



Appeal Decision

Site visit made on 17 December 2024

by Thomas Courtney BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th April 2025

Appeal Ref: APP/Z1510/W/24/3345927

Land Between Hill Rise and Stour View, Bures Road, Lamarsh, Essex CO8 5EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Thompson (Ben Elvin Planning Consultancy Ltd) against the decision of Braintree District Council.
 - The application Ref is 23/02970/OUT.
 - The development proposed is the erection of a detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application subject of this appeal was made in outline form with all matters except access reserved for future consideration. Accordingly, the submitted plans can only be taken as indicative at this stage, other than where they relate to access.
3. A revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. The parties have been provided with the opportunity to comment on the implications of the revisions to their cases. I have taken account of the revised Framework, and any comments made, in my determination of the appeal as necessary.

Main Issues

4. The main issues are:
 - whether the proposal would be contrary to the Council's strategic approach to the provision of housing in the borough; and
 - the effect of the development on the character and appearance of the area.

Reasons

Suitable location

5. The proposed development would be located outside of the defined settlement boundary of Lamarsh. Policy LPP1 of the Braintree District Local Plan 2013-2033 (BDLP) sets out that outside of development boundaries, development will be confined to uses appropriate to the countryside whilst also protecting its intrinsic character and beauty. BDLP Policy SP3 makes existing settlements the principal

focus for growth, and states that development will be accommodated within or adjoining them according to their scale, sustainability and role.

6. The proposal would not adhere to the Council's strategic housing policy which principally directs new growth to existing settlements. Furthermore, there are very few services and facilities in Lamarsh and no public transport options near the appeal site. The future occupiers of the proposed dwelling would therefore be heavily reliant on private vehicles. Given this, the accessibility and sustainability of the proposed location is low.
7. BDLP Policy LPP39 allows for infilling in hamlets. However, the site is not situated within a defined nucleus of at least ten existing dwellings. The site is vast and does not appear as a gap between existing development. It abuts large gardens to the north and south, and open fields to the west. What's more, it could accommodate more than one dwelling and therefore the policy would not apply to this case.
8. The appellant states that the proposed development would be a self-build dwelling and opines that the Council is failing to deliver self-build housing sites in the borough. They suggest the Council's policy approach to self-build housing is flawed and conflicts with the Framework which seeks to support small sites to come forward for self-build and custom-build housing. Whilst the appellant states the Council is trying to deliver self-build housing only through large sites, BDLP Policy LPP35 does allow for self-build housing on sites within development boundaries as well as part of the housing mix on larger developments.
9. Whilst the policy means the erection of self-build housing outside settlement boundaries is somewhat challenging in sparsely populated rural areas, it still allows for some provision. I do not consider that the Council's policy approach to self-build housing is inconsistent with the Framework.
10. The erection of a self/custom build dwelling at this site would thus be contrary to Policy LPP35 which requires such developments to be situated within a defined settlement boundary. Furthermore, there is no indication that the appellants are currently registered on the self-build register, and I have not been provided with a mechanism by which the development could be secured as a self-build.
11. In support of the scheme, the appellants refer to an appeal allowed in April 2024.¹ It is not entirely relevant to the issue at hand given the fact that the self-build status of the development in that case was not a determinative factor in allowing the appeal. It was found to be compliant with BDLP Policy LPP39 as it was situated in an accessible location and within a defined nucleus of at least ten existing dwellings not within a development boundary. It is therefore not directly comparable to the proposal.
12. For the above reasons, the proposal would cause harm by being contrary to the Council's strategic approach to the provision of housing in the borough. It would conflict with Policies SP1, SP3, LPP1, LPP16 and LPP42 of the BDLP insofar as they seek to accommodate new housing within accessible and sustainable locations close to facilities, services and public transport links. The harm arising from this conflict would be substantial.

¹ Appeal Ref: APP/Z1510/W/23/3327894.

Character and appearance

13. The site and surrounding area are rural in character, typified by agricultural fields, sporadic housing, and small country roads lined with hedgerows. Bures Road (Bell Hill) features thick hedging which contributes to the verdant character of the road.
14. The existing hedgerow at the entrance of the site would be cutback in order to facilitate the provision of an adequate access with suitable visibility splays. In my view, the trimming of the hedgerows and the scale of removal would be limited given the width of the existing verge between the road and the hedge. The provision of adequate visibility splays would not unreasonably erode the verdant character of the road and surrounding area.
15. Furthermore, replacement planting could mitigate the loss of any existing hedging. I am satisfied that further details could be requested, and this issue could be resolved with an appropriate condition.
16. As such, the proposal would not harm the character and appearance of the surrounding area. It would not conflict with Policy SP7 of the BDLP which seeks to ensure proposals respond positively to local character.

Other Matters

17. The Council's five-year housing land supply statement covering the 2024-2029 period states that it can currently demonstrate a 5.32-year supply of deliverable sites. This includes the added 5% buffer added to the target in accordance with the requirements of the Framework. On the basis of the evidence before me, the Council can demonstrate a five-year housing supply as required by the Framework, and the 'tilted balance' at paragraph 11(d) is not therefore engaged.
18. Nevertheless, the proposed dwelling would boost the supply of housing in line with the Framework. Whilst a surplus of housing supply land is not a cap on development, the delivery of one single unit would only make a very modest contribution to housing provision. Therefore, I have only attached limited weight to this consideration.
19. The appellant refers to a development allowed at appeal in 2020². In that case, four housing units were delivered whilst the housing land supply surplus was deemed marginal. It is not comparable to the appeal scheme as it was a redevelopment of a former plant nursery and garden centre. Similarly, the development allowed at appeal in April 2022³ was not considered to lie in an isolated location. The decision states that the appeal site represented a small gap within a ribbon of development. As such, it is not comparable to the proposal and does not lend support in favour of the appeal.
20. The proposed dwelling would incorporate energy and water efficiency measures, use sustainable construction techniques, and could be delivered in a short timescale. It would also contribute to the local economy both during construction and from subsequent occupation. These are positive aspects of the scheme. However, the small scale of the development limits the weight that can be attributed to them.

² Appeal Ref: APP/D3505/W/19/3240526

³ Appeal Ref: APP/Z1510/W/21/3284667

21. The proposal would allow new housing for occupants who have strong ties to the local community and who are involved with the local school and village pub. As such, it would support existing social and familial ties and contribute to the Framework's objective of maintaining and enhancing rural vitality. I have attached moderate weight to this consideration.
22. A lack of harm regarding matters such as design, living conditions and highway safety is a neutral consideration which does not weigh either in favour or against the scheme.
23. The scheme is supported by a Preliminary Ecological Appraisal by Skilled Ecology Consultancy Limited ('the PEA') which found that the proposed construction zone was considered low-moderate in ecological value with common and widespread habitats present and that the risk of presence and significant impact to protected, priority or rare species or notable habitats was considered very low/negligible. I have no cogent reason to doubt that evidence.

Planning Balance and Conclusion

24. The benefits of the scheme cumulatively attract moderate weight. However, in my judgement, they do not outweigh the harm and associated policy conflicts I have identified.
25. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
26. For the reasons given above the appeal should be dismissed.

Thomas Courtney

INSPECTOR