
Appeal Decision

Site visit made on 6 February 2017

by D. M. Young BSc (Hons) MA MRTPI MIHE

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

Decision date: 03 March 2017

Appeal Ref: APP/W1525/W/16/3164070

Land adjacent 404 Beehive Lane, Galleywood, Chelmsford CM2 8RJ.

- 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 Paul Morris against the decision of Chelmsford City Council.
 - The application Ref 16/00533/OUT, dated 26 March 2016, was refused by notice dated 27 May 2016.
 - The development proposed is to erect a detached bungalow, lay out parking spaces and amenity areas and form vehicular and pedestrian access onto Beehive Lane.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application was submitted in outline, with access and layout to be determined at this stage. I have dealt with the appeal on that basis.

Main Issues

3. The appeal site is within the Green Belt and so the main issues are:
 - Whether or not the proposal is inappropriate development in the Green Belt for the purposes of the *National Planning Policy Framework* (the Framework).
 - The effect of the development on the openness of the Green Belt, the character and appearance of the area and protected species.
 - If the proposal is inappropriate, 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 the development.

Reasons

Context

4. The appeal site comprises a vacant plot of land immediately south-west of 404 Beehive Lane, a modest bungalow located at the end of a short row of 3 similar properties on the outskirts of Galleywood. To the south, the site is bounded by a large side garden to No 430. Apart from its front section, which has been recently cleared, the site is generally overgrown and covered in a dense brush. The proposed development would see the erection of one bungalow with access
-

taken from Beehive Lane. Parking would be provided to the front of the dwelling with private amenity space to the rear.

Whether inappropriate or not

5. There is no dispute that the appeal site is situated within the Green Belt and therefore paragraph 89 of the Framework is relevant. One of the exceptions under paragraph 89 includes "*limited infilling in villages*". Although the site is located outside the built up section of Galleywood, the Council do not argue that it is outside the village. Based on my observations, the site reads as part of a finger of development on the north side of Beehive Lane on the village outskirts and therefore I see no reason to take a contrary view.
6. At the local level Policy CP5 of the "*Our Planning Strategy for the Future – Development Plan Document 2008*" (the DPD) sets out the strategic objectives for development in the Borough, and it is stated that within the Green Belt development will be refused other than in the circumstances identified in the Core and Development Control Policies. Policy DC1 allows for new buildings in the Green Belt in certain circumstances, including '*residential infilling in villages in accordance with Policy DC12*'. That policy sets out the circumstances in which residential infilling outside urban areas or defined settlements, including in the Green Belt, will be permitted. It includes a definition of infilling, namely '*filling the small gaps within existing groups of dwellings... a gap is normally regarded as 'small' if it is capable of accommodating no more than one property*'.
7. The appellant contends that the development would be genuine infilling on the basis that the appeal site is a small gap sandwiched between neighbouring residential curtilages in a ribbon of 5 dwellings. As the site can only realistically accommodate one dwelling, I am satisfied that it can be considered '*small*' in the context of Policy DC12. The determinative issue in this case is therefore whether the site is located within a '*built up frontage*' or '*existing group of dwellings*'.
8. According to the Council the appeal site is separated from No 430 by a gap of some 60 metres. Whilst I appreciate the appellant's point that the gap comprises the residential curtilage of No 430, it is nonetheless an open and undeveloped space which contributes to the lightly settled and semi-rural character of the immediate area. It is the inclusion of the phrase '*built up*' in the wording of Policy DC12 that is pivotal. Whilst the garden to No 430 undoubtedly comprises part of a frontage to Beehive Lane, crucially it is not '*built up*' taken in its everyday meaning. Therefore whilst I appreciate the site is bounded by residential curtilages and within an '*existing group of dwellings*' it is the extent to which those curtilages are built up which is the issue. In visual terms at least the development would appear as an extension to the row of bungalows rather than being a part of a built up frontage.
9. Consequently, in my judgement the proposal would not constitute limited infilling in the context of Policy DC12. On that basis, I conclude that the proposal would be inappropriate development that is, by definition, harmful to the Green Belt. It would conflict with the Framework and DPD Policies CP5, DC1 and DC12. Paragraph 88 of the Framework advises that substantial weight should be given to any harm to the Green Belt.

Openness of the Green Belt

10. Policy DC12 further says at paragraph 3.26 that in Green Belt areas there will be a requirement that development does not conflict with the purposes of including land within the Green Belt. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and the purposes of the Green Belt include assisting in safeguarding the countryside from encroachment.
11. The construction of a dwelling on the land and the residential occupation of the land around it would inevitably have some effect on the openness of the Green Belt which by its nature is reduced by the erection of buildings and other structures. However, as a small parcel of land within a ribbon of development at the village edge, the effect on openness would not be so significant that it would cause significant harm to the Green Belt or conflict with the purposes of including land within it. Nonetheless, there would be some loss of openness and the importance attached to this by the Framework requires me to allocate it significant weight in my decision.

Other considerations

12. Very special circumstances can only exist if the harm I have identified in terms of inappropriateness and a loss of openness is clearly outweighed by other considerations. The appellant states that there no very special circumstances in this case.
13. The Council argue that the site has a high likelihood of being of high ecological value. However, a significant proportion of the site has already been cleared and the remainder is covered in brambles. Nothing I have seen or read leads me to conclude that protected species would be present on the site. However, the lack of harm in this respect does not weigh in favour of the proposal rather it is neutral in the Green Belt balance.

Conclusions

14. Overall, I conclude that the harm caused by the inappropriateness of the proposal, its effect on openness, and conflict with the DPD collectively carry substantial weight. I have not identified any other considerations that would outweigh this harm. Accordingly there are no very special circumstances to justify the proposal and the appeal is dismissed.

D. M. Young

Inspector