



Appeal Decision

Site visit made on 2 October 2025

by Mr D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2025

Appeal Ref: APP/Z1510/W/25/3366906

Land rear of 5 Butler Road, Leather Lane, Great Yeldham, Essex CO9 4JB

- 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 Miles Connors against the decision of Braintree District Council.
 - The application Ref is 25/00253/FUL.
 - The development proposed is described as Erection of detached single storey one-bedroom residential dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description in the banner heading is from the application form. In the Council's decision notice, it refers to a Self-build dwelling, and I note the reference to a Self-build and Custom Build dwelling in the planning application form. I have sought the main parties' views in respect of this and return to this matter below.

Main Issues

3. The main issues are:
 - the effect of the proposed development upon the character and appearance of the area; and,
 - whether or not the proposed development would provide satisfactory living conditions for the future occupiers with particular reference to outdoor space provision, proximity to the highway, parking and indoor space provision.

Reasons

Character and appearance

4. On this part of the southern side of Leather Lane, within the visual context of the appeal site, dwellings are typically sited significantly back of the highway, with the adjoining land generally comprising treed, open or garden land, some verges with some fencing and only occasional modest buildings, resulting in a definably verdant corridor. On the northern side, the dwellings have more prominence but are still set back behind some verdant verge areas, front or rear gardens associated with dwellings, so it also has a verdant landscaped character.
5. Even if trees and vegetation might be able to be removed without prior consent, it is not immediately clear that owners would actively seek to do this. I accept

though, that from the evidence, vegetation cover has varied over time, including around vehicular accesses, and might be reduced in the future. However, even with some reductions there would still be a prevailing quite deep verdant highway corridor with buildings generally well set back from it.

6. The appeal site comprises a modest structure which has fallen into some disrepair and associated open space adjacent to Leather Lane. The building is one of few on this part of Leather Lane set so close to the highway, so is to some degree unusual in its visual context. However, the limited scale of the building and the proportion of open space, means the appeal site overall, is in keeping with and makes a positive contribution to the character and appearance of the area.
7. The combination of increased footprint and height would significantly increase the built development on the appeal site. The position so close to the highway frontage would be significantly at odds with the pattern of development, and the character and appearance of this part Leather Lane, resulting in a strident development in the street scene. Though its plot ratio as a whole might not be regarded as unreasonable, the position of the dwelling so close to the front and side of the plot would appear cramped and somewhat contrived, and out of keeping with the prevailing development pattern.
8. The relatively shallow rear garden space, overall layout, pathway and driveway area would further add to the cramped appearance, and that of an overdevelopment of the plot. While the shape and size of the spaces and its proximity to some boundaries appear unavoidable based upon the constraints, the proposed development would nevertheless be significantly at odds with and harmful to the character and appearance of the area, occupying a prominent position in the street scene. I am not persuaded suitably worded planning conditions in respect of matters such as landscaping and boundary treatments could mitigate the harm.
9. For the reasons set out above, the proposed development would be significantly harmful to the character and appearance of the area. It would conflict with Policy SP7 of the Braintree District Local Plan – Section 1 (2021) (the S1LP) and Policies LPP35, LPP47 and LPP52 of the Section 2 Local Plan (2022) (S2LP). Amongst other things these require proposals to exhibit a high standard of design that responds positively to local character and context to preserve and enhance the quality of their environs, including through layout, form and on-site space. It would also conflict with paragraph 135c) of the National Planning Policy Framework (2024) (the Framework) which expects proposals to be sympathetic to local character including the surrounding built environment and landscape setting.

Living conditions

10. Policy LPP52 of the S2LP expects the provision of private outdoor amenity space to be provided having regard to the standards set out in the Essex Design Guide (the EDG), or its successor, and shall be accessible, usable and well-related to the development. The proposed rear garden space would appear to be above the indicated 50 sqm quantity in the EDG. However, the indicated private space would be shallow, and despite being south of the dwelling, it would be significantly shaded by a number of large trees rooted and with a significant proportion of their crowns to the south, outside the site. The extent of cover would highly restrict direct sunlight for a significant proportion of the day for much of the year, as well

as overall daylight. It would feel a dark enclosed space, and would not provide a good quality or appealing space for future occupiers.

11. Space adjacent to the driveway could be used. However, even were it regarded sufficiently private by and/or for future occupiers, it is still shallow, tapering and part enclosed by the large trees. Even in combination, I am not persuaded by the substantive evidence that this would ensure a sufficient quality, appealing and useable space for future occupiers. Outdoor space provision would be such that it would not provide satisfactory living conditions for the future occupiers, and it is not demonstrated that suitably worded planning conditions could mitigate this.
12. The evidence indicates the appeal dwelling would be approximately 1.2m from the boundary, enclosed by a fence, after which there is a narrow verge before the main vehicular carriageway of Leather Lane. Leather Lane is a Class III route that appears to be one of few routes directly into Great Yeldham from the east, connecting to other routes, some local services and facilities, and many properties nearby are accessed from it.
13. While my visit can only represent a brief snapshot in time vehicular traffic was frequent past the site, and there is no substantive evidence demonstrating that what I saw was untypical at that time. Though I note it is a matter which the appellant disagrees, it would certainly result in a feeling of occupiers walking out of the front door adjacent to a well-used highway. Though the case of either main party is fully conclusive in this regard, as a matter of judgement, on-balance this would not provide satisfactory living conditions for the future occupiers, and it is not demonstrated that conditions could satisfactorily mitigate the adverse effects.
14. The Council's decision notice refers to meeting the minimum standards for internal floorspace and parking as resulting in substandard living conditions. However, there is little further substantiation of this. From what I saw and the evidence before me, that the parking area appears to meet the minimum required standards would not result in unsatisfactory living conditions.
15. The dwelling would meet the minimum 39 sqm in the Nationally Described Space Standards and there is no substantive demonstration of harm respect of the size and shape of rooms, layout, levels of daylight or outlook to them. They would appear of adequate shape, size and utility and notwithstanding the Council's view, I cannot conclude the internal space results in unsatisfactory living conditions for the future occupiers. These are neutral matters in the balance.
16. Nevertheless, for the reasons set out above, the proposed development would not provide satisfactory living conditions for the future occupiers with reference to private outdoor space provision and proximity to the highway. It would conflict with Policy SP7 of the S1LP and Policies LPP35, LPP47 and LPP52 of the S2LP, which require proposals are of a high standard of design that ensures satisfactory living conditions for future occupiers, including through outdoor space. It would also conflict with paragraph 135f) of the Framework which has similar objectives.

Planning Balance

17. The proposal would result in limited temporary economic benefits during construction, and minor benefits from on-going spend in the local economy and support to local services and facilities upon completion. The evidence indicates the Council can demonstrate a housing land supply (HLS) of the order of 5.32

years. However, it understood there to be 263 people on the self and custom build register, but it has only permitted 7 such dwellings since October 2019. This implies it is failing in its duty to deliver enough plots for which there is a recognised need and positive policy support.

18. The Council and appellant agree it is necessary for a planning obligation to secure the appeal scheme as a self and custom build dwelling. However, no obligation is before me were I to allow the appeal as required by the procedural guide¹, suggesting such a dwelling would not be secured. Were it possible to secure this by condition, it would elevate the weight given towards the contribution of only a single dwelling, to attract moderate weight in favour of the proposal.
19. Though I cannot conclusively find, there are no sequentially preferable reasonably available sites for a single dwelling, the evidence suggests based upon detailed mapping and layouts in the Flood Risk Assessment, it might not be necessary for the sequential test to be met. It sets out the extent of risk from various forms of flooding in the vicinity and detailed measures for the site. It indicates the proposal complies with relevant policies and guidance and would overall provide some flood risk and drainage benefits, which the evidence suggests would be of an overall magnitude that attracts limited weight in favour of the scheme.
20. The Preliminary Ecological Appraisal and Bat Emergence and Re-emergence Survey suggest suitable precautionary and mitigation measures could be secured to ensure there would be no harm to protected species, which would be a neutral matter. It is also possible measures could be secured to ensure there would be an overall biodiversity net gain, which based upon the potential scope within the site and the appeal scheme, would attract limited weight in favour of the proposal.
21. The site appears to be previously developed land, within a settlement boundary, with good access to services and facilities. Were I to agree the proposal is compliant or could be made compliant by the imposition of suitably worded planning conditions, with policies and standards in respect of matters such as access, accessibility, parking, the living conditions of future occupiers I have not found unsatisfactory above, neighbouring occupiers, energy and resource efficient design, arboricultural policies, and construction management, these would be neutral matters. The policy compliance and benefits of the proposal attract moderate weight in favour of the appeal scheme.
22. However, the proposal would result in harm to the character and appearance of the area which is of a magnitude that attracts significant weight against the scheme. It would result in unsatisfactory living conditions for the future occupiers with particular reference private outdoor space provision, which on balance attracts moderate weight against the scheme. The effect from the proximity to the highway, based upon the evidence before me, on-balance attracts limited weight against the scheme.
23. Overall, the policy conflicts and harm from the proposal attracts significant weight against the appeal scheme, and would be such that they significantly and demonstrably outweigh the scheme benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the appeal should not succeed.

¹ Paragraph 18.2.2 of the Procedural Guide: Planning appeals – England (June 2025).

Conclusion

24. The proposed development conflicts with the development plan read as a whole and the Framework read as a whole. There are no material considerations, including the policies of the Framework, which indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, the appeal should not succeed.

Mr D Szymanski

INSPECTOR