
Appeal Decision

Site visit made on 28 August 2025

by **A Oyebade MSc FCILT**

an Inspector appointed by the Secretary of State

Decision date: 21st January 2026

Appeal Ref: APP/Z1510/W/25/3366289

Broadfields Nursery, Broad Road, Braintree, Essex CM7 5NJ

- 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 McGinley Properties and Rental Ltd against the decision of Braintree District Council.
 - The application Ref is 24/01550/FUL.
 - The development proposed is use of land for the siting of mobile homes.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The Council has formally determined that the proposed mobile homes satisfy the statutory definition of a “caravan” within the meaning of section 13 of the Caravan Sites Act 1968, subject to compliance with the dimensional and structural criteria prescribed therein. Consequently, the appeal proposal has been considered as an application for a change of use of the appeal site, rather than as a matter concerning the erection of new buildings.
3. The Council’s officer report indicates that most of the appeal site is designated as countryside. Only a limited area, comprising the vehicular access from Broad Road and the part of the site accommodating a single unit (Unit 1) of the 15 proposed mobile homes, falls within the defined settlement boundary. As most of the site lies outside this boundary, countryside policies are engaged in the assessment of the proposal as a whole.

Main issues

4. The main issues are:
 - whether the proposed development is appropriate for a countryside location and compatible with the character and appearance of the surrounding area;
 - the effect on the living conditions of future occupiers of the development and neighbouring dwellings;
 - the effect on ecology in the area;
 - the effect on flood risk in the locality; and
 - adequacy of infrastructure in the area to support the development.

Reasons

whether the proposed development is appropriate for a countryside location and compatible with the character and appearance of the surrounding area

5. The appeal site is located within a semi-rural setting, characterised by low-density residential development, open green spaces, and agricultural land. The immediate context comprises traditional detached and semi-detached dwellings with few terraced properties, typically set within generous plots with gardens. These properties are a mix of brick-built bungalows and two-storey designs, with pitched roofs. Broad Road itself lies on the edge of Braintree, where suburban housing gives way to open countryside, creating a spacious, green environment with a distinctly semi-rural character.
6. The appeal site is predominantly an open area mostly designated as countryside, containing only a small number of modest structures, which appear to function as office and toilet facilities, and is presently in use for motor repair activities. It comprises a large, irregularly shaped plot, extending to the rear of Nos. 282–286 Broad Road and continuing onto the side elevation of a single storey motor repair workshop. Properties along this stretch of Broad Road front onto dense vegetation and open fields opposite, reinforcing the semi-rural character of the area. The indicative layout submitted with the appeal shows the provision of 15 mobile homes. Such a form of development would be discordant with the established character and appearance of the locality.
7. The surrounding area is defined by mixed residential dwellings situated along the settlement edges of Broad Road and Lyons Hall Road, whose open rear gardens contribute to the wider countryside setting and reinforce the openness of this semi-rural environment. The arrangement and form of the mobile homes would fail to reflect or enhance the distinctiveness of the existing pattern of built development in the vicinity. The site is accessed via a long driveway from Broad Road, running alongside the detached building at No. 282. During my inspection, I noted only limited vehicular movements along the access route to the appeal site, in contrast to the significant volume of fast-moving traffic observed on Broad Road itself.
8. The appellant highlights the Council's acknowledgement that the surrounding streetscape includes a variety of property types and architectural styles, suggesting that no single building form defines the area. While some variation is present, the neighbouring roads exhibit a clear set of shared characteristics: most properties are two-storey detached dwellings, typically finished in brick or render, with pitched roofs, generous plot sizes, and substantial open space. Together, these features establish a coherent and harmonious built form that contributes to the area's overall character.
9. The appellant argues that the site's existing commercial use is out of keeping with the character and appearance of the surrounding area. They also contend that most of the proposed development would simply infill the space between the existing bungalow at the rear of the site and the road frontage and therefore would not constitute encroachment into the countryside. However, I do not accept that the proposed use is appropriate to this countryside location. The appeal proposal would result in development beyond the settlement boundary that would appear at odds with the established linear pattern of development in the locality, resulting in harm to the countryside and to the area's overall character.

10. The appellant further argues that the proposal would positively reflect the local character and create a safe and attractive environment for future occupants. Nevertheless, as outlined above, the scheme is incongruous with the traditional built form and established pattern of development in this location. Accordingly, the proposal would conflict with Policies SP1 and SP7 of the Local Plan (Section 1), and Policies LPP1 and LPP52 of the Local Plan (Section 2).

Effect on the living conditions of the occupiers of the development and neighbouring dwellings

11. While it is acknowledged that mobile homes are not subject to a prescribed internal floorspace requirement, the Council's position is that each unit should nonetheless be afforded either a minimum of 25 square metres of private amenity space, as set out in the Essex Design Guidance, or alternatively, access to adequate shared communal provision. Based on the indicative layout submitted, it is not evident that the appeal scheme would be capable of delivering sufficient amenity space for each mobile home. This concern is particularly acute in respect of the plots identified as Units 8 and 9, where the spatial constraints appear pronounced.
12. The appellant maintains that the submitted layout is illustrative and that the final arrangement would need to comply with the Model Standards required for a site licence under the Caravan Sites Act. However, the evidence before me suggests that an excessive number of mobile homes may have been proposed, resulting in constrained amenity areas around Units 8 and 9. The apparent deficiency in provision is indicative of an over-intensification of the site, suggesting that the quantum of mobile homes proposed exceeds the site's reasonable capacity to accommodate development while maintaining acceptable living conditions.
13. The siting of Units 1, 3 and 4 near the site boundaries gives rise to a material concern regarding the amenity of adjoining occupiers. In particular, the relationship of these units to Nos. 276, 282 and 284 Broad Road is such that the proposal would result in harmful overlooking, thereby eroding the reasonable expectation of privacy for those neighbouring dwellings. The appellant contends that, because the development would be single storey, it would not give rise to unacceptable overlooking of neighbouring properties. Nevertheless, even at this indicative stage, the mobile homes appear significantly taller than the adjoining low boundary fences and would therefore be likely to enable overlooking of nearby dwellings.
14. The appeal proposal makes provision for 15 car parking spaces, with no dedicated visitor parking. The Council officer's report identifies that, in accordance with the Essex Vehicle Parking Standards, the development would be expected to provide 30 resident spaces together with 4 visitor spaces. The shortfall is therefore considerable. It is likely that this level of under-provision would lead to overspill parking on the adjoining highway, with consequent harm to the living conditions of neighbouring occupiers arising from increased parking pressure and associated inconvenience.
15. The appellant contends that the Council has misapplied the parking standards, arguing that the requirement of one space per pitch plus one space per full-time staff equivalent, applicable to caravan parks, should have been used. However, as that standard applies to non-residential uses, I am satisfied that the parking provision required by the Council is appropriate for a residential development of this

nature. In this respect, the proposal would conflict with Policies LPP1, LPP35, LPP43 and LPP52 of the Local Plan (Section 2).

Effect on ecology in the area

16. The Council has confirmed that none of the trees within the appeal site is subject to a Tree Preservation Order and has acknowledged the appellant's assertion that no tree would be removed. Notwithstanding this, the Council has determined that the proposed development is likely to have a harmful impact upon the existing trees. In this context, the documentation submitted is inadequate to enable a comprehensive assessment of the arboricultural implications of the scheme.
17. It is not disputed between the parties that the appeal site lies in proximity to the Blackwater Estuary Special Protection Area (SPA) and Ramsar site, the Dengie SPA and Ramsar site, and the Essex Estuaries Special Areas of Conservation (SAC). These European sites are recognised as being particularly vulnerable to increased recreational pressure arising from new development. The appellant was required to provide a standard financial contribution to mitigate the development's recreational impacts on the designated European sites. Rather than making the upfront payment, the appellant elected to secure the contribution through a unilateral undertaking. I note that a signed copy of the unilateral undertaking confirming an undertaking to pay the required sum has been submitted with this appeal.
18. However, the Council's Ecology Officer advises that the ecological information submitted by the appellant is insufficient to demonstrate that the development would not give rise to adverse effects on designated sites, European protected and priority species or habitats. It is acknowledged that the appellant has submitted a bat emergence survey and a Great Crested Newt (GCN) report in response to the Council's requirement for surveys of the four buildings and 'Tree 1' proposed for removal, together with environmental DNA testing of the nearby pond to establish the presence of Great Crested Newts. Nonetheless, these matters should be addressed at the outset, before consideration is given to whether planning permission ought to be granted, and in parallel with all other relevant material considerations.
19. I also note from the bat emergence survey and the GCN report referenced in the appellant's statement that mitigation measures may be necessary in relation to Tree 2 and the trees within Group 1. These could include an inspection by a licensed bat ecologist prior to any works taking place. Furthermore, the recommended measures to address potential impacts on great crested newts should be carried out under a Precautionary Working Method Statement and under the supervision of a licensed ecologist. All such requirements would need to be considered by the Council from the outset to ensure that appropriate planning conditions are secured.
20. Although I accept that the appellant's commitment, via a unilateral undertaking, to contribute the necessary funds towards mitigating the development's impact on European sites satisfies that element of the required mitigation, the absence of an agreed mitigation strategy for protected and priority species or habitats means I cannot be satisfied that the proposal would avoid harm to them. Consequently, the appeal proposal fails to demonstrate compliance with Policies LPP64 and LPP65 of Section 2 of the Local Plan.

Effect on flood risk in the locality

21. The appellant has submitted a Flood Risk Assessment (FRA) together with SuDS information. However, the Council identifies that the FRA omits critical details, including confirmation of consent for the discharge of surface water to the adjacent pond, as well as a comprehensive drainage layout and supporting hydraulic modelling. The appellant explains that the FRA has been prepared in line with the Framework, Planning Practice Guidance, the CIRIA SuDS Manual (C753), the Braintree District Council Strategic Flood Risk Assessment (SFRA), and the Surface Water Management Plan.
22. Both the Environment Agency (EA) and the Lead Local Flood Authority (LLFA) were consulted. The EA raised no comments, and the appellant has addressed the LLFA's concerns through a technical note submitted with the appeal. As any remaining issues can be secured by suitably worded planning conditions, I am satisfied that the proposal complies with Policy LPP76 of the Local Plan (Section 2). Nevertheless, this is significantly outweighed by the harm arising from the proposal's failure to accord with Policies SP1 and SP7 of the Local Plan (Section 1), and Policies LPP1, LPP35, LPP43, LPP52, LPP64 and LPP65 of the Local Plan (Section 2).

Adequacy of infrastructure in the area to support the development

23. The appellant has committed to providing the required contribution towards outdoor sports and allotments through the submitted S.106 agreement. The agreement also includes an undertaking that development will not commence until a refuse strategy has been submitted to, and approved in writing by, the Council. This clause establishes a mechanism ensuring that the appellant is obliged to carry out the necessary highway works to upgrade the access road to an adoptable standard capable of accommodating refuse vehicles serving the development.
24. However, the appellant has not provided a financial contribution towards the required off-site affordable housing, calculated as the equivalent of 4.5 two-bedroom units (30%), nor has it offered any contributions towards education or healthcare infrastructure. The appellant contends that, as of 12 May 2025, the average house price in Braintree District was £333,000, whereas the average asking price for five mobile homes within a 20-mile radius of the appeal site was £207,600 (source: Quickmove Properties).
25. On this basis, the appellant argues that the substantially lower cost of mobile homes, when compared with conventional housing, already delivers a significant level of affordability, making an additional affordable housing contribution unnecessary and unjustified. The appellant also refers to a previous appeal decision (APP/C3810/C/19/3222033) for a comparable scheme, in which the same conclusion was reached. I agree with the appellant that the inherent affordability associated with mobile homes of this type adequately offsets the need for a related contribution.
26. Regarding the requested health and education contributions, I note that no comments were received from the relevant education or health authorities. In relation to the education contribution, the Council states that the sum sought is intended to mitigate pressure on local school capacity. However, the appellant explains that dwellings of this type are typically occupied by older people, generally aged 55 and above, and is willing to accept a planning condition restricting

occupancy to this age group. As for the health contribution, although the Council indicates that it is intended to support additional capacity within the local primary healthcare network, no specific sum or method of calculation has been provided for my consideration.

27. Accordingly, the proposal would comply with Policy SP6 of the Local Plan (Section 1), together with Policies LPP31, LPP50 and LPP78 of the Local Plan (Section 2). However, the weight attributable to this compliance is decisively outweighed by the significant harm arising from the scheme's clear conflict with Policies SP1 and SP7 of the Local Plan (Section 1), and Policies LPP1, LPP35, LPP43, LPP52, LPP64 and LPP65 of the Local Plan (Section 2).

Other considerations and planning balance

28. The proposed development would yield some contribution to the local housing supply and generate attendant social and economic benefits during both the construction phase and subsequent occupation. The Council has demonstrated a 5-year supply of deliverable housing sites and so the supply does not appear to be unduly constrained. As such, the proposal does not engage the presumption in favour of sustainable development. Also, the inefficient use of land in a countryside location, where the spatial strategy seeks to promote sustainable growth and optimise land use, significantly reduces the weight that can be afforded to these benefits. In this context, the proposal does not constitute a sufficiently meaningful contribution to justify residential development within a sensitive semi-rural environment.
29. In the circumstances of this case, I find that the proposed development would cause lasting harm to the countryside, the area's ecology, and the living conditions of both future occupiers and neighbouring residents. When assessed against the policies of the Framework as a whole, the adverse impacts would significantly and demonstrably outweigh the limited benefits. Therefore, the proposed development would not be in accordance with the spatial strategy and design principles set out in Policies SP1 and SP7 of the Local Plan (Section 1), and Policies LPP1, LPP35, LPP43, LPP52, LPP64 and LPP65 of the Local Plan (Section 2).

Conclusion

30. Having considered all other material factors relevant to the proposed development, I conclude that the appeal proposal would not be appropriate for a countryside location and compatible with the character and appearance of the surrounding area. Accordingly, and for the reasons set out above, I conclude that the appeal should be dismissed.

A Oyebade

INSPECTOR