
Appeal Decision

Site visit made on 1 October 2019

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: Wednesday, 23 October 2019

Appeal Ref: APP/W1525/W/19/3234042

Chalk End Farm, Farmbridge End Road, Roxwell, Chelmsford CM1 4LG

- 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 John Askew against the decision of Chelmsford City Council.
 - The application Ref 19/00520/FUL, dated 27 March 2019, was refused by notice dated 19 July 2019.
 - The development proposed is domestic garages/stores.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council has recently finished consulting on Main Modifications to the emerging Chelmsford Local Plan ('the ELP'). The ELP is clearly at an advanced stage but it has not yet been formally adopted by the Council. In accordance with paragraph 48 of the National Planning Policy Framework ('the Framework') and on the evidence before me, it carries a limited amount of weight.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site contains 3 former modern agricultural farm buildings that at the time of my visit were being redeveloped for residential use to form semi-detached and detached dwellings. I observed the appeal site to be a peripheral area of the farm, with its enclosed farmyard and house to the south. It is bordered by Chalk End (Farmbridge End Road), a narrow rural lane, to the west and open countryside and fields to the north and east, to which it has a strong affinity.
5. Whilst I acknowledge such buildings do exist on rural properties and notwithstanding the change to residential use, this does not automatically mean that such structures are suitable in proximity to these particular buildings and on this particular site. At a height of approximately 4.85m to the ridge and sited substantially forward of the semi-detached building, 2 of the buildings would be conspicuous on approaches past the site's entrance. The building to the side of the former machinery store would also physically and visually

- intrude into what appeared to be previously undeveloped agricultural land to the east and this would be evident from a nearby Public Right of Way¹.
6. There would also be a visually jarring contrast between the appearance of the buildings and a further erosion in the relationship of the appeal site to its historic associated built form. To my mind their siting appears to be for convenience of future occupiers rather than a reflection of any form of historic grouping. In combination with their overall scale and orientation and despite existing landscaping and the use of traditional materials, they would appear as unduly dominant and unsympathetic additions to the appeal site.
 7. The buildings would appear to replace a Nissen Hut and hoppers which were removed as part of a previous permission. This would somewhat negate the benefit to the character of the countryside which was achieved via their removal and which was an important part of the Council's balancing exercise in reaching that decision, as set out in the relevant delegated report². Further, the Nissen Hut in particular appears to be of a significantly lower height than the buildings before me³.
 8. Whilst residential dwellings should typically benefit from some form of domestic storage, these are former modern and utilitarian farm buildings the conversion of which has originally only been allowed as permitted development⁴ with limited alterations. I also note on a subsequent approval such rights were removed by condition⁵ to ensure that any further development of this site does not prejudice the traditional form and appearance of the converted buildings. The fact that permitted development rights for such structures exist in general terms for dwellinghouses is not therefore determinative.
 9. For these reasons, the proposal would cause harm to the character and appearance of the appeal site and area. The appellant has referred me to a number of other polices in their final comments although the Council's reason for refusal only refers to Policy DC2 of the Core Strategy and Development Control Policies Development Plan Document 2008 and Policy CO4 of the ELP. The proposal would conflict with Policy DC2 insofar as it states planning permission will be granted provided that the intrinsic character and beauty of the countryside is not adversely impacted upon. This is consistent with the approach in emerging Policy CO4 of the ELP.

Other Matters

10. My attention has been drawn to a planning permission granted by the Council for a new 4 bay cart lodge adjacent to the appeal site. However, I have not been provided with the full details so cannot be certain it is directly comparable. It would also appear that this approved building, which has not yet been constructed, would replace an existing storage building at Chalk End Farm House and the Council contend it is more appropriately suited to its context in terms of its siting, design and relationship with surrounding built form. Further, it would also appear to fall under a different policy context being a replacement building.

¹ PRoW 230_4.

² Council's Appendix CCC5.

³ Appellant's appendix 1, street view.

⁴ LPA ref: 16/01489/COUPA.

⁵ Condition 8 of 18/00512/FUL.

11. Although the appellant also contends the Council did not consider views from the right of way in reaching that decision I am not bound by that approach and must form my own view, especially where the main issue involves a degree of subjectivity. Thus none of these other considerations, on their own or in combination, alter my view.
12. In terms of national planning policy, caselaw has established that development proposals affecting parts of the countryside that are not subject to a statutory landscape designation, nevertheless come within the scope of the provisions of what is now paragraph 170 (b) of the Framework. The development would fail to recognise the intrinsic character and beauty of the countryside at this point and in this location.

Conclusion

13. For the reasons set out above, the proposal would conflict with the development plan when read as a whole. Material considerations, including the Framework do not indicate that a decision should be made other than in accordance with the development plan.
14. Having considered all of the matters raised I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR