



Appeal Decision

Site visit made on 15 October 2025

by **Jane Smith MA MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6th November 2025

Appeal Ref: APP/Z1510/W/25/3369428

Windyridge, Chapel End Way, Stambourne, Essex CO9 4NX

- 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 Mr & Mrs Morrell against the decision of Braintree District Council.
 - The application Ref is 25/00488/FUL.
 - The development proposed is demolition of the workshop/meeting house and construction of a 2 bedroomed dwelling of part 1.5 storey, part single storey.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of the workshop/meeting house and construction of a 2 bedroomed dwelling of part 1.5 storey, part single storey at Windyridge, Chapel End Way, Stambourne, Essex CO9 4NX in accordance with the terms of the application, Ref 25/00488/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. In the banner heading above, I have used the description of development on the application form. The decision notice referred to the building to be demolished as an outbuilding and there is no dispute that the existing use of the site is residential.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area,
 - whether suitable living conditions would be provided for future occupiers and occupiers of the host dwelling,
 - whether the layout would make adequate provision for off-street parking and refuse storage and collection, and
 - whether a planning obligation to secure delivery of self-build housing would be necessary to make the development acceptable in planning terms.

Reasons

Character and appearance

4. The appeal site is part of the residential plot around a detached two storey dwelling known as Windyridge. Currently, it contains a weatherboarded single storey building with pitched, corrugated sheet roof. This is used as a domestic

outbuilding, although there is some indication that it was more separate in the past. Currently there is no boundary between the appeal site and Windyridge, and a continuous gravel driveway and parking area extends in front of both buildings.

5. A public right of way (PROW) separates the outbuilding from the other neighbouring dwelling. This is within an open, grassed corridor of proportions resembling a vehicular track between Chapel End Way and the agricultural fields to the rear, although there is no indication whether it is actually used for that purpose. A hedge separates the rear garden of Windyridge from the PROW, but there is no boundary demarcation at the front or alongside the outbuilding.
6. The site is within a predominantly residential frontage along Chapel End Way, comprising a variety of dwelling types in a linear layout. There are two storey houses, bungalows and chalet bungalows, some with steeply pitched roofs while others are of low, compact proportions. Many are orientated with the widest elevation facing the road, but there are some narrow plots, notably a group of bungalows opposite the church. There is little consistency of external materials, which feature facing brick in various shades, painted render, light-coloured weatherboarding and a variety of plain and profiled roof tiles. Some dwellings are set back behind hedges and soft landscaping, but many are quite conspicuous, with unenclosed front gardens and/or open, paved driveways.
7. The existing outbuilding is already a prominent feature within this varied street scene. The proposed dwelling would be on a similar alignment, but it would have a higher roof and elongated footprint. However, the upper floor would be largely within the roofspace, and it would have a relatively low, half hipped roof profile. Consequently, the building would not be unduly dominant, particularly when viewed alongside the fairly imposing adjacent dwelling at Windyridge.
8. The adjacent corridor of land is likely to remain open in character, given the presence of the PROW. While it is outside the appeal site, it provides a visual break between the proposed plot and the neighbouring chalet bungalow. That dwelling is also set back, contributing to the sense of space on this side of the plot. There would be less space between the proposed dwelling and Windyridge, but side access would be maintained to both properties, on either side of the boundary wall. The sizable garden on the other side of Windyridge would be unaffected.
9. The bungalows to which both parties have alluded are of an entirely different form, having a repeated design and particularly modest roofscape. Nevertheless, despite the generally wide plots, lateral separation between dwellings along Chapel End Way is quite varied. In that context, although the narrow plot width would be somewhat unusual within the street, it would not be so different as to be harmful. When the overall design approach and the space introduced by the PROW are taken into account, neither dwelling would look harmfully cramped.
10. The flank wall next to the PROW would be conspicuous and relatively featureless. However, the clay tiles would contrast with the white weatherboarding, providing some visual interest and there would be a few window openings at roof and ground floor level. Pale weatherboarding is used on some existing dwellings nearby and the Design and Access Statement includes photographic evidence that the outbuilding has been painted a lighter colour in the past. As such, although the materials would differ from currently dark and relatively monotone appearance of the outbuilding, they would be consistent with the local palette of materials.

11. Although the dwelling would be a new construction, the design approach is somewhat reminiscent of a converted rural building, which responds to the character of the existing outbuilding and would not be an unexpected feature in this rural location or adjacent to a PROW. Therefore, while the dwelling would be prominent, it would acceptably integrate into the varied village streetscape.
12. For the reasons given above, I conclude that the proposal would not be harmful to the character and appearance of the area. It would not conflict with relevant requirements in Policies SP7, LPP1, LPP35 and LPP52 of the Braintree District Local Plan (BDLP) which collectively require a high quality of design, which responds positively to local character and distinctiveness, while allowing for details and materials that complement, without necessarily replicating, the local architectural character. Nor would there be any conflict with relevant paragraphs in the National Planning Policy Framework (the Framework) which require amongst other things that development is sympathetic to local character while not preventing or discouraging appropriate innovation or change.

Living conditions

13. As a consequence of the narrow plot, parking for the proposed dwelling would be directly to the front and overlooked by the only window to the ground floor sitting room. Parked vehicles would inevitably be conspicuous, particularly if larger vehicles needed to be accommodated. However, the dwelling would be set back almost 6 metres from the street, which exceeds the Council's recommended dimension for a parking space and would be sufficient to accommodate most domestic vehicles without being excessively tight to the window. The occupiers would have full control over how the parking area is used and they are unlikely to find the sight of their own vehicles inherently intrusive.
14. While this would be the only south-facing living room, the rear kitchen would be a good size, with bifold doors offering a generous outlook and access into a private rear garden adjoining open countryside. There is no substantive evidence that any rooms would be inadequately lit, and the presence of any larger vehicles would be relatively transient and/or within the occupiers' control. Notwithstanding the parking layout, when considered as a whole, the proposed layout would provide a satisfactory living environment.
15. No details are available of the internal layout within Windyridge, but the two larger side-facing windows appear to be secondary openings to front rooms, judging by their proximity to the other windows on the front elevation. The third opening towards the rear is significantly smaller. The proposed dwelling would be of relatively modest height, as previously described. The proposed boundary wall would not be unduly overbearing, bearing in mind that fences and walls of a similar height and alignment are a common feature in a residential area. The outlook from the front and rear windows of Windyridge would be entirely unaffected and, while the outlook from the side-facing windows would be more enclosed than at present, the development would not be unacceptably intrusive.
16. The existing outbuilding has garage doors indicating that vehicles are already parked and manoeuvred within this part of the site. Since the application is from the current occupiers of Windyridge, it can reasonably be presumed that they consider the proposed layout to be acceptable, even if the two plots are in separate ownership. Any future purchaser would also be in a position to consider

the relationship between the dwellings and whether they found it to provide an acceptable living environment.

17. For the above reasons, I conclude that suitable living conditions would be provided for future occupiers and occupiers of the host dwelling. The proposed development would not conflict with relevant requirements in Policies SP7, LPP1, LPP35 and LPP52 of the BDLP which include that development should protect the amenity of nearby properties and provide an appropriate standard of residential accommodation for the occupants.

Parking and refuse arrangements

18. Parking requirements for new dwellings are included in the Essex Vehicle Parking Standards SPD (the parking standards), and relevant extracts from the 2009 version of those standards has been provided in the evidence for this appeal. The parking standards require provision of two parking spaces for the proposed dwelling. The recommended dimensions as quoted in the Council's Officer Report are 2.9m x 5.5m per space, with an additional width of one metre to be provided where end parking bays adjoin solid structures.
19. The proposed boundary treatment includes a 0.6m high willow fence forward of the front elevation of Windyridge, with a 1.8m brick wall set further back. One of the parking spaces would be alongside these features, although the overlap with the taller and more solid brick wall would be relatively limited. To the other side, next to the PROW, no physical boundary treatment is proposed.
20. The width of the site is disputed, with the plans indicating a width of 7m, while the Council gives a dimension of around 6.5m. Even at the lower of those dimensions, there would be a reasonable margin over and above the space required for two parking spaces, albeit slightly less than the one metre recommended. Furthermore, since both spaces would serve the same dwelling, the occupiers would be able to manage how vehicles are parked, to maintain sufficient manoeuvrability. An access of 5m width would still be available for Windyridge.
21. Although no swept-path or turning diagrams have been provided, the Highways Authority did not raise any highway safety objection and their recommended conditions related to other aspects of the development. Parked cars on front driveways are already a feature of the street and reversing movements would be similarly necessary at other nearby dwellings. While the layout would require some care in use, it would not be so restricted or inconvenient as to result in an unsafe or poorly functioning development.
22. The proposed layout indicates that refuse bins would be accommodated at the front corner of the dwelling, in a small space between the proposed dwelling and the boundary with the PROW. There were bins in that position at the time of my site visit and the appellant has suggested that the PROW can be used to move bins in and out when needed. There is no substantive evidence that the PROW cannot be used for that purpose, much like a corner plot with an adjoining pavement or road. Even if that were not permissible, the width of the site would allow for bins to be stored on the other side of the dwelling and moved past parked vehicles with care. Future occupiers could establish their own workable arrangements for both parking and refuse storage to be accommodated.

23. The lack of boundary treatment alongside the PROW does raise the prospect of encroachment of vehicles or bins across the boundary. The gravel surface currently extends onto this area, suggesting that that vehicles may have been driven across the PROW in the past. Nevertheless, as outlined above, the layout would adequately provide for the parking area to be used without any such encroachment. Other regulatory measures exist outside the planning system for maintaining public rights of access, should that become necessary.
24. I therefore conclude that the layout would make adequate provision for off-street parking and refuse storage and collection. The development would accord with relevant requirements in Policies LPP43 and LPP52 of the BDLP which include that parking is provided in accordance with the parking standards and that designs shall incorporate details of waste storage and collection arrangements within the site, with the impact on amenity and character being considered.

Self-build housing

25. Although the description of the proposed development does not refer to self-build, the application form indicates that a self-build dwelling is intended. The Design and Access Statement further explains that the appellants intend to build the house themselves, for their own occupation, freeing up the larger family home. However, no planning obligation has been provided to secure the provision of self-build housing as defined in the Self-Build and Custom Housebuilding Act 2015 (as amended).
26. The Council has drawn a recent legal judgement to my attention in which an Inspector's decision that a planning obligation was necessary to secure self-build housing was upheld. Nevertheless, it is incumbent on me to consider whether such a planning obligation would accord with the relevant tests in the circumstances of this particular case. That requires consideration of whether the obligation is 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 development¹. All three tests must be met.
27. The appeal site is within the development boundary of Stambourne Chapel End Way, defined in the Council's spatial strategy as a third tier village. The BDLP describes these as the smallest villages in the District, lacking most of the facilities required to meet day to day needs, with reliance on travel by private vehicle. New development is to be brought forward primarily in higher tier settlements. Nevertheless, Policy LPP1 allows for development within development boundaries where it satisfies amenity, design, environmental and highway criteria and can take place without material adverse detriment to the existing character and historic interest of the settlement. No policies have been brought to my attention which specifically aim to secure self-build, in preference to other forms of housing, within third tier villages.
28. For the reasons given previously, I have concluded that this development could take place without causing harm to the character of the settlement or relevant amenity, design or highways considerations. While the Council's Officer Report identified limited conflict with Policy LPP42, which promotes sustainable modes of transport, that was given limited weight. The Officer Report elsewhere concludes that the principle of development within the development boundary is acceptable

¹ Regulation 122 of the Community Infrastructure Levy Regulations 2010 and paragraph 58 of the Framework

and the reasons for refusal did not allege any harm in relation to the location of the development or access to services and facilities.

29. That being the case, even if the proposal was not for self-build housing, it would accord with the Council's spatial strategy and with the development plan when read as a whole. Therefore, although a self-build dwelling is proposed, there is no clear evidence that it is necessary in planning terms to secure the development as such. That is a different scenario from the case cited by the Council, which related to the weight attributed to the benefits of an unsecured self-build development in the planning balance.
30. The Officer Report states that statutory biodiversity net gain (BNG) would not be required, drawing on advice from the Council's Ecology Officer that the de minimis exemption is applicable. Therefore, a planning obligation for self-build housing is not necessary to secure a valid exemption from statutory BNG. Absence of a planning obligation may present challenges with determining whether, on completion, the development contributes towards demand on the Council's Self-build Register. However, that is a different matter from whether an obligation would be necessary to make the development acceptable in planning terms.
31. Consequently, in the circumstances of this particular case, a planning obligation to secure the provision of self-build housing would not be necessary to make the development acceptable in planning terms. The tests in the CIL Regulations and Framework are not met and there is no conflict with relevant policies in the development plan or Framework in relation to custom and self-build housing.

Conditions

32. The Council has suggested a number of conditions which I have considered against advice in the Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency and clarity and have omitted others. The appellant's consent has been provided for the imposition of pre-commencement conditions, where applicable.
33. I have imposed a condition requiring compliance with the approved plans, to provide certainty, including the drawing numbers for clarity.
34. Although the site is relatively level, the drawings do not clearly illustrate the relationship between floor levels in the proposed dwelling and existing ground levels. Therefore, a condition requiring that relevant levels are specified and approved is necessary to ensure that the scale of the proposed dwelling as built corresponds with the details on the drawings and the implied relationship with the dwelling at Windyridge. A pre-commencement condition is justified to ensure that those details can be assessed in advance of ground disturbance due to demolition.
35. Conditions requiring approval of boundary treatments and landscaping are necessary in the interests of the character and appearance of the area. Notwithstanding the claimed exemption from BNG, a condition requiring approval and implementation of a Biodiversity Enhancement Layout is necessary for consistency with paragraph 187d of the Framework and the requirement in Policy LPP66 of the BDLP for biodiversity enhancements commensurate with the scale of the development. Policy LPP72 of the BDLP requires that the Building Regulations optional water efficiency requirement is met, so I have imposed a condition to secure such measures prior to occupation.

36. Suitable external materials are specified in the Design and Access Statement so there is no need for further details to be approved. However, I have imposed a modified condition to secure use of the specified materials.
37. I am mindful that the Framework states that planning conditions should not be used to restrict permitted development rights unless there is clear justification to do so. Since my assessment of the effect on the character and appearance of the area draws on the modest proportions of the proposed dwelling, including its low roof form, control over subsequent extensions and roof extensions is justified in this particular case and I have imposed a condition to that effect. However, there is no clear justification for removing permitted development rights for porches or detached outbuildings, which are less likely to impinge on the streetscape, if implemented in accordance with the relevant restrictions.
38. The evidence before me does not explain why conditions regarding external lighting and broadband would be necessary to make the development acceptable, so I have not imposed them. Although rurally located, the appeal site is within an existing residential street, where householders would ordinarily be able to introduce outdoor lighting of a domestic character. The dwelling would also be well situated to take advantage of any existing broadband infrastructure. Should that not be available, in my judgement, a condition obligating the appellant to fund new off-site infrastructure would not fairly and reasonably relate to the very modest scale of this particular development.
39. Since the appellants will already be familiar with any local options for travel by means other than the private car, the Highways Authority's recommended condition requiring that the developer provides a residential travel information park is neither necessary or reasonable in the circumstances of this modest proposal. Public access over the PROW is regulated by other means.
40. The Officer Report mentions a requirement for a Construction Management Plan, but no such condition was recommended in the Council's statement of case. While the plot is small and some disruption during construction is inevitable, the appellant is in a position to make use of the larger area of blue-edged land to accommodate construction materials and vehicles if necessary. As such there is no clear justification for a planning condition to regulate the construction process in the interests of highway safety or neighbouring residential amenity.

Conclusion

41. The proposed development would accord with the development plan as a whole and no material considerations indicate that a decision should be made otherwise than in accordance with the development plan. Therefore, the appeal should be allowed.

Jane Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos:
 - 2025/376/01 – Location Plan and Existing Block Plan
 - 2025/376/02 Rev A – Proposed Block Plan
 - 2025/376/03 – Existing Elevations, Floor and Roof Plan
 - 2025/376/04 – Proposed Plans and Typical Section
 - 2025/376/05 – Proposed Elevation
 - 2025/376/06 – Photo and Renders
- 3) No development shall commence until full details of the proposed finished floor levels of the dwelling hereby permitted, proposed garden levels, proposed levels along all site boundaries, and proposed levels for all hard and soft landscaped surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.
- 4) No above ground development, excluding any works of demolition, shall commence until details of all gates / fences / walls or other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The details shall include position, design, height and materials of the enclosures. The enclosures as approved shall be provided prior to the first occupation of the dwelling hereby permitted and shall be permanently retained as such.
- 5) No above ground development, excluding any works of demolition, shall commence until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, written specifications including cultivation and other operations associated with plant and grass establishment, together with a strategy for the watering and maintenance of the new planting, colour and type of material for all hard surface areas and method of laying where appropriate and an implementation programme. All areas of hardstanding shall be constructed using porous materials laid on a permeable base, unless alternative details have been submitted to and approved in writing by the Local Planning Authority.

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in accordance with the agreed implementation programme.

All hard surface areas agreed as part of the scheme shall be carried out in accordance with the approved implementation programme.

Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season in accordance with the approved landscaping scheme.
- 6) Prior to first occupation of the dwelling hereby approved, a Biodiversity Enhancement Layout for biodiversity enhancements shall be submitted to and

approved in writing by the local planning authority. The content of the Biodiversity Enhancement Layout shall include the following:

- a) detailed designs or product descriptions for bespoke biodiversity enhancements; and
- b) locations for bespoke biodiversity enhancements on appropriate drawings.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

- 7) The development hereby permitted shall not be occupied until written verification has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling hereby permitted meets the Building Regulations optional requirement for water efficiency of 110 litres/person/day.
- 8) The external surfaces of the development hereby permitted shall be constructed in the materials detailed in Section 9.3 of the Dorli Newbery Design and Access Statement dated February 2025.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order), no enlargement or alteration of the dwellinghouse, as permitted by Classes A and B of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the Local Planning Authority.

END of conditions