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## Appeal Decision

Site visit made on 14 September 2020

**by M Chalk BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28 September 2020**

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**Appeal Ref: APP/W1525/D/20/3253407**

**Elmcote, Main Road, Bicknacre, Chelmsford CM3 4HW**

- 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 C Attwell against the decision of Chelmsford City Council.
  - The application Ref 20/00441/FUL, dated 12 March 2020, was refused by notice dated 6 May 2020.
  - The development proposed is a detached outbuilding.
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### Decision

1. The appeal is allowed and planning permission is granted for a detached outbuilding at Elmcote, Main Road, Bicknacre, Chelmsford CM3 4HW in accordance with the terms of the application, Ref 20/00441/FUL, dated 12 March 2020, and the conditions set out in the attached schedule.

### Procedural Matters

2. The Council adopted its new Local Plan in May 2020, after the application the subject of this appeal was determined. The Council has confirmed which policies in the new Local Plan are considered relevant to this appeal, and the appellant has had the opportunity to comment. The appeal has been determined in accordance with the policies of the new Local Plan.
3. The appeal form describes the development as 'retention of detached outbuilding'. However, retention is not an act of development as defined in the above Planning Act, and in any case the appeal proposal involves the reduction in footprint of the existing outbuilding. The appeal has been determined on the basis that planning permission is sought for the development as proposed.

### Main Issue

4. The main issue is the effect of the development proposed on the character and appearance of the appeal site and the surrounding area.

### Reasons

5. Policy DM8 of the Chelmsford Local Plan 2020 (the LP) states that planning permission will be granted for incidental outbuildings in the Rural Area where, amongst other criteria, they are proportionate in size and scale and ancillary in appearance to the host dwelling.
6. The appeal proposal involves the reduction in footprint and width of the existing outbuilding. This would result in a building of much reduced scale that

would be ancillary in appearance to the host dwelling. The appeal site is a generously sized plot and, given the siting and proposed size, the building would also appear proportionate in size and scale to the host dwelling.

7. The building is set back from the site frontage behind a mature hedgerow that provides screening from Main Road. The outbuilding would not be a prominent feature in views from Main Road, and the established boundary planting restricts views from neighbouring sites. The outbuilding is set within the side garden of the house and in this domestic setting would cause little harm to the intrinsic character and beauty of the countryside. This harm can be offset using alternative materials in the external finish of the building.
8. Both parties have referred to the potential Permitted Development fallback position as the host dwelling retains its entitlement to erect outbuildings. While no certificate of lawfulness exists to establish what would be lawful, the fallback position nevertheless attracts some weight as it is not in dispute that the existing building meets the size criteria set out in Class E.
9. The appeal proposal would result in an outbuilding of reduced size and scale that would not be harmful to the character and appearance of the appeal site or the surrounding area. It would therefore accord with the requirements of Policy DM8 of the LP.

### **Conditions**

10. I have had regard to the conditions suggested by the Council. Where necessary, and in the interests of conciseness and enforceability, I have altered the suggested conditions to better reflect national Planning Practice Guidance.
11. I have imposed the standard condition specifying the approved plans, for the sake of certainty.
12. I have not included the standard commencement condition, as the outbuilding already exists. However, a condition requiring that works be carried out within a specified time is necessary to ensure that the reduction of the outbuilding is completed to protect the character of the Rural Area.
13. I have imposed a condition requiring that the outbuilding only be used in association with the host dwelling. This is to prevent harm to the countryside arising from a separate use of the building.
14. I have also included a condition requiring that the exterior of the building be finished in black weatherboarding. This is necessary to make the final appearance of the building appropriate in this rural location.

### **Conclusion**

15. For the reasons set out above, the appeal succeeds.

*M Chalk*

INSPECTOR

### **Schedule of conditions**

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 03, 04 Revision A, Existing/as Built Ground Floor Plan.
- 2) The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Elmcote.
- 3) Within 3 months of the date of this decision the parts of the building shown in green on the Existing/as Built Ground Floor Plan submitted with the appeal statement shall be demolished, removed from the site and suitably disposed of.
- 4) Notwithstanding the details shown on the approved plans the external walls of the outbuilding shall be clad in black weatherboarding within 6 months of the date of this decision.