



Appeal Decision

Site visit made on 29 October 2019

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 November 2019

Appeal Ref: APP/W1525/W/19/3234889

Little Belsteads, Back Lane, Little Waltham, Chelmsford CM3 3PP

- 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 & Mrs P Adams (Little Belsteads Group) against the decision of Chelmsford City Council.
 - The application Ref 18/01811/FUL, dated 25 October 2018, was refused by notice dated 11 February 2019.
 - The development proposed is a new building for severe learning difficulties in conjunction with existing Little Belsteads School on site.
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Decision

1. The appeal is allowed and planning permission is granted for a new building for severe learning difficulties in conjunction with existing Little Belsteads School on site at Little Belsteads, Back Lane, Little Waltham, Chelmsford CM3 3PP in accordance with the terms of the application, Ref 18/01811/FUL, dated 25 October 2018, subject to the conditions set out in the Schedule at the end of this decision.

Procedural Matters

2. The Council's appeal statement refers to policies within an emerging local plan. These have not been formally adopted and are subject to proposed modifications which are still being considered by the Local Plan Inspector. As such, I have attached limited weight to these policies in my assessment.
3. The National Planning Policy Framework (the 'Framework') was revised on 19 February 2019 and this post-dates the Council's refusal notice. I have considered the Framework as part of the determination of this appeal.

Main Issue

4. The main issue is the effect of the proposal on the character, appearance and openness of the area.

Reasons

5. Little Belsteads School provides educational facilities for children with learning difficulties. The site contains a group of buildings to the north, an adjacent car park and a significant area of paddocks stretching towards the west and south boundaries. The proposal would be single storey and located on part of a paddock to the south of the existing group of buildings.

6. The appeal site lies in a Green Wedge as defined under Policy DC9 of the Core Strategy and Development Control Policies Development Plan Document 2008 (CSDCP). Policy DC9 seeks to protect and enhance the open character of Green Wedges, so as to provide a network of natural habitats and areas of informal recreation between Chelmsford and the countryside. The policy resists development in Green Wedges other than for, amongst other exceptions, limited alterations or extensions of existing institutional uses, such as schools.
7. Whilst not attached, the proposed building would be only a few metres from the existing classrooms and would be generally viewed as part of the school complex. Due to its proximity, it is likely the building would be used as part of the established school rather than independently. As such, I would consider it reasonable to class the proposal as an extension to an existing school.
8. CSDCP Policy DC9 does not define the term 'limited extension'. Also, it includes no guidance to support the contention that the proposal would be contrary to the policy simply because it would result in a 50% increase in floor area. As it would be a low key, single storey building that would not significantly increase the level of building coverage on the overall appeal site, I consider the proposal would represent a limited extension.
9. The site cannot be seen from the road. Vegetation along the western boundary significantly screens views from the nearby footpath. The screening effect would be reduced during times of leaf-fall, but where views exist through the vegetation the proposed development would be seen from a distance and as part of the existing group of buildings. By reason of its scale and appearance, the proposal would be in keeping with the existing buildings and would fit sympathetically into its context.
10. The proposal would represent an encroachment into a paddock. However, by reason of its proximity to other buildings and lack of wider visibility, the proposal would not harm the visual openness or overall character of the landscape. Furthermore, as it forms part of an existing school, the proposal would not reduce the tranquillity of the area or undermine the aims to provide a network of natural habitats and links from the town to the countryside.
11. For the reasons outlined above, I conclude that the development would not be harmful to the character, appearance and openness of the area. Consequently, and in this regard, it would accord with Policy DC9 of the CSDCP and the Framework, which aim, amongst other things, to protect or enhance the character, appearance and intrinsic beauty of the countryside.

Other Matters

12. The Council is critical of the lack of evidence to support the appellants' contention that there is a high demand for the proposed building. However, none of the policies referred to me require a need to be firmly demonstrated. In any case, the submitted Essex County Council document¹ identifies an increased demand for facilities to serve children with special education needs and disability that the proposal would help address.
13. Essex County Council objects to the proposal due to lack of information relating to the impact on highway safety and surface water drainage. However, the proposal is unlikely to generate significant additional traffic movements and a

¹ Essex County Council's Developing a Strategy for SEND in Essex – Public Engagement, March 2019

planning condition can be imposed to ensure the provision of adequate parking spaces. There are no obvious safety issues in respect of roads close to the appeal site. Given the amount of open ground, there is sufficient space to provide a sustainable surface water drainage system to serve the proposal.

14. In light of extant planning permissions for other buildings, I note the concerns over the piecemeal development of the site and the desire from Little Waltham Parish Council to see an overarching development plan for the school. However, there is no planning policy requirement for a masterplan to be produced and the programming of development is not a planning issue.
15. As there are no reasons to dismiss the appeal on any of the above grounds, they fail to override my conclusions on the main issue.

Conditions

16. I have considered the planning conditions suggested by the Council, having regard to the tests set out in the Framework. Where appropriate, I have amended the wording for reasons of precision and to avoid pre-commencement conditions.
17. In the interests of certainty, a condition is necessary to ensure that the development is carried out in accordance with the approved plans. To ensure the satisfactory appearance of the development, conditions are imposed requiring approval of external materials, finished floor levels and hard and soft landscaping. A separate condition relating just to gates, fences, walls and railings is unnecessary. A condition restricting external illumination is needed to avoid harm to the character of the countryside. Also, a condition is necessary to ensure sufficient on-site parking facilities are provided and retained.
18. The Council has suggested a condition requiring the proposed development to be used only as part of Little Belsteads School and for education provision for those with severe learning difficulties. However, CSDCP Policy DC9 does not require the proposal to meet a demonstrable need specific to the school and so I find that such a condition would fail to meet the necessity test.

Conclusion

19. For these reasons, I allow the appeal as set out in the formal decision above

Jonathan Edwards

INSPECTOR

Schedule of Planning Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: E.1667-17-01A, E.1667-17-02A, E.1667-17-03A, E.1667-17-04A, E.1667-17-05.
- 3) No development shall be carried out above ground level until details of the materials to be used in the construction of the external surfaces of the

building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

- 4) No development other than the excavation of foundation trenches shall commence until detailed drawings and sections showing the finished floor levels of the building hereby permitted in relation to the levels of the surrounding area and any neighbouring buildings have been submitted to and approved in writing by the local planning authority. The development hereby permitted shall be carried out in accordance with the approved finished floor levels.
- 5) No development shall be carried out above ground level until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The submitted details shall include an implementation programme and management/maintenance schedule for the soft landscape works. The approved works shall be carried out in accordance with the approved implementation programme and maintained and managed in accordance with the approved schedule.
- 6) No means of external illumination to serve the development hereby approved shall be installed before the details of illumination have been submitted to and approved in writing by the local planning authority. Only illumination in accordance with details that have been submitted and approved shall be installed.
- 7) The parking spaces shown on the approved plans shall be constructed and made available for use prior to the first use of the building. The spaces thereafter shall only be used for the purpose of parking vehicles.

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