



Appeal Decision

Site visit made on 14 April 2026

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 21st April 2026

Appeal Ref: APP/Z1510/W/25/3376453

Land Rear of 1-12 Wethersfield Road, Sible Hedingham, Essex CO9 3LB

- 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 Mrs Maria Davies against the decision of Braintree District Council.
 - The application Ref is 25/01523/FUL.
 - The development proposed is described on the application form as “retrospective planning application for the material change of use of land to permanent Gypsy and Traveller site for six pitches”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form refers to the development as retrospective and the Council’s decision notice refers to the “retention of the material change of use of land to permanent residential Gypsy and Traveller site for 6 pitches and 1 amenity room”. However, while there appears to have been a change of use of the land to residential purposes (with the address name Stablebrook on the appeal form), the site is not currently laid out for 6 pitches as shown on drawing no LJA-033-25-02A. For the avoidance of doubt, I have assessed this appeal based on the submitted plans before me rather than as a retrospective proposal.
3. The appeal form notes that the description of development should be amended from 6 to 4 pitches. No amended plans have been provided in this respect, and no consultation has taken place on a reduced number of pitches which represent a fundamental change to the application as originally submitted. Therefore, I have considered the potential for 6 pitches being provided as shown on the plans.

Main Issues

4. The main issues are as follows:
 - (a) the effect of the development on highway safety;
 - (b) the effect of the development on biodiversity, including biodiversity net gain;
 - (c) the effect of the development on the living conditions of site occupants;
 - (d) the effect of the development on drainage; and
 - (e) whether any harms would be outweighed by other considerations.

Reasons

The site and its surroundings

5. The appeal site is located to the north of Wethersfield Road on the outskirts of Sible Hedingham. There are buildings along this section of road including the terraced properties at 1-12 Wethersfield Road and a bus depot, but otherwise the immediate surroundings are open and rural. The site comprises a long access drive past the side of Nos 1-12 and a rectangular plot of land at the end of the drive bounded on three sides by mature trees. Between this land and the rear gardens of Nos 1-12 is a large predominantly grassed area that falls within the ownership of the appellant but outside the appeal site.
6. At my site visit, I observed that the appeal site contained two touring caravans and a single static caravan, with a separate dayroom and a shed for washing clothes. There are dilapidated timber barns on the northern boundary and other containers used for storage both on the appeal site and the grassed area. Hardsurfacing exists between these various structures, along with a fenced garden space.
7. The evidence before me indicates that the site was most recently used as a paddock and was largely free of structures and hardsurfacing save for the site access and the dilapidated barns, with the change of use commencing in mid-2024. In the early 2000s, there appears to have been more hardstanding and vehicles on the site than there was by 2022. Reference has also been made to the site having previously been occupied by someone living in a caravan for more than 20 years, but there is no certificate of lawful use before me for residential or any other use. Therefore, I have assessed this appeal as being a change of use to residential, with the presumption that the site previously experienced infrequent activity and movement in the absence of clear evidence to the contrary.

Highway safety

8. Weathersfield Road has a speed limit of 30mph past the bus depot, Nos 1-12 and the site access. It is a narrow two-way road with some pavement space on the north side and no apparent street lighting. Apart from the properties on either end, Nos 1-12 have limited off-road parking at the front, which results in parked cars overhanging the pavement and/or road.
9. The road is the main route between Weathersfield and Sible Hedingham. At the time of my late morning site visit, there were moments of no traffic but also phases where there were cars and buses passing in each direction. My visit can only provide a snapshot of conditions, but it appears that the road is subject to regular flows of traffic that vary depending on the time of day.
10. The road bends past the site access. While visibility to the north-east is reasonable, it is restricted to the west due to the bend. The hedge along the boundary with the property at No 1 can be kept short, but the flank elevation of No 1 and parked vehicles greatly limit the view. Oncoming traffic appears at the last moment, with no mirrors or other aids to see it any sooner.
11. The appellant submitted a transport access appraisal at the appeal stage which I have taken into account particularly as the Council and interested parties have had the opportunity to comment upon it. The speed surveys reveal 85th percentile speeds of around 30mph or slightly below. Visibility splays measuring 2.4m by 43m

should be provided based on Manual for Streets (MfS) which are not possible to the west in this location.

12. In some urban locations, MfS accepts that parking might occur within visibility splays and that cars exiting an access may have to emerge slowly until they can see oncoming traffic. The appraisal considers that visibility splays measuring 0.5m by 26m are possible with vehicles 'nosing out' of the site access using cars parked on the road for protection, although that is based on a seemingly incorrect diagram showing the access slightly further to the east. Even if these visibility splays are achievable, I have not been provided with evidence that supports the use of such distances, which are considerably less than the MfS requirement of 2.4m by 43m. Vehicles nosing out may not be seen by oncoming traffic with sufficient time to stop and avoid collisions. Furthermore, any protection offered by parked cars may not always be available given that vehicles are not fixed objects.
13. While this is an existing access, the previous use as a paddock is unlikely to have generated regular traffic movements and not as many as the 18 departures a day noted by the appraisal for 6 pitches. These estimates are based on data for residential properties and so may not include occasional movements of larger vehicles like caravans, although commercial vehicles could be banned by condition. Moreover, although the property at No 1 has similar restricted visibility to the west, it has an existing lawful residential use with no proposal to intensify vehicular traffic.
14. Recent traffic accident data reveals only two slight injuries in 2020 and 2023 where parked cars appear to have been involved. This does not indicate a highly problematic or dangerous location but nevertheless emphasises the tricky manoeuvres drivers make along this section of Wethersfield Road and the hazards they might encounter.
15. In summary, the development would result in the intensification of an existing access with poor visibility onto a main road. Although the number of traffic movements per day would not be so significant to tip into an unacceptable impact on highway safety, having regard to paragraph 116 of the National Planning Policy Framework (NPPF), there would nevertheless be a safety risk caused by vehicles emerging into the path of unseen oncoming traffic.
16. Concluding on this main issue, the development would cause harm to highway safety. Therefore, it would be contrary to Policies LPP34(d) and LPP52 of the Braintree Local Plan 2013-2033 (LP) which require safe access to and from the public highway, avoiding detrimental impacts. It would also be contrary to NPPF paragraph 115 which seeks safe and suitable site access for all users.

Biodiversity

17. Based on the existing and proposed plans, it appears likely that the dilapidated barns would need to be removed to accommodate 6 pitches each with a static caravan. Although the siting of caravans could be amended, there is limited scope within the appeal site to achieve a satisfactory layout and no plan showing how this might be done. The age and construction of the barns, and their proximity to mature boundary trees means that there is potential for bat roosts which would need to be assessed before any removal.
18. No ecological assessment has been provided at the application or appeal stage. Government advice in Circular 06/2005 states at paragraph 99 that it is essential

the presence of protected species and any potential effect is established before planning permission is granted and that survey work should not be left to planning conditions. In the absence of any relevant information, it is not possible to ascertain the potential effect on protected species, including bats.

19. Since 2024, the planning system has required the delivery of 10% biodiversity net gain (BNG) in all applications unless certain exemptions apply. BNG does not apply to retrospective applications made under Section 73A of the Town and Country Planning Act 1990 (TCPA). However, for the reasons set out above, the application is not retrospective. Therefore, sufficient information should have been provided to meet BNG requirements including evidence of pre-development biodiversity values and the necessary metric calculations. Without such information, it is not possible to conclude that the development would have a satisfactory effect in terms of BNG matters, contrary to Schedule 7A of the TCPA.
20. While the site may continue to support biodiversity, it is evident from aerial photographs that the amount of green space has reduced since 2024. Moreover, there is the potential for protected species and a need to address BNG regardless of whether the site constitutes previously developed land or not.
21. Concluding on this main issue, insufficient information has been provided to demonstrate an acceptable effect on biodiversity. Therefore, the development would not accord with LP Policies LPP1, LPP64 and LPP66 which, amongst other things, seek to protect and enhance biodiversity and require ecological surveys where there is a confirmed or reasonable likelihood of protected species on or immediately adjacent to a development site. It would also not accord with NPPF paragraphs 187 and 193 which, amongst other things, require net gains for biodiversity and the avoidance of harm. These policies and paragraphs underline the duty to conserve and enhance biodiversity as set out in Section 40 of the Natural Environment and Rural Communities Act 2006.

Living conditions

22. As noted above, there is limited space within appeal site to accommodate 6 pitches if the dilapidated barns remain in situ. Assuming that the barns are removed, a more regular layout of static caravans could be achieved based on the plans before me. However, there would be a degree of overlooking between static caravans and external decking given the closeness of their proposed siting. This would have an adverse effect on privacy depending on the occupants and the use of any screening measures.
23. In addition, up to 6 touring caravans and a dayroom would be positioned within the site, along with 8 car parking spaces, vehicle circulation, bin storage and foul drainage infrastructure. Not all these elements are shown on the plans. While a site layout plan could be secured by condition, the overall layout would likely be rather cramped. This is compounded by the lack of a contaminated land survey, which the Council's advises should be carried out due to historic land uses. Depending on the survey outcomes, this could reduce further the area of available land within the site.
24. The red line boundary of the site is arbitrary in terms of how it relates to features on the ground, and so there is scope to potentially expand the area for 6 pitches a little further to the south. The appellant has also expressed a desire for only 4 pitches which would reduce the amount of space needed for different elements within the

site. However, in either scenario, this would require the submission of a fresh planning application and an assessment of all relevant planning matters.

25. Concluding on this main issue, it has not been demonstrated that the development could provide all necessary elements without resulting in a cramped layout and adverse living conditions. Therefore, it would not accord with LP Policies SP7, LPP34, LPP52 and LPP70 which, amongst other things, seek to protect the amenity, health and safety of future residents with high standards of accommodation and gypsy and traveller sites that are of an appropriate size to provide the planned number of caravans and other features. The development would also not accord with NPPF paragraph 135(f) which requires a high standard of amenity to existing and futures users of places.

Drainage

26. The plans indicate drainage pipes and an off-site septic tank, while I observed on site that there is already a foul drainage system in operation and ditches are kept clear of debris. However, no detailed information has been provided of a package treatment plant or similar system, which means it is not possible to understand how it might work or to control any elements such as the method of discharge. Although details can be secured by condition, there needs to be more information provided at the application stage to give the Council sufficient comfort that a suitable system can be implemented.
27. In conclusion, it has not been demonstrated that the development would have an acceptable effect on drainage matters. Therefore, it would not accord with LP Policies LPP34 and LPP70 which, amongst other things, seek to minimise pollution and require gypsy and traveller sites to be capable of appropriate drainage.

Other considerations – supply and policy context

28. LP Policy LPP34 seeks up to 26 pitches for gypsy and traveller accommodation. According to the Council's committee report on this application, the latest figures indicate a requirement of 37 pitches to meet demand. This target is not currently being met, and the Council cannot demonstrate a 5 year supply of deliverable sites. It is unclear how soon this shortfall might be addressed via the emerging Local Plan (eLP) or the grant of permissions elsewhere. Therefore, the provision of 6 pitches would make a meaningful contribution towards meeting the overall supply and so carries significant weight as a consideration.
29. The site is included as a draft allocation in the eLP for 4 pitches, but the plan remains at an early stage of preparation and assessment, which means little weight can be afforded to this consideration. Nevertheless, the Council has no objection to the principle of gypsy and traveller development in this location, or the proximity of facilities and services despite its rural position. I have no reason to disagree given that it is a relatively short distance to Sible Hedingham as a Key Service Centre and so I give these considerations moderate weight.

Other considerations – personal circumstances

30. There is no dispute that the appellant and her family meet the definition of gypsies and travellers as set out in the Planning Policy for Travellers Sites (PPTS) 2024, or that any of the appellant's personal circumstances are in doubt. The appellant wishes to live on the site with her parents and adult daughters who have had

various health issues over time. She also wishes to be near her sisters and their children, who also have health issues.

31. The appellant works with vulnerable and disabled people including as a SEND teacher for a local school, her husband works as a self-employed builder, and her adult daughters are in training for childcare and veterinary employment. The appellant and her family are registered with the local doctors' surgery and have volunteered and engaged with the wider community in a positive and meaningful way. The appellant also appears committed to upholding and protecting the cultural and traditional way of life of gypsy and traveller families.
32. While reference is made to one of the appellant's adult daughters getting married and intending to live on site, it is not clear how many of the proposed 6 pitches would be occupied by members of the appellant's family, or whether any of the occupants would be classified as children (under 18) or vulnerable adults. However, the development would provide a settled base for several people allowing them to access local services and contribute to the wider community and economy.
33. No information has been supplied on the availability of alternative sites, and the appellant is not required to do so. It is also unclear what might happen if this appeal is dismissed but a roadside existence cannot be ruled out. This would have a serious detrimental effect on the ability of the appellant and her family to access local services. Therefore, I afford considerable weight to the appellant's personal circumstances. Modest weight can also be given to the family's contribution to local services and the economy through their work, training and volunteering.

Planning balance

34. PPTS paragraph 28 states that the lack of a 5 year supply of deliverable gypsy and traveller sites means that the provisions in NPPF paragraph 11(d) apply. This directs that planning permission is granted unless one of two exceptions apply. With regards to the first exception, there would be no strong reason to refuse the development in line with specific NPPF policies set out in footnote 7. The second exception requires any adverse impacts of granting permission to significantly and demonstrably outweigh the benefits when assessed against NPPF policies taken as a whole.
35. Significant weight can be given to the provision of 6 pitches in the context of a supply shortfall and moderate weight to the principle of this form of development here and the proximity of services and facilities. Considerable weight can be afforded to the appellant's personal circumstances. Little weight can be given to the draft allocation in the eLP, while modest weight can be given to the social and economic benefits of the development.
36. Conversely, the development would cause harm to highway safety which carries considerable weight. There are also several uncertain effects in relation to biodiversity (including BNG), living conditions, and drainage, which each carry significant weight against the development and cannot be resolved through the imposition of conditions at this stage. Consequently, there would be conflict with several LP policies and NPPF paragraphs because of this development.
37. Therefore, while there are weighty other considerations, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the

benefits on this occasion. The presumption in favour of sustainable development set out in NPPF paragraph 11 would not apply.

38. The possibility of a roadside existence would represent an interference with the appellant's home, private and family life having regard to Article 8 of the European Convention on Human Rights as incorporated into UK law by the Human Rights Act 1998. However, these human rights are qualified and need to be balanced against the protection of the public interest which in this case include matters relating to highway safety, biodiversity, living conditions, and drainage. Thus, the dismissal of this appeal would be a proportionate and necessary response and there would be no violation of human rights in this instance.
39. I have had due regard to the Public Sector Equality Duty contained in the Equality Act 2010 which seeks to eliminate discrimination, advance equality, and foster good relations between those who share a relevant protected characteristic and those who do not share it. However, dismissing this appeal would be justified as I have weighed the harm against the other considerations relating to the appellant's case.
40. Although no request has been made for a temporary grant of planning permission, it is necessary for me to consider whether such permission would protect the public interest by a means that would be less interfering to the occupants' human rights and thus be a more proportionate response. However, there are several technical constraints with the development at it stands, and so little justification for a temporary permission that would cause harm to highway safety and has uncertain effects in terms of biodiversity, living conditions, and drainage. These constraints may be resolvable, but this would be best addressed through the submission of a fresh planning application. Thus, a temporary permission, or the use of specific conditions, would not be a necessary or proportionate response. As the personal circumstances would not be sufficient to outweigh the harm and uncertainties, a personal permission would not be justified either.
41. In conclusion, the other considerations put forward in this appeal do not outweigh the harm or uncertainties or the conflict with LP Policies SP7, LPP1, LPP34, LPP52, LPP64, LPP66 and LPP70. Therefore, the development should not be granted planning permission.

Other Matters

42. Interested parties have raised various other concerns with the development. However, given my findings on the main issues, it has not been necessary to consider these matters in any detail.

Conclusion

43. For the above reasons, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR