The Planning Inspectorate

# 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/16/3160418**
**Tall Oaks, Mayes Lane, Sandon, Chelmsford CM2 7RW.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr I Moss against the decision of Chelmsford City Council.
- The application Ref 16/01367/FUL, dated 26 July 2016, was refused by notice dated 22 September 2016.
- The development proposed is a full application for a single dwelling.

## Decision

1. The appeal is dismissed.

## Application for costs

2. An application for costs was made by Chelmsford City Council. This application is the subject of a separate decision.

## Preliminary Matters

3. An appeal against the refusal to grant outline permission for a single storey dwelling was dismissed in July 2016[1]. Given that this decision relates to a similar development on the same site, it is a significant material consideration.

## Main Issues

4. I consider the main issue is whether the development would be appropriate in such a location in light of local policy concerning new housing in the countryside.

## Reasons

5. The appeal site comprises a parcel of garden land which formerly belonged to Tall Oaks, a large detached residence. The site has now been fenced off and an access formed to Mayes Lane. It was evident at the time of my visit that a significant number of trees have been felled such that those remaining are mostly confined to the site boundaries. There is a single storey garage workshop at the eastern end of the site. The appeal scheme seeks permission to erect a large 4-bedroom bungalow with an integral double garage.

6. Despite the presence of other buildings in the locality the surrounding area is lightly settled and unmistakably rural. The site falls within the 'Rural Area beyond the Green Belt' as defined in the Council's "*Core Strategy and*

[1] APP/W1525/W/16/3146355

*Development Control Development Plan Document 2008"* (the CS) and is outside any recognisable settlement. Policy CP5 of the CS directs growth towards the Urban Areas of Chelmsford and South Woodham Ferrers and the Defined Settlements. It goes on to state Planning permission will be refused other than in the circumstances identified in the relevant Core and Development Control Policies. Policy DC2 allows for development within rural areas provided it does not adversely affect the intrinsic character and beauty of the countryside and falls within a specified category one of which is infilling within villages.

7. Notwithstanding that the site is not within a village, my colleague who dealt with the 2016 appeal concluded that the development would not satisfy the relevant criteria for infilling. The appellant has failed to address or rebut that conclusion in any meaningful way and therefore I see no sound basis on which to take a contrary view. Consequently, the appeal scheme does not fall into any of the prescribed criteria listed in Policy DC2.

8. I accept that the appellant has taken steps to increase the amount of landscaping. As a result I agree that the bungalow would not be unduly prominent from public vantages. Nonetheless it would be visible in gaps between trees and hedges on the site boundary particularly in the winter months. Even if I am wrong about that, the argument that a development would be out of view is not a good one in principle as it could be oft-repeated to the overall detriment of the character of the countryside.

9. The erection of a large bungalow and associated hard surfaced driveway on a site which is essentially open and undeveloped would completely change the character of the land and erode the sense of spaciousness which is typical of the surrounding area. Accordingly, there would be harm to the character and appearance of the countryside contrary to the overarching aims of Policy DC2.

10. The appellant argues that the development would support social and economic assets in rural communities. Whilst I accept there might be some benefit to local services, based on the quantum of development proposed, the gains are likely to be limited. In any event, such unquantified benefits would be insufficient to overcome the clear conflict I have already identified with the CS.

11. I sympathise with the appellants personal circumstances and can understand his desire to stay in the area and to provide care for his wife. However, I have not been provided with any persuasive evidence to explain why a large 4-bedroom property in this particular location would be the only option in terms of providing care for Mrs Moss. Accordingly, I concur with the previous Inspector that personal circumstances such as this do not outweigh more general planning considerations, particularly where development would be permanent.

12. The appellant has cited other developments in the locality. However, I have few details of these cases so I cannot be sure they are comparable to the current appeal scheme. That being the case, I have assessed the scheme before me on its own merits in the light of the particular circumstances which apply in this case.

13. Finally, I have taken account of the appellant's submission that the site could be covered in domestic paraphernalia and structures erected under permitted development rights. However, there is no evidence before me as to the

likelihood of any permitted development taking place or what form it might ultimately take. Consequently, there is nothing to suggest this would result in similar level of harm to that identified above.

14. Based on the foregoing, and notwithstanding that there is no objection from the Council to the bungalow's detailed design or the access arrangements, I conclude that the development would conflict with Policies CP5 and DC2 of the CS. Thus it would not be appropriate development in the countryside.

**Conclusion**

15. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*D. M. Young*

Inspector