

Braintree District Council

Town and Country Planning Act 1990 (as amended)

Application No.: 26/00470/FUL

Date Received: 2nd March 2026

APPLICANT:

Mr Cristian Popescu
Land to the east of Colchester Road
(18-21),
Bures Hamlet,
Braintree,
Essex
CO8 5AE

AGENT:

Mr James Collinson
Design Spec Ltd.
Unit F2, Launchpad
Cherry Orchard Way
Rochford
Essex
SS4 1YH

DESCRIPTION:

Proposed self build bungalow, including the formation of a new access and associated dropped kerb.

LOCATION:

Land East Of Colchester Road Bures Hamlet Essex

SUBMITTED PLAN(S):

Plan Description	Plan Ref	Plan Version
Proposed Elevations and Floor Plans	3114/01/43	N/A

DECISION:

The Braintree District Council as local planning authority has considered your application and gives notice of its decision to **REFUSE** planning permission in accordance with the above plan(s) and for the following reasons:

Reason 1

The proposed development would result in a new isolated dwelling in the countryside, outside of any defined development boundary. The site is physically separate and remote from the nearest settlement and any existing residential dwellings, and would therefore constitute an isolated home in the countryside .

The proposal does not meet any of the exceptional circumstances set out in Paragraph 84 of the NPPF. Furthermore, the proposal conflicts with Policies SP3 and LPP1 of the Braintree District Local Plan 2013-2033.

Reason 2

The application site is located in an unsustainable location, outside of any defined settlement boundary and without safe or convenient access to local services and facilities by means other than the private motor vehicle. There are no continuous footways or safe pedestrian routes connecting the site to Bures, and public transport

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provision is limited. Future occupiers would therefore be highly reliant on private car use, contrary to the aims of sustainable development.

The proposal is therefore contrary to aims and objectives of the NPPF, and Policies SP7 and LPP42 of the Braintree District Local Plan 2013-2033.

Reason 3

The application site forms part of an open and undeveloped stretch of countryside within the Stour Valley, contributing positively to the rural character, openness and visual amenity of the area.

The introduction of a dwelling in this location would represent an intrusive and incongruous form of development that would result in the erosion of the open character of the site, result in Interruption to views across the River Stour, result in the domestication of a currently undeveloped landscape, and cause harm to the character and tranquillity of the Stour Valley Project Area.

The proposal therefore fails to respond positively to local character and would result in unacceptable harm to the landscape and visual amenity of the area, contrary to the aims and objectives of the NPPF and Policies SP7, LPP47, LPP52, LPP66 and LPP67 of the Braintree District Local Plan 2013-2033.

Reason 4

Insufficient information has been submitted to demonstrate that the proposed access onto Colchester Road can be achieved safely. In particular, no details of the access dimensions have been provided; and no visibility splays have been submitted to demonstrate that safe egress onto a 60mph road can be achieved. In the absence of sufficient evidence, the Local Planning Authority cannot be satisfied that the development would provide a safe and suitable access.

The proposal is therefore contrary to the aims and objectives of the NPPF, and Policies SP7 and LPP42 of the Braintree District Local Plan 2013-2033.

Reason 5

The application site lies predominantly within Flood Zones 2 and 3 and is functionally associated with the floodplain of the River Stour. The proposed development represents a "more vulnerable" use in an area at elevated risk of flooding.

The application fails to demonstrate compliance with national policy requirements in that the Sequential Test has not been undertaken; and the Exception Test has not been satisfied. Furthermore, it has not been demonstrated that the development would be safe for its lifetime without increasing flood risk elsewhere.

The proposal is therefore contrary to the aims and objectives of the NPPF and Policy LPP74 of the Braintree District Local Plan 2013-2033.

Reason 6

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The application is not supported by sufficient ecological information to enable a proper assessment of the impacts on biodiversity, including Priority Habitat associated with coastal and floodplain grazing marsh.

No ecological survey, mitigation strategy, or Biodiversity Net Gain information has been submitted. As such, the Local Planning Authority cannot be satisfied that harm to protected and priority species and habitats would be avoided or mitigated; or the statutory requirement to deliver at least 10% Biodiversity Net Gain would be achieved. Whilst it is noted the application seeks a self-build development, which do fall under the exemptions set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024, no mechanism had been delivered at the time of determination to secure the self-build element.

The proposal is therefore contrary to the aims and objectives of the NPPF, Schedule 7A of the Town and Country Planning Act 1990, and Policy LPP63 of the Braintree District Local Plan 2013-2033.

Reason 7

The proposed external amenity space is located predominantly within Flood Zone 3 and is therefore subject to a high risk of flooding. As a result, the space would not provide a reliable, safe or practical area for day to day residential use.

The proposal would therefore fail to provide an adequate standard of amenity for future occupiers, contrary to the objectives of the NPPF and the Essex Design Guide.

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying the areas of conflict with adopted Policy and National Planning Guidance and discussing these with the applicant either at the pre-application stage or during the life of the application. However, as is clear from the reason(s) for refusal, the issues are so fundamental to the proposal that it would not be possible to negotiate a satisfactory way forward in this particular case.

Policies:

The Development Plan policies taken into account when deciding this application are listed below. The policies can be viewed in full at Causeway House or on the Council's website – www.braintree.gov.uk

Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP3	Spatial Strategy for North Essex
SP4	Meeting Housing Needs
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles

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LPP1	Development Boundaries
LPP16	Housing Provision and Delivery
LPP35	Housing Mix, Density and Accessibility
LPP42	Sustainable Transport
LPP43	Parking Provision
LPP47	Built and Historic Environment
LPP52	Layout and Design of Development
LPP63	Natural Environment and Green Infrastructure
LPP64	Protected Sites
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP67	Landscape Character and Features
LPP74	Flooding Risk and Surface Water Drainage
LPP75	Surface Water Management Plan
LPP77	External Lighting

Dated: 22nd May 2026

Signed:



Sarah Ashton

Head of Planning

Causeway House, Bocking End, Braintree, Essex CM7 9HB

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Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- For householder and minor commercial applications you must appeal within **12 weeks** of the Council's decision. For other application types you must appeal within **6 months** of the Council's decision.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:
28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder or minor commercial appeals] of the date of this notice, whichever period expires earlier.
- Appeals should be made online via [Appeal a planning decision](#). If someone does not have access to the internet and needs help completing the appeal digitally, they should contact the Planning Inspectorate customer service team on 0303 444 5000 who will provide details of support options available.

Before making an appeal, you may find it helpful to review guidance and watch a video explaining the appeals process at [Make an appeal to the Planning Inspectorate and associated guidance](#).

- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Land Purchase

If proposals are refused, whether by the Local Planning Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the District Council for the area in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 as amended.

Compensation

In certain circumstances, a claim may be made against the Local Planning Authority for compensation where permission is refused by the Secretary of State on appeal or on a reference of an application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990 as amended.

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