



Appeal Decision

Site visit made on 9 March 2020

by Andre Pinto BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 May 2020

Appeal Ref: APP/W1525/W/19/3240804

Land North East of Walters Cottage, Tofts Chase, Little Baddow, Chelmsford, Essex

- 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 Ms Helen Varney against the decision of Chelmsford City Council.
 - The application Ref 18/02118/FUL, dated 20 December 2018, was refused by notice dated 14 May 2019.
 - The development proposed is described as new dwelling with all associated works. Temporary siting of 2 caravans while works are ongoing.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the appeal site address and description of development from the Council's decision notice as it more accurate and completely describes the proposed works.

Main Issues

3. The main issues are:
 - Whether the development accords with local and national planning policies in terms of its location;
 - the effects of the proposed development on the character and appearance of the countryside; and
 - whether the proposal would be of an outstanding or innovative design having regard to paragraph 131 of the National Planning Policy Framework (the Framework).

Reasons

Location

4. The appeal site is located in a quiet, rural, verdant area, outside the settlement boundary of Little Baddow, thus, for planning policy purposes, in a countryside location.
5. However, the site is located in close proximity to the edge of the settlement and next to a Grade II listed building, Walter's Cottage. While interspersed and generally surrounded by agricultural land, there are other dwellings within walking distance of the appeal site. Also, although there is no footpath

connecting the appeal site to the shops and services in Little Baddow, these are not located very far and there is access nearby to public transport. Therefore, and taking the Braintree judgement¹ into consideration, the proposed dwelling would not constitute an isolated home, as it is close to other buildings and the settlement of Little Baddow which is of some size and significance in the context of the area. Nevertheless, it would still be considered as development in the countryside.

6. As the proposal would not result in the provision of an isolated home in the countryside, it is not therefore necessary for me to consider the development against the circumstances as laid out in paragraph 79 the Framework, including 79(e) which relates to the design being of 'exceptional quality'. However, design issues are considered later on in this decision taking into account paragraph 131 of the Framework.
7. Policies DC2 of the Core Strategy and Development Control Policies "Our Planning Strategy for the Future" Development Plan Document (2008) (the Core Strategy DPD) seeks to protect the intrinsic character and beauty of the countryside by restricting what type of development is allowed in such areas and by ensuring that new development does not adversely impact on it. The proposed development does not meet any of the exceptions included in the policy. In this respect, I conclude that proposal does not fully accord with Policy DC2 of the Core Strategy DPD. This weighs against allowing the appeal.
8. In reaching the above conclusion, I am cognisant of the fact that policy DC2 is not wholly consistent with the Framework in so far that it is more restrictive. Despite this, its overall aim of protecting the character and appearance of the countryside is in line with the objectives of sustainable development as set out in the Framework and indeed paragraph 170b which states that decisions should contribute and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. In the context of the above, I afford the overall conflict with policy DC2 moderate weight in the planning balance.

Character and appearance of the countryside

9. Tofts Chase (the lane), where the site is located, is a narrow country lane off North Hill and, while North Hill is more suburban in character, Tofts Chase is clearly more rural, being dominated by open agricultural fields interspersed with few dwellings, which tend to be located away from the access road and therefore not easily seen or perceived from the lane. The character of the area is also defined by deciduous and mixed woodlands, which provide a positive and distinctive enclosure to existing settlements.
10. The site can be accessed and seen from the lane. As it is significantly overgrown, existing vegetation, consisting of mainly shrubbery and small trees, does offer some protection and concealment from the lane. The development of site would require a substantial amount of clearance, which would include the reduction of the canopy of existing trees and also a significant amount of the shrubbery that, at presents, helps to conceal the site.
11. The proposal is for the construction of a two storey detached straw bale house, with an eco-friendly, low carbon footprint design that would allow the house to

¹ Braintree DC v SSCLG, Greyread Ltd & Granville Developments Limited [2018] EWCA Civ 610 – Appellant Appendix EP3

function completely off grid, if desired. The proposal also incorporates a woodland garden area, ponds, an allotment and a series of other landscaping features in line with the eco-friendly design of the development.

12. Taking into consideration the size, height and bulk of the dwelling and its contemporary architecture/design, the development would be seen as a prominent and discordant feature when viewed in this rural landscape, clearly visible from Tofts Chase. Furthermore, the site clearance needed to facilitate its development, along with the proposed new vehicle access for private parking spaces vehicles which would require a clear path for vehicles to move in and out visible from the lane, would further emphasise the presence of the building.
13. Unlike other developments outside of the settlement boundary of Little Baddow and along Tofts Chase, the proposal would not be sufficiently distanced, or visually protected, as to not be easily perceived. This would not be in keeping with the more rural character and appearance of the surrounding area.
14. In conclusion, the proposed development would, by virtue of its position, scale, bulk, design and associated car parking, have a materially adverse impact on the character and appearance of the countryside by detracting from the open and verdant character of the area. Therefore, the proposal would be contrary to Policy DC2 of the Core Strategy DPD and paragraph 170b of the Framework which collectively seek to ensure that decisions contribute and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Whether the proposal is outstanding or an innovative design

15. Paragraph 131 of the Framework states that great weight should be given to outstanding or innovative designs which promote high levels of sustainability, so long as they fit in with the overall form and layout of their surroundings. The appellant has put forward the case that the proposal would fall under this category, due to its eco-friendly design and self-sufficiency.
16. The proposal would be constructed as a straw bale house, which would decrease its visual impact by virtue of using a natural material which, to some extent, would blend better with the surrounding landscape. It would also include eco-friendly features such as a green roof, a green wall, a woodland area and specific planting to encourage biodiversity. The building would also be able to generate and storage its own energy through the inclusion of solar panels.
17. Whilst the above would not doubt ensure that a more sustainable dwelling is erected on the site than might conventionally be the case, I nonetheless do not consider that the proposal would be so 'outstanding' or 'innovative' as to meet the requirements of paragraph 131 of the Framework.

Other Matters

18. The appeal site is in close proximity to a Grade II listed building, Walter's Cottage. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that, when considering whether to grant planning permission for development which affects a Listed Building or its setting, special regard should be had to the desirability of preserving the building or its setting.

19. The Historic England listing describes the grade II listed building as a 2 storey 18th Century brick house with a parapet and a moulded string course, a central 20th Century glazed door with a doorcase, slender plain 'Tuscan' columns and an open pediment porch.
20. The Council considered that the appeal site would be set within a landscape setting, set away from the listed building and would not intrude upon key views, therefore not having an adverse impact on the significance of the listed building.
21. Considering the site's location, the topography of the surrounding area, the location of the proposed woodland and the appeal site's distance to the listed building, I find that the proposal would preserve the setting of the listed building. However, this is a matter of neutral consequence in the planning balance and does not alter or outweigh my conclusions on the main issues.

Conclusion

22. For the reasons given above, I conclude that the appeal should be dismissed.

Andre Pinto

INSPECTOR