



Appeal Decision

Site visit made on 6th February 2025

by Jonathan Price BA(Hons) DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2025

Appeal Ref: APP/Z1510/W/24/3352515

Dale House, Beazley End, Wethersfield, Essex CM7 5JH

- 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 BKL Developments Ltd against the decision of Braintree District Council.
 - The application Ref is 24/00958/FUL
 - The development proposed is demolition of existing detached dwelling/associated structures and erection of a new replacement dwelling.
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Decision

1. The appeal is dismissed.

Background

2. The appeal relates to a triangular parcel of land to the rear of ribbon housing development comprising the small settlement at Beazley End. Access is from a private drive which runs between two of the road frontage dwellings. A Certificate of Lawful Existing Use or Development (CLEUD) relating to this site was issued in 1995. This was for the stationing of caravan and use of building for residential purposes. This use remains in place and is accompanied by various ancillary sheds, stored items and piles of miscellaneous waste.
3. In 2006, outline permission was refused on appeal for a replacement bungalow. The Inspector evidently noted that, by virtue of the CLEUD, the existing building and caravan may remain but were not considered a 'permanent dwelling of conventional construction'.
4. A proposal to demolish the existing detached dwelling/associated structures and to erect three new detached houses in their place was dismissed on appeal on 27 February 2024¹. Weight is given to the Inspector's conclusions in this appeal, including that whilst the housing would remove the unsightly structures and improve the condition of the existing site, this benefit could be achieved through a less intense form of redevelopment. The appellant's case is that the single dwelling proposed would comprise such.
5. I note also that the site benefits from a waste license, which would be revoked were this appeal to succeed. The site was used for over four years between 2019 – 2023 to recycle scrap metal and garden waste. None of the adjacent residents have

¹ APP/Z1510/W/23/3329356

written to object to this current proposal. A letter of support from the nearby occupier of the dwelling at Smithy Rise is provided by the appellant in evidence.

6. The Council refused the application for five reasons. These were in relation to development plan policy, character and appearance, neighbours' living conditions and both highway and ecological impacts.

Main Issues

7. These are:

- whether the proposed new dwelling and its location would comply with development plan policy, and its
- effects on the character and appearance of the area,
- suitability in respect of living conditions for future and neighbouring occupiers, with particular regard to privacy,
- impact on highway safety, and
- effects on protected and priority species.

Reasons

Development plan policy

8. As with the previous appeal decision, the development plan is the Braintree District Local Plan 2013-2033 (LP). The policy position remains the same, with the spatial strategy of LP Policy SP 3 making existing settlements the principal focus for additional growth, particularly to help secure sustainable development principles and accessibility through a choice of means of travel. The appeal site is outside the settlement boundaries defined in the LP. Here, Policy LPP 1 confines development to uses appropriate to the countryside, to protect its intrinsic character and beauty. LP Policy 42 seeks development to contribute to promoting sustainable modes of transport and Policy LPP 67 aims to protect landscape character and features.
9. Beazley End is a small hamlet providing little or no regularly required services and where residents would be largely reliant on private car use to meet daily needs. The appeal site is within the countryside, where any development would extend beyond the road frontage into the open landscape. A new dwelling here would conflict with LP policy over the location of new development, which directs this mainly to larger settlements in order to maximise sustainable travel options and protect the surrounding countryside.

Character and appearance

10. LP Policy SP 7 requires all new development to meet high standards of design. Its place shaping principles seek a positive response to local character and context, to preserve and enhance the quality of existing places and their environs. A high standard of design is also required by LP Policy LPP 52, to reflect or enhance the character and appearance of the surrounding area.
11. The frontage housing at Beazley End ranges in age and size but is of a broadly complimentary character and position. Compared to the low-level features on this site, the large, two-storey dwelling proposed would be prominent in rear views from

the adjacent housing and from the site access. Along with the big double garage, this large dwelling would comprise a dominant and highly uncharacteristic form of back land development, in stark contrast to the prevailing pattern of road frontage housing.

12. The scheme takes little design cue from any of the more conventionally designed houses nearby. The H-shaped roof plan would provide a pair of visually dominant, fully glazed gables to both the front and rear. These are joined awkwardly by sections with smaller, more traditional fenestration. The overall result is a poorly balanced scheme of a rather unsatisfactory architectural quality, bearing little relationship to its surroundings. The appellant would have been amenable to further negotiation with the Council over design. However, I can only address the scheme before me. I consider that the poor design, large scale and backland position of the proposed new dwelling would be of significant harm to the character and appearance of this area. As such, it would fail to satisfy the requirements of LP policies SP 7 and LPP 52.

Living conditions

13. The front elevation of the proposed dwelling and the rear outlooks from the adjacent housing face each other. The large amount of glazing on the front facing gables of this prominently sited and large new house would give those living the closest the feeling of being overlooked. Such a design, scale and orientation, with large window areas facing in the direction of the adjacent back gardens, would not be a particularly considerate option in terms of preserving the outlook and privacy of neighbours. However, the position of the garage, the potential for intervening planting and the relative distances involved would avoid any significant harm to the living conditions of existing and future occupiers. I have already found the design to be in conflict with LP policies SP 7 and LPP 52 and living condition issues add no significant degree of further harm to that already found.

Vehicular access

14. Whilst I consider what is proposed to be too large, a single dwelling would not generate significantly greater vehicular movements than might arise from the established use on this site. The private drive joins onto a small roadside layby which helps with visibility onto the public highway. In the light of the authorised residential occupation of this site, this replacement dwelling would have no materially greater impact on highway safety, and I find no conflict with LP Policy LPP 52 in this regard.

Protected and priority species

15. The Council's refusal reason was over the lack of survey information in respect of protected/priority species and measures to meet biodiversity net gain requirements. These are both matters which might be capable of being satisfactorily addressed in advance of any future application, in order to comply with LP policies LPP 64 and LPP 65. In the light of my overall conclusions, I find no need to take this issue any further.

Planning Balance and Conclusion

16. LP Policy LPP 37 permits a single new dwelling in the countryside where this replaces an existing one. This policy applies only to an existing habitable,

permanent dwelling of conventional construction. The Inspector who dismissed the 2006 appeal did not consider the existing residential occupation of mobile caravan and linked shed met this requirement. Even if I took a contrary view, Policy LPP 37 applies further criteria for allowing a replacement dwelling. By virtue of the scale and prominence of the proposed house and garage, this would have a more harmful impact and be more intrusive in the landscape, and be significantly larger, than the small, low-level structure currently in place. This would fail criteria *b* and *d* of Policy LPP 37, with no exception made by a truly outstanding or innovative design. Furthermore, criterion *c* of Policy LPP 37 is not met as the house proposed would neither be on or close to the footprint of the existing residential use.

17. The proposal therefore conflicts with a number of key LP policies and with the development plan as a whole. There are some material considerations that weigh in favour of the proposal. The scheme would provide improved living conditions for occupiers compared to those offered at present. Whilst leading to no net increase in housing numbers, this provides a small benefit, particularly as it would comprise the re-use of previously developed land. The proposal would lead to a permanent removal of the unsightly features which have blighted this site for a number of years, and this would be achieved by a less intensive form of development than the three houses considered by the Inspector in the previous appeal.
18. Since the 2006 appeal decision, which evidently related to a more modest proposal for a bungalow, the site has continued to suffer from activities which have had an adverse effect on the local environment. However, the benefits of resolving this situation would not outweigh the significant harm I have found from this particular scheme. This means the material considerations that might indicate a departure from development plan policy are not found. Consequently, the appeal is dismissed.

Jonathan Price

INSPECTOR