



Appeal Decision

Site visit made on 23 January 2017

by Graham Chamberlain BA MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2nd February 2017

Appeal Ref: APP/W1525/W/16/3161028

Braeside, South Hanningfield Road, Rettendon, Chelmsford CM3 8HE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Paul Burke against the decision of Chelmsford City Council.
 - The application Ref 16/00726/OUT, dated 26 April 2016, was refused by notice dated 29 June 2016.
 - The development proposed is a detached chalet style dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was submitted in outline with all matters of detail reserved for subsequent approval. I have considered the appeal accordingly. A plan has been submitted detailing a possible layout. I have treated this drawing as an illustration of how the development could proceed rather than a firm proposal.

Main Issues

3. The main issues in this appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the area; and
 - If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether or not the proposal would be inappropriate development

4. Paragraph 89 of the National Planning Policy Framework states that new buildings in the Green Belt are inappropriate development, and by definition harmful to the Green Belt, unless they meet an exception. One exception being limited infilling in villages. The terms 'infilling' and 'village' are not defined in the Framework. As a local interpretation of Paragraph 89 of the Framework, Policy DC1 of the DCP¹

¹ Chelmsford Core Strategy and Development Control Policies 2001-2021 - adopted in 2008 and reviewed in 2013

states that planning permission will be refused for development within the Green Belt except residential infilling in villages in accordance with Policy DC12².

5. For residential infilling to be considered acceptable within the context of Policy DC1 of the DCP, it must be within a 'village'. Policy DC12 is titled 'infilling in the countryside' and does not appear to relate to infilling within villages. Moreover, the appeal site is not located within the settlement boundary of a village. However, it does not necessarily follow that a village for the purposes of Policy DC1 is defined by a settlement boundary, although this is a useful starting point in making such a judgement. Nevertheless, the Council have not suggested that the appeal site is outside a village for the purposes of Policy DC1 and have advised that when applying Policy DC1, a site can be within a village and the countryside. It is therefore left to consider whether the proposal would amount to limited infilling when applying the criteria in Policy DC12 of the DCP, including whether the building would be in a small gap in an otherwise built up frontage.
6. What constitutes a built up frontage is not defined in the DCP. Nevertheless, I favour the approach inferred by the Council as it is consistent with the aims of Green Belt policy. The Council suggest that for a site to be considered as a gap within a built up frontage, the built frontage needs to have a reasonably compact composition and not be a loose collection of buildings, that the buildings need to be arranged in a discernable grouping and the gap should be flanked by rows of development on both sides so as to create a frontage. As such, the gap should be an anomaly within an existing built frontage so that its infilling would have a limited effect upon the openness of the Green Belt.
7. The appeal site is located between the replacement dwelling at Braeside and the original dwelling at The Orchard. The proposed dwelling would broadly be in the same position as the original dwelling at Braeside, which is awaiting demolition as a condition of planning approval 13/00499/FUL. The Orchard is similarly in the process of being replaced and the original dwelling demolished³. These redevelopments will result in a small and discernable gap being created between the replacement dwellings at Braeside and The Orchard.
8. Nevertheless, Braeside and The Orchard, when considered alongside nearby development, are not part of a discernable built frontage as they are visually and physically separated from the other buildings located in South Hanningfield Road. The replacement dwelling at The Orchard is a considerable distance from the property located to its immediate west, which is situated in a very large and verdant plot. There is also a notable separation between the new dwelling at Braeside and the chapel to its east and Rickstones Farm beyond. The properties in South Hanningfield Road, in the vicinity of the appeal site, are therefore spacious in character and exhibit a sporadic, dispersed and irregular siting rather than a discernable built frontage, within which the appeal site is viewed as an anomaly.
9. The Orchard and Braeside as a pair⁴ do not constitute a built frontage as, being only two properties, they are not a grouping of a sufficient size to have the visual and physical character of a built up frontage. In this respect my findings are

² The policies of the DCP were the subject of a focussed review in 2013 after the adoption of the Framework and were found to be sound. Consequently they are up to date and can be afforded full weight. There is nothing before me to suggest otherwise.

³ This is also required through a planning condition attached to application 12/01880/FUL amended by application 14/00246/FUL

⁴ I am referring to the replacement dwellings here, as the original dwellings are due for demolition and should be discounted from any assessment of what constitutes a built up frontage

broadly consistent with a recent appeal decision⁵. I note the appellants' reference to an appeal decision which grappled with the interpretation of a built frontage⁶, but the frontage in that instance included a larger grouping of properties located much closer to one another than The Orchard and Braeside. As such, it is not directly comparable to the appeal site. Therefore, my overall finding is that the appeal site is not located within a discernable built up frontage within the meaning of Policy DC12 of the DCP.

10. As a consequence, the appeal scheme would not constitute limited infilling within a village in accordance with Policy DC12 of the DCP, which is a requirement of Policy DC1 of the DCP. I therefore conclude that the proposal would be inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt.

The effect of the proposal on the openness of the Green Belt

11. The original dwelling within the appeal site is required to be demolished through the imposition of a planning condition. Once this takes place, the appeal site will be free of development and thus open. The subsequent erection of a dwelling at the appeal site along the lines proposed would result in two dwellings in a plot where there was originally one⁷. This would have a moderately harmful effect upon the openness of the Green Belt because there would be a notable intensification in built form along South Hanningfield Road. The Framework advises that openness is an essential characteristic of Green Belts and a fundamental aim of Green Belts is to keep land permanently open. The appeal scheme would be at odds with this fundamental aim.

The effect of the proposal on the character and appearance of the area

12. The appeal site has a frontage onto South Hanningfield Road which, in the vicinity of the appeal site, is characterised by properties in large gardens with no discernable building line. The grain of development in the vicinity of the appeal site is therefore spacious and sporadic. The appeal site is also situated opposite a field and hedgerow, which affords the immediate locality a rural character. The large and verdant plot, which constitutes Braeside, contributes positively to the visual amenity of the area and the rural character and appearance of the locality and thus the countryside.
13. The appeal scheme would involve the construction of a dwelling in a relatively narrow plot. Thus, the proposed dwelling would fill the space that will be created by the repositioning of Braeside and The Orchard. This would erode the spacious character of Braeside, which will be re-created once the original dwelling is removed. The appeal scheme would result in the proposed dwelling being sited uncharacteristically close to the boundaries of its plot and the flank elevations of the dwellings either side. This would create a more built up and suburban character, which would be discernable from South Hanningfield Road and would jar with the spacious rural character I have already identified.
14. This would result in some moderate harm to the character and appearance of the area including the intrinsic character and beauty of the countryside. As such, the appeal scheme would be at odds with Policies CP5 and CS12 of the DCP, which

⁵ APP/W1525/W/15/3139172 – Land north of Peaches Cottages

⁶ APP/W1525/W/14/3001435 – Rosemary, Malden Road

⁷ The replacement dwelling under construction as well as the appeal scheme, which would be in the position of the original dwelling

seek to ensure new developments do not detract from the intrinsic character and beauty of the countryside.

Other Considerations

15. The appellants have suggested that the appeal scheme would have no greater impact on the openness of the Green Belt than a garage previously approved within the appeal site. I do not share this view because a dwelling has a different visual character to a garage, with the latter being smaller and thus subservient to the replacement dwelling. On the other hand a new dwelling along the lines envisaged would be subdivided from Braeside, reducing its plot size and resulting in a more intensive and urbanising form of development that would have a harmfully greater impact on the Green Belt and countryside than the garage. As such, this is a matter of very limited weight.
16. The appeal scheme would result in a new dwelling and this would add to the housing choice in the area. Furthermore, the appellants have suggested the proposed dwelling would be in a 'sustainable' location. There is however, nothing unique or remarkable about these matters. An accessible location is to be expected and any benefit arising to local housing choice would be minor, as only a single dwelling is proposed. As such, these are also considerations to which I afford limited weight.

Whether there are Very Special Circumstances

17. Paragraph 87 of the Framework sets out the general presumption against inappropriate development within the Green Belt. It states that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
18. I have concluded that the appeal scheme would be inappropriate development and would, by definition, harm the Green Belt. I have also concluded that the appeal scheme would result in moderate harm to the openness of the Green Belt. Paragraph 88 of the Framework requires substantial weight to be given to any harm to the Green Belt. I have also identified some moderate harm to the character and appearance of the area.
19. The other considerations I have identified carry only limited weight in favour of the proposal. As such, the harm to the Green Belt is not clearly outweighed by the other considerations I have identified. The result of which is that the very special circumstances necessary to justify the development do not exist. Accordingly the proposal fails to adhere to local and national Green Belt policy when read as a whole and thus the proposal is not sustainable development for which the Framework carries a presumption in favour.

Conclusion

20. For the reasons given above I conclude the appeal should be dismissed.

Graham Chamberlain
INSPECTOR