
Appeal Decision

Site visit made on 9 September 2019

by L Gilbert BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd March 2020

Appeal Ref: APP/W1525/W/19/3231786

Site North West of Round Roblets, Bedfords Farm Road, Good Easter, Chelmsford CM1 4RL

- 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 Ashton Charters Construction against the decision of Chelmsford City Council.
 - The application Ref 19/00413/FUL, dated 8 March 2019, was refused by notice dated 17 May 2019.
 - The development proposed is demolition of existing buildings, redevelopment and reconfiguration of site to provide 3 no. Class C3 dwellinghouses.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and
 - Whether the appeal site is a suitable location for the proposed housing.

Reasons

Character and appearance

3. Policy DC2 of the Core Strategy and Development Control Policies, Development Plan Document 2001-2021 (2008) (DPD), seeks to protect the intrinsic character and beauty of the countryside. Paragraph 170(b) of the Framework recognises the intrinsic character and beauty of the countryside.
4. The site is within the Pleshey Farmland Plateau detailed in the Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessment September 2006 (LCA). It is characterised by irregular field patterns of mainly medium sized arable fields, marked by sinuous hedgerows and ditches; scattered settlement pattern, with frequent small hamlets, typically with greens and occasionally ponds; comprehensive network of narrow, winding lanes; and strong sense of tranquillity.
5. The appeal site contains an area of hardstanding with a collection of barns that lie in a horizontal formation parallel to the road. Only one of the barns is clearly visible from this neighbouring lane. Although the barns are not in the best state of repair; in my view their scale, appearance and previous use,

prevents them looking out of place in the rural setting. Trees and hedges run along the edges of Hayron's Lane with some openings, including to the appeal site. A converted barn lies next to the site, positioned parallel to the road and beyond this is a farmhouse set back from the road behind a hedge. The surrounding area is characterised by fields with scattered farms and houses and has an overall open feel and rural character.

6. The proposal would remove the existing barns and hardstanding and construct three single storey dwellings in a more visible vertical configuration, as seen from the neighbouring lane. The proposed formation of the residential units would have a greater urbanising effect upon the character and appearance of this attractive rural landscape. The vertical formation of houses would be at odds with the scattered patterns of development and strong sense of tranquillity within the locality. In turn, the proposed development would detract from the intrinsic character and beauty of the countryside and result in a development that would be significantly more intrusive, than the appeal site in its current form.
7. There is an extant permission for the change of use of the three existing agricultural barns to three residential dwellings¹. The appellant argues that the appeal proposal provides improvements from the previously approved scheme, as it is a high-quality scheme, creates openness and has greater energy efficiency and sustainability measures. They also highlight a Court of Appeal Judgement (Mansell v. Tonbridge & Malling Borough Council 2017) regarding when a fallback development may be a material consideration.
8. I accept the current appeal proposal would reduce the amount of hardstanding on the site and would replace existing buildings. It would also provide sustainability measures. The roof line of the proposed houses would be similar to the existing barns. However, unlike this appeal proposal the earlier permission would retain the existing buildings and the previous horizontal layout of the barns. It would also introduce additional hedging to screen the barn closest to the road and the proposed car parking would be located away from the front of the site.
9. Consequently, the orientation and spread of the new houses across the site would notably alter the character and appearance of this rural site. Therefore although I note the appellants comments, they do not overcome the harm I have identified and the proposal would result in greater visual harm to the character and appearance of the countryside compared with the extant scheme.
10. Accordingly, the appeal proposal would harm the character and appearance of the area and thus fails to comply with policies DC2 and DC11 of the DPD and Paragraph 170(b) the National Planning Policy Framework (the Framework) which seek amongst other things, for development to not harm the intrinsic character and beauty of the countryside.

Whether the appeal site is a suitable location for the proposed housing

11. The site is in a rural setting with limited facilities and transport links. However, and as noted above, permission¹ has already been granted for residential use. Paragraph 103 of the Framework also identifies that 'opportunities to maximise sustainable transport solutions will vary between urban and rural areas.'

¹ Ref: 18/01559/FUL.

12. I acknowledge that the proposal does not fully comply with Policies CP1, DC2 and DC11 of the DPD, however the principle of residential development has already been established by an extant planning permission¹. This provides a fallback position and is an important material consideration when assessing the principle of housing on the appeal site.
13. Accordingly, I find that the appeal site is a suitable location for the proposed housing development, because the principle of housing has already been established by the extant planning permission¹.

Planning Balance

14. I accept there would be some benefits to the proposal such as the creation of construction jobs, the provision of new houses and future occupiers would spend within the local area. However, such benefits would be achieved through the implementation of the existing permission. The appellant considers it unlikely the appeal development would affect protected species and there would be improvements to highway safety, energy efficiency and the introduction of sustainability measures. Whilst I acknowledge these comments, they do not outweigh the harm I have identified.
15. It is submitted by the appellant that the Council is unable to demonstrate a five year supply of deliverable housing sites. This matter is disputed by the Council. Even if there is a shortfall in 5 year housing land supply as suggested by the appellant, the adverse effects of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

16. For the reasons set out above, and having regard to all other matters raised, I conclude the appeal should be dismissed.

L Gilbert

INSPECTOR

¹ Ref: 18/01559/FUL.