



Appeal Decision

Site visit made on 6 July 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2020

Appeal Ref: APP/W1525/W/20/3247393

Land adj to The Cottage, School Lane, Broomfield, Chelmsford CM1 7HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr L Grant (Grant Builders) against the decision of Chelmsford City Council.
 - The application Ref 19/01798/OUT, dated 28 October 2019, was refused by notice dated 20 December 2019.
 - The development proposed is erection of one dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council has confirmed that the new Chelmsford Local Plan was formally adopted on 27 May 2020. I have therefore determined this appeal in accordance with the new Local Plan. The appellant has been invited to comment on the adoption of the new Local Plan.
3. The appeal seeks outline planning permission with all matters reserved other than access. I have dealt with the appeal on this basis and treated the submitted plans as illustrative with regards to all other matters.
4. The appellant has submitted a unilateral undertaking intended to address the Council's second reason for refusal, which relates to the impact of the development proposed on the Essex Estuaries Special Area of Conservation. I return to this matter below.

Main Issue

5. The main issue is whether the development proposed would accord with local planning policies in terms of its location, with particular regard to its effect on the character and appearance of the area

Reasons

6. The appeal site is located within the rural area as defined in the Chelmsford Local Plan May 2020 (the LP). Policy S1 of the LP states amongst other things that development will be focused at higher order settlements, and that the existing development pattern and hierarchy of other settlements will be respected. Broomfield is categorised as a Key Service Settlement in LP Policy S7, and the boundary of its built-up area is defined in the Policies Map that

forms part of the LP. The appeal site is outside of the defined built-up area, and therefore the development proposed conflicts with the stated aims of the LP to focus growth within the higher order settlements.

7. Policy S11 of the LP states amongst other things that the development will be permitted where it would not adversely impact on the identified character and beauty of the rural area. LP Policy DM8 further states that in the rural area redevelopment of previously developed land will be permitted subject to certain criteria, including an assessment of the visual impact of the development compared to the existing.
8. The appeal site is part of the garden associated with the host property. The site is enclosed by established hedgerows on three sides. There are fields and public open space, including Parsonage Green, immediately adjacent to the site. These features contribute to the open and rural setting in the immediate vicinity, and the character of the site and wider area is visually distinct from the built-up area of Broomfield further along School Lane.
9. I saw from School Lane that the roofs of houses on Elm Close were visible in places above the established trees and hedges on the appeal site and adjoining open land. The scale of the proposed dwelling is a reserved matter, and I saw that the ground level of the appeal site is lower than that of Elm Close. However, I consider that it is likely that any new dwelling on the appeal site would also be at least partly visible from the adjacent highway and public land.
10. The appeal site is separated by some distance from the host property, which is one of a pair of semi-detached cottages. This pair of cottages are the only dwellings on the north side of School Lane in the immediate vicinity of the site. While there is variety in the size of plots in the wider area, the separation distance would result in the new dwelling being a visually isolated and prominent feature in the street scene, unrelated either to the host dwelling or any other property in the immediate vicinity. The location of the new dwelling would result in it being prominent within the presently unbroken expanse of green space between the junction of Elm Close and the host property. I consider that this green space makes a significant contribution to the rural character of the area.
11. Elm Close lies to the rear of the site, as viewed from School Lane, with the proposed access from the appeal site onto the south side of Elm Close. The houses on Elm Close are primarily sited on the north side of the street and comprise terraced and semi-detached houses and bungalows. While the scale, siting and appearance of the proposed dwelling are all reserved matters, its location on the south side of Elm Close would make it a prominent feature of the street scene within the existing rural context. The introduction of new built form in this location would be visually intrusive and harmful to the rural character of the area.
12. The development proposed would be located within the rural area, and would cause harm to its intrinsic character and beauty. It would therefore conflict with Policies S1, S7, S11 and DM8 of the LP, the criteria of which I have set out above.

Other Matters

13. The site falls within the Zone of Influence of the Essex Estuaries Special Area of Conservation (the EESAC). The EESAC is designated under the Conservation of Habitats and Species Regulations 2017 (as amended) in recognition of the presence of estuaries, mudflats and sandflats and other habitats as well as rare plant species. It is potentially vulnerable to increased visitor numbers, which may result from new residential development such as the appeal proposal. To that end the appellant has submitted a unilateral undertaking to secure appropriate mitigation for this effect. Were I minded to allow the appeal, it would have been necessary for me to consider this matter within an appropriate assessment. However, as I am dismissing the appeal for other reasons it is not necessary for me to consider this matter further.
14. The development would provide one additional house towards the Council's housing supply. However, the benefits of a single house are modest, even including the financial and social benefits associated with its construction and ongoing occupation. I do not find that these benefits would outweigh the harm that I have identified.
15. The appellant has drawn my attention to the absence of objections from the Parish Council and from the local highway authority, as well as the Council identifying no harm to neighbouring occupiers from the development proposed. The appellant has also argued that the appeal site is not in a remote area or served by unsatisfactory roads. The absence of identified harm in regard to these issues is a neutral consideration in my determination of this appeal.
16. I have been referred to an appeal decision in Chelmsford where planning permission was granted for 3 houses in the rural area. I note that the Inspector in this case found amongst other things that the appeal site was surrounded on 3 sides by the urban edge of the settlement, that the development would not be prominent, nor harmful to the countryside's intrinsic character and beauty and it would not erode the character and appearance of the area. I have also been directed to a decision by the Council to grant planning permission for 2 houses in the rural area. However, this was for a replacement dwelling in a similar location and 1 new dwelling in a gap to neighbouring houses. Given these differences to my findings set out above I have only given limited weight to these previous decisions, and in any case I must determine this appeal on its own merits.

Conclusion

17. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR