



Appeal Decision

Site visit made on 14 November 2017

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

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

Decision date: 27th November 2017

Appeal Ref: APP/W1525/W/17/3179201

Brock Farm, Ingatestone Road, Stock, Ingatestone, CM4 9PD

- 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 Williams (Edan Homes) against the decision of Chelmsford City Council.
 - The application Ref 16/02115/FUL, dated 21 October 2016, was refused by notice dated 26 January 2017.
 - The development proposed is the demolition of existing B1 and B6 buildings and clearance & removal of hardstanding and stockpiled materials to make way for the construction of 6No dwelling houses C3.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (a) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies including the effect on the openness of the Green Belt and the purposes of including land within it;
 - (b) the effect of the proposal upon the character and appearance of the rural area
 - (c) the effect upon living conditions of neighbouring occupants in respect of privacy;
 - (d) whether provision for refuse collection would be adequate;
 - (e) the effect upon protected species; and,
 - (f) if the development is inappropriate, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate Development, Openness and Purposes

3. The overall objective of Policy DC1 of the Chelmsford Core Strategy and Development Control Policies Development Plan Document Focussed Review 2013 (CSFR) is to preserve the openness of the Green Belt. New buildings are

permitted where it relates to the partial or complete redevelopment of previously developed land which would not have a greater impact upon the openness of the Green Belt and the purpose of including land within it than the existing development.

4. The Framework is clear that the Government attaches great importance to Green Belts. Paragraph 79 of the Framework indicates that openness is an essential characteristic of the Green Belt. Paragraph 89 of the Framework indicates that the construction of new buildings in the Green Belt is inappropriate development, but again the reuse of previously developed land is identified as an exception, subject to the tests in respect of openness and Green Belt purposes.
5. The appeal site comprises of 6 buildings, 5 of which are currently in B1 (business) and B8 (storage and distribution) use. A further building remains in agricultural use. The site also comprises of a large area of hardstanding which is used for parking. The Council accept that, with the exception of the 6th building which is currently in agricultural use, the site would come under the Framework's definition of previously developed land. The effect of the proposals upon openness and Green Belt purposes is therefore critical in my assessment.
6. As depicted on the proposed site plan (ref 001 B 01 d), buildings 2-5 are concentrated to the east of the site, apart from building 1 which is located to the south western corner. The proposed development comprises of 6 dwellings. Out of these, 4 properties (plots 1-4) would be 1 ½ storey in height with accommodation within the roof while plots 5 and 6 would be 2 storey in height. A basement area with external sunken garden and terrace would also be created for each property. Access would be via the existing access onto Ingatestone Road with dwellings arranged across the site and served by 2 culs-de-sac.
7. While modern in their form and design, I consider that the existing buildings on site are reminiscent of their former agricultural use. The buildings are in a variety of scales and heights, with building 1 being the largest. Such buildings are not uncommon in rural locations and I find that, in visual terms, these do have the appearance of a modern farmyard in a countryside location.
8. It is acknowledged that the footprint of the proposed dwellings would be slightly less than the footprints of the existing buildings. However, the proposed dwellings would be spread across the whole site including into the relatively undeveloped area to the north west of the site.
9. There would also be a general increase in heights of buildings across the site. While the heights of plots 5 and 6 would be comparable to buildings 1 and 4, existing buildings 2, 3 and 5 are single storey in height and the proposed dwellings would be higher than these buildings.
10. As stated in the submitted application form and in the Design and Access Statement, curtilages for each dwelling would be subdivided by decorative walls and low level fencing and gates. Soft landscaping would be used and block paving and resin bonded roadways would form the access and parking for 3 cars per dwelling.

11. While I accept that there would be a net reduction in car parking spaces, and a reduction in hardstanding, the creation of separate formal garden areas would visually transform the site into a more formalised and domesticated area.
12. I am also mindful that the use of the land for purposes ancillary to the dwelling could also involve the requirement for other domestic paraphernalia such as sheds, bin storage, outdoor seating areas, lighting, and children's play equipment. This could not be fully controlled by the removal of permitted development rights.
13. The appellant considers that the provision of basement accommodation is irrelevant in terms of openness as they would not be visible, however terraces will be created with sunken gardens to the rear of each property which would be perceptible. For plot 1 in particular, the dwelling would face inwards and as such the rear terrace would be adjacent to the northern boundary of the site along Ingatestone Road. Accordingly, these would be visible elements.
14. I recognise that the existing B1 and B8 uses have their own effects, but it is understood that external storage is prevented by condition. I consider that the combined effects in respect of the heights of the proposed dwellings, their positioning and the creation of curtilages, hard landscaping and terraces as identified above would represent encroachment into the countryside and would have a greater impact upon openness than the current buildings on the site.
15. On balance, I find that the development would give rise to an urbanising impact which would not, in my view, preserve the existing levels of Green Belt openness, nor would it safeguard the countryside from encroachment, one of the purposes of including land in the Green Belt, as identified in paragraphs 79 and 80 of the Framework. The proposal would therefore fail to comply with Policy DC1 of the CSFR.
16. I therefore conclude that the development would be inappropriate, and in accordance with CSFR Policy DC1 and paragraph 88 of the Framework, I give substantial weight to that harm.

Character and Appearance

17. The appeal site is located in a relatively isolated position surrounded by open fields, outside of the village of Stock. Development in the area comprises of farmsteads and sporadic rural dwellings along Ingatestone Road.
18. As stated above, I consider that the existing site, although in commercial use, has the appearance of a modern farmstead and as such is consistent with the character of the rural landscape.
19. The design of the proposed dwellings is overly formal. The dwellings would face inwards and be arranged around 2 culs-de-sac. The properties would also be uniform in terms of their design (particularly plots 1-4) materials and landscaping. Architectural details such as parapets, porticos would also increase the formality and conventionalism of the proposals. The scale of the development and the inclusion of a basement level with terraces and sunken gardens add to this effect. This would also be compounded by the proposed access to the site which would be via a privately controlled gate.
20. This formality and design would give rise to the appearance of a suburban housing estate which would be at odds with the informal rural character of the

area. The development would fail to integrate into the rural landscape resulting in an intrusive and incongruous development, causing harm.

21. On this matter I therefore conclude that the development would fail to preserve rural character. The development would conflict with Policy DC45 of the Core Strategy and Development Control Policies Document 2008 (CSDC) which seeks to achieve high quality development which would have an appropriate visual relationship with the layout, scale, form, massing, materials, details and character and appearance of development in the surrounding area. The development would also fail to accord with the Framework which seeks to reinforce local distinctiveness and address the integration of new development into the natural, built and historic environment (paragraphs 60 and 61).

Living Conditions

22. Plot 4 would share its rear boundary with Brock Farm. There would be around a 10m distance between the rear of the proposed dwelling and the boundary. At present the existing building is a single storey traditional agricultural building which has been converted and it is understood that part of this is currently in residential use. The separation distance would be similar to the present arrangement.
23. I note that accommodation at first floor level is within the roof and the building has been purposefully designed as a 1 ½ storey dwelling. However, at first floor level there would be a large glazed screen which would serve the master bedroom. This would give direct views above the proposed boundary treatment and into the garden area of Brock Farm. Given the limited separation distances involved, I consider that this would cause harm to the privacy of its occupants.
24. I therefore conclude on this matter that the development would cause harm to the living conditions of neighbouring residents at Brock Farm, in conflict with CSDC Policy DC4 which requires that development should safeguard the amenities of the occupiers of any nearby properties by ensuring that development would not result in overlooking. The development would also conflict with the Framework which requires a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17).

Refuse Provision

25. The Council operate kerbside collections for household waste. As stated above, the dwellings would be positioned around 2 culs-de-sac and there would be a 90 degree bend to access the second cul-de-sac serving plots 1, 3, 5 and 6.
26. Concern is raised that collection vehicles would have difficulty in turning around this bend. It is not demonstrated that a refuse collection vehicle would be able to navigate the site. An alternative would be for collections from Ingatestone Road but the distances involved, particularly for plots 5 and 6 would be over 70m away and the Council consider that this would not be reasonable, practical or acceptable.
27. However, I am satisfied that this could be something that could reasonably be conditioned, through landscaping or, as suggested by the appellant, by the provision of a bin store in an appropriate location.

28. Subject to condition, I therefore find no conflict with CSDC Policy DC42 which seeks to secure good site planning ensuring that ancillary functions are designed in an efficient, safe, workable, spatially coherent and attractive manner.

Protected Species

29. As part of the original planning application an Ecological Assessment identified that one of the buildings on the appeal site had moderate value for roosting bats. In refusing the application on this basis, the Council adopted a precautionary approach in the absence of any further survey work in respect of this protected species.
30. While the appellant considers that this could be adequately dealt with by condition, a Bat Survey was submitted as part of the appeal documentation. This found there to be no evidence of roosting bats within the building, nor was any bat activity recorded within the vicinity of the building.
31. On this basis I am satisfied that the demolition of the buildings would have no adverse effect on protected species. The development would accord with CSDC Policy DC13 and paragraph 118 of the Framework which seek to conserve and enhance biodiversity.

Other Considerations

32. CSFR Policy DC1 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 of the Framework states that very special circumstances 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.
33. I have already found that substantial weight must be given to the harm to the Green Belt by reason of inappropriateness of the development. The proposals would cause harm to the character and appearance of the area as well as to living conditions of neighbouring occupants.
34. The development would contribute to the supply of housing and I note that the Council raised no concern regarding the displacement of existing tenants of the business units of the site, due to relocation potential in the area. However, these benefits would only be moderate and thus I do not consider that these factors clearly outweigh the totality of harm that I have identified.
35. I therefore conclude that the very special circumstances necessary to justify the development do not exist.

Conclusion

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

C Searson

INSPECTOR