
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: 9th February 2017

Appeal Ref: APP/W1525/W/16/3163217

**Rickstones Farm, South Hanningfield Road, Rettendon Common,
Chelmsford, Essex 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 Michael Clark against the decision of Chelmsford City Council.
 - The application Ref 16/01415/OUT, dated 3 August 2016, was refused by notice dated 25 October 2016.
 - The development proposed is the erection of 2 proposed 2 storey 4 bedroom residential buildings with detached garages.
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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 therefore treated the appeal drawings as an illustration of how the development could have proceeded rather than a firm proposal. I have considered the appeal accordingly.

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 to be regarded as inappropriate development and by definition harmful to the Green Belt, unless they meet a particular exception. One exception being limited infilling in villages. The terms 'infilling'
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and 'village' are not defined in the Framework. As a local interpretation of Paragraph 89 of the Framework, Policy DC1 of the DCP¹ states that planning permission will be refused for development in the Green Belt except, in part, where it is residential infilling in villages in accordance with Policy DC12.

5. Policy DC12 relates to infilling in the countryside and does not appear to relate to infilling within villages. Nevertheless, Policy DC12 contains a list of criteria that can be applied to ascertain whether a proposal would constitute infilling for the purposes of Policy DC1. This includes whether the building would be in a small gap in an otherwise built up frontage.
6. An infill proposal must also be within a 'village' for it to be considered not inappropriate within the meaning of Paragraph 89 of the Framework and Policy DC1 of the DCP. The appeal site is located outside of a defined settlement boundary but 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 judgment.
7. The Council have not suggested that the appeal site is outside a village and have described it as a bookend between the village of Rettendon and the beginning of a more sporadic pattern of development within a more rural context. From what I observed, this is a fair description of the appeal site. It is therefore left to consider whether the proposal would amount to the limited infilling of small gap in an otherwise built up frontage.
8. The appeal site is located to the south and front of Rickstones Farm. To the immediate west is a small chapel and beyond this Braeside, which is a dwelling currently in the process of being replaced. There is a noteworthy gap between the replacement dwelling and the chapel. To the immediate east of the appeal site is the driveway to Rickstones Farm and the remaining section of its front garden. Beyond this are open arable fields. The development in the vicinity of the appeal site is therefore spacious and sporadic with no discernable built up frontage. The two dwellings proposed would not appear as an infill development and the presence of Rickstones Farm behind the appeal site would not alter this perception. This is because for a site to be considered as a gap within a built frontage there needs to be a discernable row of development on both sides of the gap, which is not the case with the appeal site.
9. As a consequence, the appeal site is not a small gap in an otherwise built up frontage as defined in Policy DC12 of the DCP. Thus, the appeal scheme would not constitute limited infilling within a village as required by Policy DC1 of the DCP and paragraph 89 of the Framework. 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

10. The erection of two dwellings where there is none currently would have a moderately harmful effect upon the openness of the Green Belt. This is because the appeal site would no longer be free from development, and thus open, and there would a notable intensification in the built form along South Hanningfield Road. The Framework advises that openness is an essential characteristic of

¹ 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.

the Green Belt and its fundamental aim 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

11. 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 in close proximity of fields and hedgerows, which affords the immediate locality a rural character, although this is eroded somewhat by the presence of the A130. Rickstones Farm is set back from South Hanningfield Road behind a large front garden that contributes positively to the street scene and the rural character and appearance of the locality and the countryside.
12. The appeal scheme would urbanise the appeal site as it would involve the construction of two dwellings in discordantly small plots. This would harmfully erode the positive contribution the undeveloped open appearance of the appeal site adds to localised views. In addition, there would be other development in the form of two garages, a driveway and other paraphernalia such as boundary treatment. This would result in an incongruous intensification of development within the appeal site that would be highly conspicuous in views along South Hanningfield Road, even if the proposed houses were positioned back from the edge of the road.
13. In particular, the proposed houses would be notable in views along the road from the west (including the adjacent footpath) towards the open countryside beyond the appeal site. The large barn to the north of the appeal site would not mitigate this impact. This would erode the spacious rural character of the area which is evident in the vicinity of the appeal site. Thereby resulting is some moderate harm to the character and appearance of the area.
14. As such, I conclude that the appeal scheme would moderately harm the character and appearance of the area and thus the intrinsic character and beauty of the countryside. Consequently, the appeal scheme would be at odds with Policies CP5 and CS12 of the DCP, which seeks to ensure developments do not detract from the intrinsic character and beauty of the countryside.

Other Considerations

15. The appellant has suggested that the proposed dwellings would be for his sons to live in. The appellant's sons have lived in the area all of their lives but cannot afford to buy. The appellant also considers the houses would be a welcome addition to an area where there is a lack of properties. Nevertheless, I have not been presented with substantive evidence to support this proposition and there is nothing to suggest the dwellings would be affordable homes. Moreover, there is nothing before me to suggest that the occupation of the dwellings would be limited to just the appellant's sons and a planning condition to this end would be unreasonable². As such, this is a matter of limited weight in favour of the proposal.

² See Planning Practice Guide, Paragraph: 015 Reference ID: 21a-015-20140306 which states that a condition used to grant planning permission solely on grounds of an individual's personal circumstances will scarcely ever be justified in the case of permission for the erection of a permanent building

16. The appellant has also advised that other similar developments nearby have been approved and this sets a 'precedent' that justifies the appeal scheme. I have not been presented with the precise details underpinning the examples referred to by the appellant. Moreover, the Council has explained the difference between these schemes and the appeal proposal and the appellant has not disagreed with that analysis. Consequently, the examples of other developments referred to by the appellant do not dictate that the appeal scheme should be determined on anything but its own merits. Thus, the other developments referred to by the appellant are a neutral matter of no notable weight in favour of the proposal.

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. On the other hand, the other considerations I have identified only carry 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. Consequently, the very special circumstances necessary to justify the development do not exist. Accordingly the proposal overall fails to adhere to local and national Green Belt policy when read as a whole and consequently 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