
Appeal Decision

Site visit made on 5 August 2019

by J L Cheesley BA(Hons) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2019

Appeal Ref: APP/W1525/D/19/3230470

Oak Dean, Little Green, Chelmsford, Essex CM3 1BU

- 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 Tim Butling against the decision of Chelmsford City Council.
 - The application Ref 18/01935/FUL was refused by notice dated 18 March 2019.
 - The development proposed is 550 x 550 x 2100 brick piers and sliding metal gates to existing entrances (North and South of Oak Dean) fronting highway.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues to be:

the effect of the development on the character and appearance of the surrounding rural area; and

the effect of the development on highway safety and the free flow of traffic.

Reasons

3. The appeal site lies within the countryside where there is sporadic residential development in an open rural setting. The front boundaries of other residential properties within the area are predominately hedges, low brick walls, fences or soft landscaping with wooden post and rail gates.
 4. The gates and pillars are in place. The gates are set back with laurel hedging between them. The gates, due to their scale, design and materials, are an urbanising feature in the rural environment. They have the character and appearance more typical of an urban location. The gates and pillars appear as incongruous urban features not in keeping with the prevailing character and appearance of this countryside setting. As such, I consider that the development adversely affects the intrinsic character and beauty of the countryside and is materially harmful to the open rural character of the area.
 5. The appellant has raised concern regarding crime, safety at home and quality of life for the family. These are important material considerations.
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Nevertheless, in my opinion, the same level of safety could be achieved from gates and pillars of a more appropriate design for this rural setting.

6. Whilst on the planning application form there is an answer 'yes' to the question 'Is a new or altered vehicle access proposed to or from the public highway?', the appellant has stated that the planning application was only for the gates and pillars and I note that a separate planning application was submitted for the northern access, which I understand did not have the benefit of planning permission. Therefore, I have determined the appeal before me on the basis of it only being for the gates and brick pillars. As such, the gates and pillars do not have an adverse effect on highway safety and the free flow of traffic. Nevertheless, in the light of the harm I have identified above, this does not justify allowing the appeal.

Conclusion

7. In reaching my conclusion, I have had regard to all matters raised. Whilst I have found that the gates and pillars do not have an adverse effect on highway safety and the free flow of traffic, I have found that the development has an adverse impact on the character and appearance of the surrounding rural area and the same level of safety could be achieved from gates and pillars of a more appropriate design. Therefore, I dismiss the appeal.
8. For the above reasons, the development is contrary to Policy DC2 in the Chelmsford Core Strategy and Development Control Policies Development Plan Document (2008), where it seeks to protect the countryside for its intrinsic character and beauty. I consider this policy is broadly consistent with the National Planning Policy Framework where the Framework seeks to ensure good design that is sympathetic to local character.
9. I have been referred to emerging Local Plan Policies CO1 and CO6. As these policies may be subject to future modification and as Policy CO6 is concerned with the change of use of land or buildings, I have attributed them limited weight in my determination of this appeal.

J L Cheesley

INSPECTOR