character to this part of the street scene.
24. The appellant notes that the Council's Landscape Officer did not specifically identify harm to viewpoints considered in their Views Study. I also acknowledge that built development would occupy a relatively small proportion of the total site area and would be perceived alongside the existing settlement. In my judgement however and irrespective of the design quality of the buildings themselves, I find for the above reasons that there would be a fairly significant encroachment of urbanising development to the west of High Street, reducing the existing impression of tranquillity on the site and causing marked erosion of the countryside setting to the village.
25. Furthermore, the appellant indicates that landscaped gaps between the plots would reflect the village's pattern of individual character areas. However, these gaps would be comparatively limited in width relative to the development parcels and I find that the overall impression would be of a near continuous swathe of buildings along the west of the main road. This would significantly reduce the existing sense of separation and distinction between the historic core and more modern parts of the village and there would be a much greater merging of these areas which would be detrimental to the distinctive character and identity of the settlement.
26. Noting that visual effects would be localised with limited opportunities for longer distance views, I consider that the level of harm to the character and appearance of the wider area would be moderate. Nevertheless, there would be significant erosion of the rural character and appearance of the site with harm to the intrinsic character and beauty of the countryside which provides the setting to Stebbing and I find that the proposal would detract from the distinctive character and appearance of the village.
27. I therefore conclude that the development would cause harm to the character and appearance of the area and it would conflict with saved Policy S7 of the LP insofar as it indicates that development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set. The proposal would also be contrary to Policy STEB7 of the NP which

indicates that development harming key views into and out of the historic core will not be supported.

28. The Council's reason for refusal additionally refers to Policy STEB6 of the NP which refers to narrow open gaps between the Character Areas of Bran End and Church End with the Core Village. However, while I have identified a reduction in separation and merging between areas of the village, these areas are part of the Core Village. Insofar as the development would not result in the village extending closer to Bran End or Church End into designated Important Open Gaps, I am not persuaded that it would cause coalescence or meaningful harm to the identities of the individual Character Areas and I do not identify conflict with NP Policy STEB6.

Heritage Assets

29. The evidence before me refers to a number of heritage assets in the vicinity of the appeal site. However, the Council's concerns relate specifically to effects of the proposal on a Grade II* listed building 'Stebbing Park' ('the Listed Building'), an adjacent Scheduled Monument known as The Mount: a motte castle in Stebbing Park ('the SM') and the Stebbing Conservation Area ('the CA').
30. Section 66(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 ('the LBCA Act') requires special regard to the desirability of preserving listed buildings, their setting and any features of special architectural or historic interest which they possess. In respect of buildings or land within a conservation area, Section 72(1) of the LBCA Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. There is currently no statutory protection for the setting of scheduled monuments, nor for the setting of conservation areas. Nevertheless, the National Planning Policy Framework ('the Framework') requires an assessment of the significance, including any contribution to that significance made by their setting, of any heritage assets that might be affected by a development proposal.

Scheduled Monument – Significance and Setting

31. The list entry for the SM notes that motte castles are medieval fortifications introduced to Britain by the Normans, and that they generally occupied strategic positions dominating their immediate locality.
32. The motte at the Mount was likely built between the 11th to 13th centuries. It sits close to Stebbing Brook at the west of the manor complex at Stebbing Park which Historic England note form an important group in the landscape in continuous occupation from the Norman Conquest onwards, and comprises a circular earthen mound surrounded by a moat which is described in the list entry as well preserved. In my view, the location of the motte and the surviving features and below ground/water remains would contribute much to the significance of the SM as a Norman earthwork castle mound.
33. The Mount is now within the grounds of Stebbing Park and the appellant describes it as an evolved garden feature which also includes an icehouse, summerhouse, water tank and air raid shelter. At the time of my visit, it was under dense vegetation cover. This cover together with its position towards the valley floor below the general level of the High Street limit opportunities for views of it from within Stebbing village and I accept that it is no longer a widely prominent landmark in the area. However, vegetation would be likely to vary throughout the year which could

increase potential views at some times. In any event, I saw that its general scale, gradient and mounded form are at least partly discernible from the public right of way which runs between the SM and Southern Parcel despite the vegetation cover. These characteristics give some indication of its nature as an anthropogenic feature which would have been a conspicuous and dominant landmark in the area.

34. Furthermore, the motte is positioned outside of the existing Stebbing village beyond intervening open parcels. The appellant's heritage evidence indicates that Stebbing is likely to have been settled prior to the construction of the motte and that the medieval settlement is expected to have been located within the extent of the current village, potentially with a focus around the Church. Structures and activity may have sprung up on fields outside of the village following the construction of the motte and associated with it, but it therefore seems to me that the motte was established in a somewhat isolated position within a rural setting apart from the historic village edge. To my mind, this would give it a greater sense of prominence and standing within the landscape against the village which would have served it and been ruled over by it.
35. Insofar as it relates to this appeal, I consider these relationships to inform some understanding of the SM as a strategic defensive feature and its role in the pattern of settlement in the area, thereby contributing to its significance.
36. The appeal site, and particularly the Southern Parcel, encompasses a significant proportion of the gap separating the SM and Stebbing and its open and agrarian quality forms part of the rural setting which distinguishes the SM from the village. In that context, I agree with comments in the S62A Decision that the site informs some understanding of the former importance of the SM in the evolution of the settlement and I find that the appeal site makes some contribution to the SM's significance as part of its setting.

Stebbing Park – Significance and Setting

37. Stebbing Park was formerly one of three manors within Stebbing. The Listed Building comprises a timber-framed and plastered house with an 'L-shaped' plan form which the listing description dates to the mid 16th Century with later alterations and additions.
38. From the information before me, I consider that much of the building's significance would derive from its age and the evidential, architectural and historic interest of its built form, fabric and methods of construction as a rural vernacular house on a manor farmstead which has evolved over time.
39. The building also derives some significance from its setting. It sits outside of Stebbing in what the listing describes as a very picturesque parkland setting adjoining a moated motte, within grounds which include remnants of a 13th Century barn and a 19th/20th century greenhouse. Although later construction in the vicinity includes a mid-19th century dwelling, the grounds together with surrounding open fields provide an attractive rural setting and separation from development within the village. The Listed Building is not visually prominent, but the resulting sense of seclusion emphasises its historic standing within the area and inform an understanding of its historic role and high status within the locality. The tree-lined avenue which provides access from the High Street further adds to the impression of status, albeit that the appellant's evidence indicates that the trees were

introduced in the late 19th or early 20th century and so are not contemporaneous with the Listed Building.

40. At the time of my visit, topography and significant screening by vegetation meant that the Listed Building was not clearly visible from either appeal site parcel nor in any views across them. However, some intervisibility may be possible at other times of year when vegetation is less dense. In any event, the areas of rough pasture and vegetation on the appeal site currently form part of the rural setting to the Listed Building and make up much of the gap between it and development within Stebbing, thereby contributing to its sense of isolation and the legibility of its historic status.
41. Moreover, the appellant and Place Services for the Council refer to the tithe map of 1839 which indicates that both parcels of the appeal site include land which was historically in the same ownership as Stebbing Park in broadly agricultural use, albeit with some land recorded as in different occupation. Although not legible on the site itself, there is therefore some historic association between the site and the Listed Building as part of the wider holding of Stebbing Park.
42. I find given the above that the appeal site makes some contribution to the significance of the Listed Building as part of its setting.

Stebbing Conservation Area – Significance and Setting

43. The Stebbing CA encompasses the historic core of the village, as well as buildings and small fields around St Marys Church at Church End, Mill Lane and the Stebbing Park and the Mount complex. Many of the buildings within the CA are historic, dating from the medieval period onwards, including a range of early timber-framed and plastered buildings as well as later buildings of diverse architectural types. The Mount and Stebbing Park are also a key feature within the CA representing one historic focus of power in the locality.
44. The quality of the historic buildings and features, the use of vernacular materials and the form and pattern of the village are all elements that contribute positively to the character, appearance and historic interest of the CA and thus its significance.
45. Parts of the Mill Lane to Stebbing Park and the Church End Character Areas as identified in the Stebbing Conservation Area Appraisal and Management Proposals document 2010 ('the CAAMP') include open fields or spaces, and much of the wider area around the CA comprises open countryside with an agrarian quality. These elements reflect and reinforce the historic context for the village as a rural settlement influenced by agriculture, and in my view contribute to the significance of the CA. Indeed, the CAAMP notes that the close proximity of fields behind the High Street is essential to the character of Stebbing and that it is important that this relationship is retained.
46. I note that the statement of common ground which had been agreed between the main parties suggested that the appeal site is adjacent to rather than within the CA, but mapping including within the appellant's Heritage Impact Assessment indicates that a small sliver of the Southern Parcel around the base of the motte is within the CA. The remainder of the site is outside of the boundary.
47. The CAAMP does not identify the appeal site as forming part of any key views. Even so, it is clearly experienced and appreciated as part of the rural setting to

Stebbing including on the approach to the CA from the north where the verdant and undeveloped quality of the site is apparent adjoining the main road. Moreover, it forms a significant part of the clear break in development along the west side of High Street which marks a distinction between the historic core and more modern parts of the village contributing to the legibility of the village's historic form and general extent. I have also found above that the appeal site contributes to the significance of the SM and Stebbing Park which are important features within the CA that contribute to its character and appearance.

48. On that basis and notwithstanding the appellant's assertion that it is of no heritage significance in its own right, I find that the appeal site contributes to the significance of the CA, essentially as part of its setting.

Effects of the Proposal

49. I have noted above that the layout of the parcels would be somewhat uncharacteristic in their context. Even if I were satisfied that the development would integrate well with the existing settlement and be appreciated as a sympathetic extension of the village however, buildings and activity would encroach a fairly significant distance into the Southern Parcel which comprises much of the relatively narrow gap between the existing village edge and the Listed Building and SM.
50. The closest part of the site to the Listed Building and SM would remain open and landscaped so that a gap would remain. Nevertheless, there would be a definite reduction in separation and an erosion of the sense of the SM and Listed Building being detached from the village. Insofar as this relationship contributes to the appreciation and understanding of the pattern of settlement over time and the historic role, status and importance of these assets within the locality, I find that there would be some detriment to the significance of the SM and Listed Building.
51. Notwithstanding provision for landscaping, I have additionally found above that the development including the accesses along the main road and activity, noise and lighting associated with occupation of the site would be urbanising.
52. On the Southern Parcel, the presence of such development in place of areas of pasture in relatively close proximity to the SM and Listed Building would effectively result in the loss of this part of the assets' rural setting including agricultural land which has shared a historic connection to the Listed Building.
53. The development plots would be unlikely to be clearly visible from the Listed Building, with any views likely to be limited to glimpses at some distance across landscaping. However, some appreciation of the development would be likely on approaching the Listed Building along the access, with the dwellings proposed on Plot C set particularly close. It would also be likely to be apparent in outward views from the SM towards the High Street and Stebbing Village, even if glimpsed through vegetation. Furthermore, the development may not block available public views of the Listed Building or SM or reduce their visibility, but the experience of an asset is not static and limited to direct views. The development would be perceived within the rural landscape around the SM and Listed Building from the High Street, including on the periphery of key views towards Stebbing Park and The Mount identified in NP Policy STEB7; and from public rights of way on and around the site.
54. The presence of the proposal as part of these views would harmfully erode the rural setting which currently makes some contribution to the significance of the Listed

Building and SM. I find as a result that there would be detriment to the experience, understanding and therefore significance of the SM and Listed Building.

55. On the Northern Parcel, development on Plot B would be fairly close to the route of the access to Stebbing Park. There would be some appreciation from the access of the urbanisation of the rural setting to the north and together with the effective loss to housing of land which shared a historic connection to the property, I consider this would cause some further detriment to the significance of the Listed Building. Given however that the Northern Parcel is not part of the immediate gap between the SM and historic village, its distance from the SM and the access to Stebbing Park which provide for both physical and visual separation, I consider that development here would not cause further meaningful harm to the significance of the SM.
56. Turning to the CA, no built development is proposed on the part of the site within the CA boundary and I am satisfied that the character and the appearance of the land within the CA would be at least preserved in accordance with s72(1) of the LBCA Act and the requirements of saved Policy ENV1 of the LP.
57. Within the setting of the CA however, the development plots would enclose and urbanise open and verdant views that are currently available looking outwards from the CA along High Street. The access to Plot D and the employment unit/flexible community space which would be close to the road with the large area of parking behind would be particularly notable elements close to the CA boundary. The development would also be perceived on the approach to the CA along the High Street from the north, and from public rights of way. The presence of development in these views would result in a marked reduction in the agrarian quality of this part of the landscape which contributes to the significance of the CA.
58. It would also infill much of the existing gap in development along the west side of the main road with buildings, parking, gardens and accesses leading to a much greater impression of coalescence between the historic core of the village and modern development to the north. The layout of the plots would further be at odds with the linear form of the historic settlement, most strikingly on Plot D given its proximity.
59. I find as a consequence that the proposal would erode and reduce the legibility of the historic pattern of development which contributes to the significance of the CA, and it would diminish the understanding and appreciation of the historic development of Stebbing as an agricultural and rural community. There would accordingly be harm to the significance of the CA.

Conclusion on Main Issue

60. Given that there would only be development on part of the parcels with a greater proportion of their area retained as landscaping, the contribution that the appeal site makes to the significance of the SM, Listed Building and CA would not be wholly undermined. For the reasons above however, I conclude that there would be harm to the significance of each of these assets through development within their setting.
61. The proposal would not affect the form or fabric of the Listed Building from which it derives much of its significance and would affect only part of its setting. Landscape buffers would also maintain separation and there would be limited direct intervisibility. I therefore consider harm to the significance of the Listed Building

would be limited and at a low level of 'less than substantial harm' in the terms of the Framework.

62. The SM is closer to the appeal site boundary and there would be greater intervisibility between it and development on the Southern Parcel, but there would not be direct physical impacts on the SM itself. Landscape buffers would also maintain some separation and having regard to the role and extent of the contribution that the site makes to the significance of the SM, I find that the degree of harm would also be limited and at a low level of 'less than substantial'.
63. The proposal would affect only part of the wider setting of the CA. However, the marked reduction in the rural and verdant quality of a main approach to the CA from the north along the High Street and greater coalescence between the historic core and modern development extending towards Bran End would together notably reduce the legibility and appreciation of the historic settlement form and context as a rural, agricultural village. Having regard to these factors, I consider that harm to the significance of the CA as a whole would certainly be 'less than substantial' in the terms of the Framework, but at a moderate to low level within this range.
64. The harm to the SM, Listed Building and CA would be contrary to Policy STEB1 of the NP insofar as it seeks conservation, enhancement and development sympathetic to the setting of heritage assets. The harm to the Listed Building would also conflict with saved Policy ENV2 of the LP which indicates that development proposals that adversely affect the setting of a listed building will not be permitted.
65. However, these policies do not reflect the Framework requirement to weigh less than substantial harm to the significance of a designated heritage asset against the public benefits of development. I return to this matter in my planning balance below.
66. Moreover, while there would be harm to the significance of the SM through development in its setting, I find no compelling evidence that there would be conflict with the specific requirements of saved Policy ENV4 of the LP which broadly seek the preservation in situ of archaeological remains and require archaeological field assessment to inform decisions.

Local Green Space

67. Policy STEB4 of the NP designates both parcels of the appeal site as 'Local Green Space' ('LGS') which is considered to be demonstrably special to the Parish of Stebbing. The evidence before me includes extracts of the examiner's report on the NP which specifically refers to the historic importance of the parcels and views enjoyed by walkers as informing their designation.
68. The NP was 'made' shortly after a June 2022 public consultation event for development on the appeal site, but it had previously been subject to consultation and examination. It is not therefore clear that the LGS designations emerged as a direct response to consultation on development proposals. I also find no compelling evidence that the designations were made to stop development rather than ensure proper green space provision.
69. The Framework advises that neighbourhood plans should support delivery of strategic policies in local plans or spatial development policies and that they should not promote less development than set out in strategic policies or undermine those policies. The appellant argues that the NP was made within a strategic policy

vacuum and is fundamentally flawed, noting that its allocations provide for a significantly lower level of housing than would be required through the eLP, and would not support affordable housing. However, while these matters may be relevant to how the Framework presumption in favour of sustainable development should apply, they do not alter the fact that the appeal site parcels are currently designated as LGS.

70. I note the appellant's dissatisfaction with the NP process and their indication that the landowner was not consulted and so was unable to respond on the proposed LGS designations. However, an appeal made under s78 of the Act is not the appropriate mechanism to formally challenge the making of a neighbourhood plan. As part of a duly made neighbourhood plan, Policy STEB4 currently forms part of the development plan against which the proposal should be considered, and I have treated the appeal site parcels as LGS.
71. The Framework sets out that policies and decisions for managing development within a LGS should be consistent with national policy for Green Belts, excluding provisions relating to grey belt and previously developed land. This policy provides that development in the Green Belt is inappropriate unless specified exceptions apply.
72. I have not been provided with any compelling evidence demonstrating that the proposed dwellings, employment unit/flexible community space and car parking on the site would meet any of the exceptions specified within the Framework. In reaching this view, I note the appellant has argued that the site would not serve any strategic Green Belt purpose and would qualify as grey belt. Even if I were to agree however, the Framework is clear that provisions relating to grey belt do not apply in respect of LGS. I therefore find that the proposal would comprise inappropriate development on LGS.
73. The development includes a considerable increase in the area of the site that would be publicly accessible with an active 'landscape-led' design including pathways, opportunities for formal and informal play, green gym, a community orchard, space for village events, interpretive material and space to explore nature which the appellant refers to as activation of the LGS. This would support opportunities for physical activity and social interaction and use of the site for recreation.
74. Recreational value is one of the factors which the Framework notes may inform the local significance of LGS. However, I have not been directed to any policy or guidance indicating that it should be considered as an overarching objective or purpose of LGS of greater importance than other aspects that may inform local significance. Moreover, the Parish Council and interested parties indicate that the village is already well-served by a range of outdoor sport and recreation facilities, including Mill Lane Field which provides for village events. There is no firm evidence before me to the contrary, or demonstrating an existing deficiency in such space which would be addressed by the development.
75. The Framework encourages enhancement of public rights of way and access and I acknowledge that the proposal would offer quantitative and qualitative improvements to accessible open space. However, I consider the above context to moderate the value of the benefit that would derive from the provision of accessible space and opportunities for recreation on the site.

76. Furthermore, the area of the site that is directly usable by the community currently may be small. Even so, it is clear from representations made by interested parties that the open and undeveloped quality of the wider site and resulting sense of tranquillity that it provides is appreciated and enjoyed including from the public rights of way running through and alongside the site. Consequently and despite the small area that is accessible, the space is valued by the community.
77. A significant proportion of the parcels would remain open, but development would still occupy a notable extent of the site closest to High Street with buildings positioned along much of the frontage, even if set back slightly into the site. Despite provision for landscaping, the development would be apparent including from the main road and the rights of way running through and alongside the site. The buildings together with the accesses, parking and boundary treatment as well as activity on the site would inevitably cause urbanisation and a loss of openness which would detract from existing attractive open views and vistas across the site and the sense of comparative tranquillity beyond the village edge.
78. The impact would be relatively localised, but I find as a result that there would be a significant and permanent loss of openness on the site in both spatial and visual terms which would detract notably from the existing experience and enjoyment of two areas of LGS.
79. In addition, I have identified that the appeal site contributes to the significance of designated heritage assets as part of their setting. Whether or not it has inherent heritage significance in its own right, I therefore agree with the NP examiner that the LGS have historic importance which contributes to their value. For the reasons above, this importance would be adversely affected by the proposal.
80. Richness of wildlife is a further factor that the Framework notes may inform the local significance of LGS. The proposal offers ecological benefits including creation of a wet woodland and a suggested 18.6% Biodiversity Net Gain ('BNG'). In my view however, the extent of the benefit would be far outweighed by the loss of openness and harm to the experience of the special character of LGS enjoyed and valued by the community.
81. Balancing the above factors, I conclude that there would be overall detriment to the qualities of two designated LGSs which NP Policy STEB4 seeks to protect. The proposal would comprise inappropriate development and would cause significant harm to the openness of LGS.

Benefits of the Proposal

82. The main parties advise that the Council is unable to demonstrate a five year supply of deliverable housing sites, with a current supply position of 3.46 years. This is a significant shortfall, and the Council also refers to a Housing Delivery Test result of 69% indicating past delivery has also been below requirements.
83. The Framework seeks to significantly boost the supply of homes, and identifies that it is important that the needs of groups with specific housing requirements are met. The proposal includes 28 dwellings of a mix of sizes on a site in close proximity to Stebbing offering future occupiers access to existing services and public transport within the village. I acknowledge comment in the Framework that small and medium sized sites such as this can make an important contribution to meeting the housing requirement of an area and the appellant's indication that the development

could be delivered quickly. However, the contribution that 28 dwellings would make to the overall housing supply picture and the effect on reducing the shortfall would still be relatively small. While that does not diminish the weight that I give the contribution, it does restrict the extent of the benefit.

84. The proposal also includes provision for 14 affordable dwellings which would exceed the 40% provision sought by Policy H9 of the LP by some way and which would include two wheelchair accessible dwellings. There is also provision for three plots that have been described as 'self-build'. The appellant indicates that sites currently allocated in the NP for housing are unlikely to support affordable housing and I afford significant weight to the provision for affordable and self-build housing as public benefits of the proposal, although the extent of the benefits would again be relatively limited by the comparatively small scale of the contribution.
85. The Framework advises that significant weight should be placed on the need to support economic growth and productivity. It also sets out that decisions should plan positively for provision and use of community facilities and other local services to enhance the sustainability of communities and residential environments, and that housing should be located where it will enhance or maintain the vitality of rural communities.
86. Economic and social benefits associated with the proposal would include employment and spend during construction as well as spending and support for local services by future occupiers of the site which would benefit the vitality of Stebbing and the surrounding rural area. These have not been quantified in the evidence before me though, and would be likely to be limited given the relatively small scale of the development. Construction stage benefits would further be temporary.
87. The proposal does additionally include a building which the appellant describes as 'local affordable employment unit/flexible community space' and which could, depending on eventual use, support local businesses and employment and/or community interaction. However, I have no substantive evidence demonstrating a particular shortage or requirement for employment or community space in this location. Furthermore, the s106 requires the building to be provided, but I have no firm detail of how space would be made available to the community, nor any mechanism to specifically ensure the affordability of employment space. Accordingly, I consider the extent of the suggested benefit to be somewhat uncertain at best.
88. Overall, these factors mean that I give moderate weight to these economic and social benefits of the proposal.
89. There would be a substantial increase in the area of the site that would be publicly accessible, including a 'landscape-led' design and measures to 'activate' the space. This would be available to future occupiers as well as the existing community supporting social interaction and healthy lifestyles, but I have noted above that there is existing provision for recreation locally and a lack of substantive evidence identifying a particular deficiency that the proposal would address. I therefore consider the further provision to attract no more than moderate weight as a public benefit.
90. The indicated BNG of 18.6% would exceed the mandatory requirement for 10% which is now in force and which would not in any event apply to the appeal scheme

given the date that the application was made and attracts significant weight. Future management of biodiversity and landscape features could also be secured through planning conditions, albeit I note concerns raised by the Parish Council about how the likely ongoing costs would be funded.

91. Insofar as dedicated parking could help to relieve safety and congestion issues associated with parking in the village, particularly at school drop off and pick up times, which are identified as a concern by interested parties and in the NP, I consider that the community car park on Plot D would attract significant weight as a public benefit of the proposal. That said, the County Council note that parking provision could undermine efforts to encourage active travel and walking to school.
92. The evidence indicates that one of the dwellings would be built to exemplar sustainability standard, and that the wider development would adopt a fabric first approach to energy efficiency intended to exceed policy requirements. Although I give significant weight to these efforts, the magnitude of the resulting benefit is somewhat unclear from the evidence and I consider it is likely to be relatively limited given the scale of development. There are also no firm details of how suggested renewable technologies would be incorporated to demonstrate that requirements would be significantly exceeded.
93. More generally, I am not persuaded that the use of high quality materials to buildings and surfaces; highway measures; provision of noise mitigation, insulation or ensuring suitable standards of light and ventilation to dwellings; or incorporation of sustainable drainage systems, opportunities for waste and recycling and electric vehicle charging would go beyond requirements or what would be expected as part of good design so as to weigh significantly in favour of the proposal.

Planning Obligations

94. I have considered obligations within the s106 in light of tests outlined at Regulation 122 of the Community Infrastructure Levy Regulations 2010 ('the CIL Regulations') which are reflected in the Framework. These tests require that obligations (other than those requiring a sum to be paid in respect of monitoring) are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development.
95. Obligations securing affordable housing including wheelchair accessible dwellings, self-build and the delivery of the community parking area and the employment unit/flexible community space building would be necessary to make the development acceptable in planning terms given that I have afforded weight to these elements as benefits of the proposal.
96. Representations from Essex County Council and Hertfordshire and West Essex Integrated Care Board indicate that financial contributions towards secondary education, school transport, library services and healthcare would be necessary to address additional demand on education, libraries and primary healthcare services from occupiers of the development. Other obligations relating to provision and maintenance of drainage would be necessary to meet occupiers' needs and ensure that there would not be unacceptable effects on flood risk or the environment.
97. With regard to the evidence provided, I consider that these obligations would in each case be necessary to make the development acceptable in planning terms,

directly related to the development proposed and fairly and reasonably related in scale and kind to it. They would comply with the tests at Regulation 122(2) of the CIL Regulations, and I have therefore taken them into account.

98. The s106 also includes provision for monitoring fees. From the information before me, I have no firm reason to doubt that this would be fairly and reasonably related in scale and kind to the development and estimated costs of monitoring.

Other Matters

99. The Council's report on the application indicates that the proposal would result in the loss of 'best and most versatile agricultural land'. However, the area lost would be relatively modest. The Council further notes that most agricultural land within the District is classified as best and most versatile and that it is inevitable that future development will probably have to use such land. Given these factors, I afford very limited weight to the loss of agricultural land as an adverse effect of the proposal. I further do not find unacceptable conflict with saved Policy ENV5 of the LP which outlines that development of best and most versatile agricultural land will only be permitted where opportunities have been assessed for accommodating development on previously developed sites or within existing development limits.
100. Representations made by interested parties raise a number of additional concerns including regarding traffic levels, highway safety, harm to biodiversity, pressure on local infrastructure, effects on non-designated heritage assets, flood risk and impacts on neighbouring living conditions. I have also noted representations in support of the proposal, highlighting matters including the provision of new housing, affordable housing, community car parking, community or employment space, local green space and biodiversity gains. However, while I note the strength of feeling, none of the matters raised alter my conclusions on the main issues.

Planning Balance

101. I have found that the development would not be in an acceptable location having regard to its position in the countryside. It would cause harm to the character and appearance of the area and to the significance of designated heritage assets. It would also be inappropriate development and harmful to the openness of two designated LGSs.

Heritage Balance

102. The Framework advises that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.
103. The harm that the proposal would cause to the SM and Listed Building would in each case be less than substantial, but still attracts considerable importance and weight. That said, the degree of harm would be limited and at a low level.
104. I have had special regard to the desirability of preserving the setting of listed buildings. I am also mindful of the national significance of scheduled monuments and that the Grade II* listing of Stebbing Park denotes that it is a particularly important building of more than special interest. The importance of the SM and Listed Building heightens the weight that I afford to their conservation in accordance with the Framework which states that when considering the impact of development on the significance of designated heritage assets, great weight should be given to

the asset's conservation, and the more important the asset, the greater the weight should be.

105. Nevertheless, I consider that the cumulative public benefits of the proposal noted above would be sufficient to outweigh the limited level of harm that would be caused to the SM and Listed Building individually.
106. This differs from the assessment made in the S62A Decision. However, it reflects my evaluation of the level of less than substantial harm as limited and at a low level while the S62A Decision does not specifically discuss the level of harm within the category. Moreover, the S62A proposal did not include the employment unit/flexible community space. I have noted some uncertainty over the use of this unit, but it is nevertheless an additional public benefit of the appeal scheme. At the same time, its position set away from the SM and Listed Building beyond other development means that while it would increase built form on the site, I consider there would be no meaningful increase in the effect of the proposal on the significance of these assets relative to the S62A proposal. I regard these as differentiating factors which I have considered in exercising my judgement on the current appeal.
107. The CA does not have the same particular importance as the SM and Listed Building, but I still give great weight to its conservation in accordance with the Framework. The less than substantial harm that I have identified to its significance attracts considerable importance and weight, and I have found having regard to the cumulative effects of the proposal that this harm would be at a moderate to low level.
108. In addition, the employment unit/flexible community space may offer an additional public benefit to the S62A proposal, but it would sit very close to the road frontage where it would increase the extent of built form spanning the gap to the west of High Street and intrude on the verdant approach in very close proximity to the CA. This would cause a greater overall level of harm to the significance of the CA than would occur under the S62A proposal.
109. I have carefully considered the public benefits of the proposal noted above and particularly the provision of housing in the absence of a five year supply. In my judgement however, the cumulative public benefits of the proposal would be insufficient to outweigh the degree of less than substantial harm that would be caused to the CA which attracts considerable importance and weight.
110. Drawing these matters together then, I find on balance that harm to the significance of the SM and Listed Building would be outweighed by the public benefits of the proposal. This context limits the weight that I afford to conflict with saved Policy ENV2 of the LP on account of the harm to Stebbing Park.
111. However, the harm to the significance of the CA would not be outweighed. There is no clear and convincing justification for the harm that would be caused to the significance of the CA and in that respect, the proposal would conflict with the Framework. It would also be contrary to Policy STEB1 of the NP insofar as it seeks conservation, enhancement and development sympathetic to the setting of heritage assets which would include the CA.

Local Green Space Balance

112. The Framework provides that inappropriate development in the Green Belt, and by extension in LGS, should not be approved except in very special circumstances

and that very special circumstances will not exist unless the potential harm by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations.

113. In addition to the harm arising from the inappropriate nature of the development on LGS, there would be significant harm to the openness and overall detriment to qualities which inform the importance of two areas of LGS.
114. The NP does not support strategic policies or housing requirements in the eLP. However, I find no firm evidence that its designation of LGS was inconsistent with local planning or sustainable development at the time it was prepared and while the eLP is at an advanced stage, it is not yet adopted. Furthermore, the NP steering group indicate that they will be preparing a review of the plan to enable it to conform with the eLP. There is no compelling evidence before me demonstrating that requirements could only be properly met through development of LGS which is currently designated as being demonstrably special to the local community in a NP which was well-supported at referendum.
115. Having regard to these factors, the timing of the NP preparation and fact that it does not reflect emerging strategic or housing requirements does not convince me that the designation of the appeal site parcels as LGS should be disregarded or necessarily afforded less weight as a point of principle.
116. In accordance with the Framework, I afford substantial weight to the harm that the proposal would cause to LGS by reason of inappropriateness and harm to openness. There would also be moderate harm to the character and appearance of the area and harm to a designated heritage asset which would not be outweighed by public benefits. I have also found that the development would not be in an acceptable location having regard to its position in the countryside. However, the weight that I afford to this factor is limited given the current lack of a five year housing supply which means that housing needs are not being addressed within development limits and the agreement between the main parties that Saved Policy S7 of the LP is only partly consistent with the Framework.
117. Against this harm, the main parties have referred to a range of factors as 'very special circumstances'. To my mind however, the factors themselves would more properly be described as 'other considerations', with a judgement required as to whether they would amount to very special circumstances.
118. Of these considerations, I have identified a number of benefits which attract significant weight, and other benefits that attract moderate weight. However, while not taking away from their importance, I consider the magnitude of the benefits would be modest relative to the overall degree of harm that would be caused to two designated LGSs. I also note that the development would comply with the 'Golden Rules' for development on sites in the Green Belt outlined at paragraph 156 of the Framework, attracting significant weight in favour of the proposal.
119. Even so, I find on balance that the collective other considerations would not clearly outweigh the cumulative harm that the proposal would cause to LGS and other harm. Consequently, very special circumstances necessary to justify the development do not exist.

Overall Balance

120. The location of the development in countryside and the harm that would be caused to the character and appearance of the area, to the significance of the Stebbing CA which would not be outweighed by public benefits, and to two LGS mean that the proposal would conflict with saved Policy S7 of the LP and Policies STEB1, STEB4, STEB7 and STEB9 of the NP.
121. Noting its more protective approach to development in the countryside, the Council accepts that Saved Policy S7 of the LP is only partly consistent with the Framework. NP Policy STEB9 similarly seeks protection of the intrinsic character of the countryside in identifying categories of development that may be supported. Given also the lack of a five year housing supply and that the LP is not addressing housing needs within development limits, the weight that I afford to conflict with these policies purely on account of the location of development in countryside is therefore limited. Nevertheless, the requirement within saved Policy S7 for development to protect or enhance the character of the part of the countryside within which it is set would be broadly consistent with the Framework insofar as it requires recognition for the intrinsic character and beauty of the countryside and development that is sympathetic to local character. The conflict with Policy S7 in these regards is therefore a matter to which I give weight.
122. Notwithstanding the appellant's case that the NP does not support strategic policies or housing requirements in the eLP, Policies STEB1, STEB4 and STEB7 broadly reflect objectives in the Framework seeking sympathetic development that respects local character, conservation and enhancement of the historic environment and protection of green spaces of particular importance to communities. I therefore afford weight to the conflict with these policies.
123. The proposal would also cause harm to the significance of the SM and Listed Building, but my findings that the harm would individually be outweighed by public benefits of the proposal limits the weight that I give to the conflict with saved Policy ENV2 of the LP and Policy STEB1 of the NP in this regard.
124. Even setting aside the location of the site within countryside outside of the development limits of Stebbing, I consider the harm that the proposal would cause to the significance of the Stebbing CA and to two parcels of LGS would attract significant weight. There would additionally be moderate harm caused to the character and appearance of the area. Taking these matters together, I find that the proposal would conflict with the development plan when it is read as a whole.
125. The absence of a five year supply of housing land and the results of the Housing Delivery Test mean that paragraph 11 d) of the Framework which outlines a presumption in favour of sustainable development is relevant. In light of my findings in respect of the CA however, policies in the Framework that protect designated heritage assets provide a strong reason for refusing the development proposed. On that basis alone and notwithstanding policies on LGS and the matter of whether the NP supports delivery of strategic policies and contains policies and allocations to meet its identified housing requirement, the presumption in favour of sustainable development at paragraph 11 d) of the Framework does not indicate that permission should be granted in this case.
126. In my judgement, the benefits of the proposal would be insufficient to outweigh the collective harm and the resulting conflict with the development plan when it is read

as a whole, and material considerations including the Framework do not indicate that a decision contrary to the development plan should be reached.

Conclusion

127. For the reasons given above, I conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR

Richborough



Costs Decision

Site visit made on 26 August 2025

by **J Bowyer BSc(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 October 2025

Costs application in relation to Appeal Ref: APP/C1570/W/25/3362146

Land West of High Street, Stebbing, Dunmow, Essex

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Montare LLP for a full award of costs against Uttlesford District Council.
 - The appeal was against the refusal of planning permission for 'erection of 28 residential dwellings (comprising 14 affordable and 11 private market homes together with 3 self-build plots) and local affordable employment unit/flexible community space; 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. The application for an award of costs is partially allowed in the terms set out below.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance ('the PPG') advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. Awards against a local planning authority may be either procedural, relating to the appeal process or substantive, relating to the planning merits of the appeal. Examples given in the PPG of behaviour that may give rise to a substantive award of costs include vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis; and preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
4. The decision of the Council's Planning Committee to refuse the planning application was contrary to the officer recommendation that permission should be granted. However, the Committee was entitled to exercise planning judgement to reach a different conclusion on the merits of the proposal, albeit that there should be sufficient grounds to properly substantiate its decision.
5. The Council gave four reasons for refusing planning permission, although the fourth concerned the absence of planning obligations in respect of various matters and there was no dispute that this reason could be overcome on completion of a satisfactory legal agreement.

6. Of the other reasons, the first concerned the effect of the proposal on three designated heritage assets¹. In support of its case on this matter, the Council's appeal statement included additional commentary from Place Services.
7. The applicant is concerned that this comprised new information and that it necessitated a response as part of their final comments. However, it is an accepted and expected part of the process in an appeal proceeding by the part 2 written representations procedure such as this that parties can provide additional explanation in support of their case. The procedure also includes a specific opportunity for an appellant to provide 'final comments' in response to the Council's statement and any representations from interested people.
8. In this case, harm to the relevant heritage assets was identified within comments on the application made by the Conservation Officer and Historic England which also included some discussion of the significance of the assets. The officer report to committee also advised that there would be less than substantial harm to heritage assets, albeit with a recommendation that the harm would be outweighed by public benefits. The position that there would be less than substantial harm to heritage assets was therefore clearly before the Committee at the time of the decision. To my reading, Place Services' appeal stage comments provide additional detail discussing the significance of the heritage assets and the effects of the proposal on their significance; rather than representing any fundamental change in the position or case from that at the time of the Committee and set out in the reason for refusal. I am not therefore persuaded that the inclusion within the Council's appeal evidence of further detail on heritage matters amounts to unreasonable behaviour. Nor do I consider costs that the applicant may have incurred in responding to this evidence as part of the appeal to be unnecessary.
9. Moreover, I have not agreed with all aspects of the Council's case, but I have also identified harm to the significance of designated heritage assets and concluded in the case of the Conservation Area that the harm would not be outweighed by the benefits of the proposal. In my assessment, the Council's evidence appropriately and adequately substantiates its concerns in respect of effects on heritage assets. My conclusion that the harm to the scheduled monument and listed building would be outweighed by the public benefits of the proposal reflects a matter of planning judgement and I am satisfied that the Council did not behave unreasonably in reaching a different view.
10. The Council's second reason for refusal broadly concerned the location of the site within countryside and effects on the character and appearance of the area. The reason for refusal refers to saved Policy S7 of the Uttlesford Local Plan 2005 ('the LP') which is now some years old and which has been found in a review of the LP policies to be only partly consistent with the National Planning Policy Framework ('the Framework') given its more protective approach to countryside.
11. However, this fact is clearly recognised within the Council's appeal statement which does not specifically argue that it is the location in countryside alone which makes the proposal unacceptable such that this was a determinative factor.
12. Moreover, and contrary to the applicant's assertion that it afforded no weight, the council refers to the emerging Uttlesford Local Plan 2021-2041 ('the eLP') as

¹ A scheduled monument (The Mount: a motte castle in Stebbing Park); a listed building (Stebbing Park) and the Stebbing Conservation Area

- attracting limited weight. It is not therefore apparent that it has wholly disregarded the eLP as a material consideration. The applicant may consider that greater weight should be attached to the eLP, but that is a matter of planning judgement and the Council has explained its view with reference to the stage reached noting that there had been no outcome of the Hearing to date.
13. In any event, the Council may not specifically discuss the designation of Stebbing as a 'larger village' in the eLP, but the evidence before me does not indicate that the eLP would alter the development limits of the village such that the site would no longer be in countryside.
 14. Irrespective of any disagreement over the degree of weight afforded to the eLP, I am not persuaded taking these factors together that the Council has afforded undue weight to conflict with saved Policy S7 purely on account of the fact that the site is positioned in the countryside. Rather, its evidence focuses on harm that would be caused to the countryside and landscape and visual effects of the proposal. As I have noted in my appeal decision, the provision within saved Policy S7 seeking development that protects or enhances the particular character of the part of the countryside within which it is set would be broadly consistent with objectives in the Framework. I therefore agree with the Council that conflict with this aspect of saved Policy S7 would attract significant weight.
 15. On that basis, I do not consider the Council's second reason for refusal was unreasonable or unwarranted, and I find that it has properly substantiated its concerns.
 16. The Council's third reason for refusal relates to the effect of the proposal on Local Green Space ('LGS'), with both parcels of the appeal site being designated as LGS in the Stebbing Neighbourhood Plan 2022 ('the NP'). The applicant highlights that the proposal would provide a considerable increase in the area of publicly accessible land on the site and that it includes measures to 'activate' the space for public benefit. As I have noted in my appeal decision however, I have not been directed to any policy or guidance indicating that public access or recreation is a primary or overriding purpose of LGS and I have found in the circumstances that the proposal would have an overall adverse effect on the qualities of LGS. Notwithstanding the provision for public open space, it was not therefore irrational for the Council to find harm to LGS.
 17. The applicant has also argued that the NP does not contain policies and allocations to meet its identified housing requirement. However, this is with reference to the housing requirement in the eLP. This is much greater than the level of housing allocated in the current NP, but the eLP is not yet part of the adopted development plan, and despite its advanced stage, there is no certainty that it will be adopted unchanged. Even if the eLP is adopted, this would not in itself alter the fact that the appeal site is currently designated as LGS in a NP which also forms part of the adopted development plan. Consequently, it would still be necessary to consider the proposal having regard to local and national policies concerning LGS.
 18. Having regard to these policies, the Council determined that harm to LGS would not be outweighed. The applicant has a different view, but the balance of competing factors is a matter of planning judgement. Even specifically noting the eLP context and its housing requirement for Stebbing and the benefits of the

proposal including the provision of housing and affordable housing, I have also found that harm to LGS would not be outweighed.

19. Accordingly, while the Council has not specifically discussed the eLP requirement for housing in Stebbing, I do not find that it behaved unreasonably in finding unacceptable harm to LGS overall.
20. Furthermore, the matter of whether the NP contains policies and allocations to meet its identified housing requirement may be relevant to how the presumption in favour of sustainable development would apply in accordance with paragraph 14 of the Framework. However, the harm to designated heritage assets provides a strong reason for refusing the development proposed such that the presumption in favour of sustainable development outlined at paragraph 11 d) of the Framework would not indicate that permission should be granted in any case. Even if I were to find that the Council had behaved unreasonably in how it had considered the eLP context in making its decision, I do not therefore consider that the appeal could have been avoided.
21. Taking these matters together, I am satisfied that the Council's evidence sufficiently and reasonably justifies its refusal of the planning application and I do not consider that this is a case where there has been unreasonable delay to a development which should clearly be permitted having regard to its accordance with the development plan, national policy and any other material considerations.
22. Turning to the Council's fourth reason for refusal, I understand that the applicant was prepared to provide the obligations sought by the Council, but there was no legal agreement in place at the time the planning application was determined.
23. A legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) ('the Act') was then progressed as part of the appeal process. In terms of the form of this agreement, the Council has not disputed the applicant's evidence that it had advised prior to submission of the appeal that the legal agreement could be executed as a Unilateral Undertaking, before it later changed its position to require a bilateral agreement. Nor has it given any explanation for the change.
24. Given the Council's initial advice, the applicant submitted a draft Unilateral Undertaking as part of the appeal. Although they highlight the additional cost and complexity involved, the applicant has provided no compelling evidence that the Council's ultimate requirement for a bilateral agreement was in itself excessive or unreasonable. Insofar as the applicant would have incurred costs associated with preparation of the agreement as part of the application process had the Council resolved to grant planning permission, I am further not persuaded that expense associated with the provision of the bilateral legal agreement would be unnecessary in principle.
25. However, while there may be significant areas of similarity in their drafting, work on elements specific to the Unilateral Undertaking which are not part of the completed bilateral agreement would not have been necessary had the Council properly advised of its position from the start of the process. In my view, the Council's initial advice to the applicant was unreasonable, and would have caused the applicant to incur at least some unnecessary and wasted expense associated with work on aspects of the Unilateral Undertaking that would not have been required had the agreement been prepared as a bilateral from the start.

26. In addition, the applicant notes that it was agreed with Council Officers and the Planning Inspectorate prior to submission of the appeal that a Statement of Common/Uncommon Ground ('SoC/UG') between the parties would be a helpful way to narrow issues in this case. A SoC/UG signed by the parties was subsequently provided with the appeal submission. In its appeal statement however, the Council invited me to dismiss the SoC/UG, advising that the Council do not consider that they are bound to a Statement of Common Ground for an appeal made under written representations.
27. A SoC/UG is not a requirement for appeals proceeding by written representations and the Council was therefore under no procedural obligation to participate. Nevertheless, it did engage with the applicant to agree the SoC/UG in this case. Having done so, I can appreciate the applicant's surprise and disappointment when the Council later sought to renege on what had been agreed.
28. The Council does not suggest that it gave any indication during preparation of the SoC/UG that it considered the work to be redundant to or outside of the appeal process. On that basis and given that submission had been agreed with the Planning Inspectorate in this case, I consider that the applicant would well have progressed the SoC/UG in good faith as an element of the appeal in this case.
29. The Council has offered no cogent reason to explain why it progressed and ultimately agreed a SoC/UG that it would later seek to depart from. In my judgement, it behaved unreasonably in allowing the applicant to spend time and effort on progressing a SoC/UG to form part of the appeal which the Council would later go back on, rendering the expense that the applicant would have incurred in progressing the SoC/UG as unnecessary and wasted. The Council may also have invested resources in agreeing the SoC/UG, but that does not persuade me that the applicant was not put to unnecessary and wasted expense.

Conclusion

30. For these reasons, I find that the Council's refusal of the application was not unreasonable overall and a full award of costs is not justified. However, I have identified two specific aspects where unreasonable behaviour by the Council resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated. Accordingly, a partial award of costs is justified.

Costs Order

31. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Uttlesford District Council shall pay to Montare LLP the costs of the appeal proceedings described in the heading of this decision, limited to those costs incurred in:
 - abortive work on progressing aspects of the Unilateral Undertaking submitted with the appeal that were superfluous or not necessary to the eventual bilateral agreement completed under section 106 of the Act, and
 - preparing and agreeing the Statement of Common/Uncommon Ground.such costs to be assessed in the Senior Courts Costs Office if not agreed.

32. The applicant is now invited to submit to Uttlesford District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

J Bowyer

INSPECTOR

Richborough