



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/19/3243689

Land north of Hilltops, Chelmsford, Essex CM2 7TE

- 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 Mark Caleno against the decision of Chelmsford City Council.
 - The application Ref 19/00944/OUT, dated 10 July 2019, was refused by notice dated 4 September 2019.
 - The development proposed is described as "outline application for the construction of a detached dwelling with detached double garage".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Chelmsford City Council adopted its new Local Plan in May 2020, after the application the subject of this appeal was determined. 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.
3. The application was made in outline with all matters except access reserved. I have treated all other matters shown on the submitted plans as indicative and determined the appeal accordingly.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt, and the effect on the openness of the Green Belt, having regard to the revised Framework and any relevant development plan policies,
 - Whether the appeal site is located in a sustainable location, having regard to local and national planning policies,
 - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

5. The National Planning Policy Framework (the Framework) states that the construction of new buildings is inappropriate in the Green Belt. Exceptions can

include limited infilling in villages. Policy DM9 of the Chelmsford Local Plan 2020 (the LP) states that infilling must be of a small gap in an otherwise built-up frontage.

6. The appeal site is an undeveloped plot of land with a frontage of significant width onto Southend Road. The site frontage forms a substantial visual break between the properties to the south and those to the west. The properties to the south, while detached, form a continuous built-up frontage with relatively uniform spacing between individual houses for some distance from the boundary to the appeal site. The properties to the west are less regularly spaced and do not form a clear and coherent built-up frontage. The neighbouring houses to the appeal site, Howe Farm and Hilltops, have significant spacing between their side elevations and the boundaries with the appeal site, although there are single-storey garages sited between the houses and boundaries. Given these factors, the appeal site is not a small gap in an otherwise built-up frontage.
7. Openness has both a visual and spatial element. Even allowing for scale, landscaping and layout being reserved matters the proposed house would be a prominent feature on an otherwise open and undeveloped site. The introduction of a house and the associated development, including the accumulation of domestic paraphernalia, would result in a loss of openness in the Green Belt.
8. Planning permission was granted by the Council on land adjacent to Howe Green Cottage. While that site and the appeal site are close to one another and of a similar size, the appeal site is significantly wider. In addition, the neighbouring houses at Hilltops and Howe Farm are much further from the shared boundaries with the appeal site than the neighbouring houses to the site where permission was granted. Therefore, the appeal site differs significantly from the site adjacent to Howe Green Cottage, and that permission attracts limited weight in the determination of this appeal.
9. Planning permission was granted by the Council for infill development in the Green Belt on a site adjacent to Rose Cottage in the settlement of Rettendon Common. However, no details of the size of that site and its relationship to neighbouring properties, or the policy position when permission was granted have been provided. Very limited weight can therefore be attached to this permission.
10. The appeal proposal would therefore be inappropriate development in the Green Belt and would also cause harm through loss of openness. It would therefore conflict with LP Policies S11, the aims of which include the protection of the openness and permanence of the Green Belt, DM9 and the requirements of the Framework.

Location

11. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. It encourages the siting of development in locations that limit the need to travel and which offer a genuine choice of transport modes. LP Policy S1 includes criteria seeking that development be located at well connected and sustainable locations, and that it be served by necessary infrastructure.

12. The appeal site is located within a rural settlement that has limited day-to-day services and facilities, necessitating travel to neighbouring settlements by residents. Buses stopping outside the site provide travel to Chelmsford, Southend and other settlements, but the service is infrequent and of limited convenience for residents. There are neighbouring settlements within cycling distance, but no information regarding the range of services available in the closest of these has been provided. Future occupiers are therefore most likely to travel regularly to larger and more distant settlements. For the sake of convenience these journeys are likely to involve the use of private vehicles.
13. The appeal site is therefore not in a sustainable location, and the development proposed conflicts with LP Policy S1.

Other Matters

14. The site is within the zone of influence of the Blackwater Estuary, a European protected site. A unilateral undertaking accompanies the appeal to secure appropriate mitigation for the effects of the development proposed. If I were minded to allow this appeal I would have to carry out an appropriate assessment to determine whether this would be sufficient. However, as I am dismissing the appeal for other reasons I do not need to consider this matter further.

Whether very special circumstances exist

15. The appeal proposal would result in harm to the Green Belt by reason of inappropriateness and would also cause a loss of openness. Paragraph 144 of the Framework states that substantial weight must be given to any harm to the Green Belt. In addition, the appeal site is not located in a sustainable location, which would result in moderate additional harm.
16. The appellant contends that the appeal proposal is not inappropriate development, so has not identified considerations that they believe amount to very special circumstances. However, suggested benefits have been identified as arising from the development.
17. The appeal proposal would result in the addition of one new house on a windfall site to contribute to the Council's supply of housing land. The ongoing occupation of the proposed dwelling would help to support existing facilities and businesses, and the occupiers would contribute to the local community. There would also be a temporary economic benefit arising from the construction of the house, and it would be built in accordance with Part M of the Building Regulations.
18. However, these benefits would be of limited weight given the proposed scale of development. They would not clearly outweigh the harm by inappropriateness and other harm that would result from the development proposed. Therefore, very special circumstances do not exist in this instance.

Conclusion

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

M Chalk

INSPECTOR