
Appeal Decision

Site visit made on 17 September 2019

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2019

Appeal Ref: APP/W1525/W/19/3229481

The Cottage, Bishops Stortford Road, Roxwell, Chelmsford CM1 4LP

- 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 Miss Michelle Blacker against the decision of Chelmsford City Council.
 - The application Ref 19/00269/FUL, dated 12 February 2019, was refused by notice dated 17 April 2019.
 - The development proposed is new dwelling house and cart lodge.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would be an appropriate form of development in this location, with particular regard to its effect on the character and appearance of the appeal site and the surrounding area.

Reasons

3. The appeal site is an undeveloped area of land situated to the rear of an existing dwelling known as The Cottage. This property fronts onto the A1060 and is one of two dwellings on this side of the road. There is some disagreement between the parties whether the site forms part of the garden of this property. Nevertheless, the site's position, some distance away from the dwelling, and its overgrown nature, gives the impression of an unkempt paddock rather than residential land. The site is bounded on two sides by arable land and is mostly enclosed by mature trees, although the rear boundary is somewhat open to the field beyond. A public footpath passes in close proximity to the southern boundary of the site and continues across the open arable land which rises eastward.
4. Across the road from The Cottage, there is a continuous line of frontage housing which extends southwards to a point opposite to a group of buildings comprising of a commercial estate and a number of dwellings. These are well screened by mature trees and other planting. There is a significant gap between these buildings and the appeal site.
5. The underlying aim of Policy CP5 of the Chelmsford Core Strategy and Development Control Policies Development Plan Document 2008 (CSDCP) is to direct development to appropriate locations and to protect the intrinsic

- character and beauty of the countryside whilst supporting rural communities. CSDCP Policy DC2 establishes the types of developments that could be permitted in the countryside. These include, but are not limited to, land-based rural businesses, affordable housing and the replacement of existing dwellings.
6. There is no dispute between the parties that the appeal site lies within the countryside for planning policy purposes, and that the proposal does not fall into any of the listed forms of development within Policy DC2. Notwithstanding this recognised conflict, the appellant considers that the proposal is not contrary to the spirit, purpose and objectives of that policy and that the proposal would not cause harm to the intrinsic character and beauty of the area. The appellant contends that the appeal site is part of a long-established residential plot and the proposed development would not step outside of this existing world of domestic order into the arable countryside beyond.
 7. However, I find that the appeal building would not be well related to the established pattern of development, sitting some distance away from the road frontage, to the rear of The Cottage, on rising land. The combined height, design and overall scale of the proposed dwelling and its detached cart lodge, would result in visually prominent domestic buildings, and other related paraphernalia, intruding into the landscape and appearing at odds with its surrounds. Whilst the site is screened by mature trees, it is clearly visible from both the public footpath that passes alongside and from public viewpoints along roads close to the site, particularly the A1060. These views would be more prominent during the winter months when foliage is reduced.
 8. I acknowledge that there are existing buildings to the south of the appeal site. However, that those buildings extend eastward from the main road does not, by itself, mean that the appeal site is an acceptable location for a new dwelling. Nor does it affect how the appeal site relates to its surroundings. There is a large agricultural field between these two areas, and they are visually distinct from each other. Notwithstanding the appellant's design justifications, the proposal would adversely affect rather than positively contribute to the rural character and appearance of the appeal site and the surrounding area.
 9. There is disagreement between the parties in respect of the planning status of the driveway that would serve the proposed development. I note that it is not included within the red line site area on the submitted plans. Nonetheless, it is clear that the appeal proposal would be reached via this driveway. Whilst I do not consider this matter to be determinative as to the acceptability of the appeal proposal, the scheme's shortcomings would be exacerbated by the urban appearance of the extensive access to the highway.
 10. I therefore conclude that the proposed development would not be an appropriate form of development in this location and would have a significant harmful effect on the character and appearance of the appeal site and the surrounding area. The proposal conflicts with Policies CP5 and DC2 of the CSDCP. These policies, amongst other things, seek to contain urban growth within urban areas and defined settlements, and to protect the intrinsic character and beauty of the countryside. Similarly, it would not accord with the aims of the National Planning Policy Framework 2019 (the Framework) that seeks to secure developments that are sympathetic to the local character and landscaping setting (paragraph 127) and to recognise the intrinsic character and beauty of the countryside (paragraph 170).

Other Matters

11. The neighbouring property to the north of The Cottage is a Grade II listed building. Given the separation distance, intervening landscaping and screening, I consider that the appeal scheme would have a neutral material impact on the setting of the listed building. The setting would therefore be preserved.
12. I have been referred to the Council's emerging Local Plan Policies CO1 and CO4. As these policies may be subject to future modification, I have attributed them limited weight in my determination of this appeal.
13. My attention has been drawn to recent development on the opposite side of the A1060 from the appeal site, referred to as 'Cross Keys'. This site is within the designated Green Belt. The appellant considers that because of its proximity to the appeal site and the highly restrictive nature of Green Belt policies, the permitting of this development demonstrates that the appeal proposal, located outside of the Green Belt, should also be acceptable. However, the circumstances of that case are not directly comparable; different policies apply and the 'Cross Keys' scheme involved conversion and replacement of existing buildings. I saw from my site visit that these buildings are well related to the established pattern of development and in any event, I must consider the appeal scheme on its own merits. The existence of other development in the locality does not justify the harm I have identified.
14. The appellants referred me to a planning magazine article which they consider gives support to their proposal. I have found that the information provided is focussed on the approach to be taken in relation to resisting 'isolated' dwellings. The main issue in the appeal before me does not rest upon whether or not the proposal would be an 'isolated' dwelling. Therefore, the rationale being presented in the article attracts little weight in my decision making.
15. The appellants consider that the proposal would provide a sustainable form of development that would have social and economic benefits through adding to the local housing stock and by supporting local services. The Framework promotes sustainable development in rural areas, and the dwelling would make a positive, albeit modest contribution to the supply of housing and future occupiers would provide limited support to local services. However, my conclusions with regard to the appropriateness of the form of development in this location, and the harmful effect of the proposal on the character and appearance of the appeal site and the surrounding area, significantly and demonstrably outweigh the limited benefits of the proposal when assessed against the policies of the Framework as a whole.

Conclusion

16. For the above reasons the appeal is dismissed.

S Tudhope

Inspector