



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: 2 October 2020

Appeal Ref: APP/W1525/W/20/3253254

Gatesgarth, Ladywell Lane, Sandon, Chelmsford CM2 7AE

- 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 Harrison against the decision of Chelmsford City Council.
 - The application Ref 20/00170/FUL, dated 5 February 2020, was refused by notice dated 3 April 2020.
 - The development proposed is erection of one new detached 5 bedroom dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council adopted the new Chelmsford Local Plan in May 2020. The relevant policies in the new Local Plan have been identified by the Council, and the appellant has had the opportunity to comment on them. The appeal has therefore been determined in accordance with the new Local Plan.

Main Issue

3. The main issue is whether the development proposed would accord with local planning policies in terms of its location.

Reasons

4. Policy S7 of the Chelmsford Local Plan 2020 (the LP) directs new housing to the most sustainable locations in accordance with the designated settlement hierarchy. Sandon is identified as a small settlement in the Rural Area at the bottom rung of the hierarchy. Within the Rural Area Policies DM8 and DM9 of the LP state, amongst other things, that planning permission will be granted for infilling where the site is a small gap in an otherwise built-up frontage, and the development would not unacceptably impact on the function and objectives of the designation.
5. The houses along Ladywell Lane are spaced at irregular intervals. The gap from Gatesgarth to Crosslands is substantial, and this section of Ladywell Lane does not comprise a built-up frontage. Neither does the appeal site represent a small gap, as it would be wide enough to incorporate a large detached house and separate garage with space to both side boundaries.
6. While the development proposed would benefit from screening by the retained boundary wall and planting, it would involve the creation of a large house that

would be a prominent feature in the local landscape. The appeal proposal would result in harm to the overall open and rural character of the surrounding area.

7. The development proposed therefore does not accord with local planning policies in terms of its location. It would be an unsustainable form of development that would cause harm to the intrinsic character and beauty of the countryside. It would therefore conflict with Policies S7, DM8 and DM9 of the LP, the requirements of which are set out above.

Other Matters

8. The appeal site is within the zone of influence for the Blackwater Estuary Special Protection Area. A unilateral undertaking has been submitted with the appeal to secure appropriate mitigation against the effects of the appeal proposal. If I were minded to allow this appeal then it would be necessary to carry out an appropriate assessment to determine whether this would satisfactorily overcome any harmful effect. As I am dismissing the appeal for other reasons, it is not necessary to further consider this, and in any event the absence of harm in this regard would only be a neutral consideration.
9. The development would be a windfall housing site contributing towards the Council's housing land supply. There would also be economic benefits from the development as well as the proposed highway improvements to Ladywell Lane. However, the scale of these benefits would be limited as the development proposed is for a single dwelling. The benefits would not outweigh the harm that would arise from the appeal proposal.

Conclusion

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

M Chalk

INSPECTOR