



Appeal Decision

Site Visit made on 8 December 2020

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd December 2020

Appeal Ref: APP/W1525/W/20/3255857

The Cottage, Boyton Cross, Roxwell, Chelmsford CM1 4LP

- 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 Miss Michelle Blacker against the decision of Chelmsford City Council.
 - The application Ref 20/00584/FUL, dated 14 April 2020, was refused by notice dated 17 June 2020.
 - The development proposed is construction of new dwelling and cart lodge.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal follows an earlier appeal decision¹ for a similar development at the site and within the same environs. Whilst the Council has since adopted its Local Plan², the decision is a material consideration of significant weight in my deliberations, as like applications should be considered in a like manner.

Main Issue

3. The main issue is whether the site would be a suitable location for housing, having regard to the development plan, with particular regard to its effect on the character and beauty of the countryside.

Reasons

4. The appeal site is situated on undeveloped land to the rear of the dwelling known as 'The Cottage', one of two dwellings situated to the eastern side of the A1060 in the village of Boyton Cross. For the purposes of planning policy, the village is within the Rural Area, which encompasses those areas of the countryside outside of the Urban Areas and Defined Settlements, but not within the Green Belt.
5. Along with their plot size and shape, the design of houses varies greatly, but their layout is coherent, as they are arranged with a frontage. The largely undeveloped space to the rear of the dwellings, particularly those to the east of the village, and the established planting of boundaries also provides a transition to the undeveloped open agricultural fields beyond. Taken together these stated features, particularly the frontage form and spacious backdrop of the dwellings to the east of the village, create a clear and distinct pattern to

¹ Appeal Ref: APP/W1525/W/19/3229481.

² Chelmsford Local Plan, Full Council Version, May 2020.

- development that makes a significantly positive contribution to the character and beauty of this part of the countryside.
6. Given that the proposal is for market housing it would not meet any of the criteria for development permitted within the Rural Area, as expressed in Policy DM8 of the Council's Local Plan.
 7. I appreciate that the materials of construction and the design of the proposed dwelling and cart lodge are drawn from traditional rural buildings of Essex and the dwelling would be smaller and closer to The Cottage than that previously dismissed at appeal. Furthermore, the site would clearly be differentiated from the open countryside beyond. Nevertheless, the backland position of the proposal some distance behind The Cottage, would not be well related to the existing frontage pattern of development. The built forms would also share very few characteristics with the smaller understated domestic outbuildings found to the rear of the existing dwellings and would substantially reduce the undeveloped qualities of the land that contribute to the transition from built development to the open countryside beyond.
 8. The proposal would be situated at the end of a long driveway, some way from the road frontage. Like the dwelling, this driveway would be a new form of development that would be visible some distance beyond the frontage and would not be akin to the established visual characteristics of Boyton Cross. I therefore share the view of the previous Inspector that this would add to the shortcomings of the appeal scheme.
 9. Existing mature planting around the site could be supplemented by further planting, but when this would not be in leaf during autumn and winter, the proposal would be visually prominent within the landscape, particularly in the views available from the adjacent Public Right of Way. The planting would therefore be unlikely to have a meaningful effect in softening the appearance of the proposed development and is, in any event, ephemeral.
 10. In light of the above, the site would not be a suitable location for housing, having regard to development plan, and would have a significantly detrimental effect on the character and beauty of the countryside. Hence, the proposal would not accord with the spatial principles, criteria for new development and design aims of Policies S1, S11 and DM8 of the Council's Local Plan. For these reasons, the proposal would also conflict with the aims of paragraph 170 of the National Planning Policy Framework (the Framework), which include recognising the intrinsic character and beauty of the countryside.

Other Matters

11. There is evidence to suggest that recreational activity is causing disturbance to the important biodiversity accommodated at the Blackwater Estuary Special Protection Area and Ramsar site and the Essex Estuaries Special Area of Conservation. Consequently, any intensification of these activities could lead to further disturbance. The appeal site is located within the Zone of Influence of these designated sites and the appellant has signed a Unilateral Undertaking with the Council to provide a financial contribution to ensure that appropriate mitigation is implemented.
12. I am conscious of the requirement to undertake an 'Appropriate Assessment' of the effects of the development on the designated sites. However, Regulation

63(1) of the Conservation of Habitats and Species Regulations 2017 indicates that the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposed development. Given that I have found harm in relation to the main issue, it is not necessary for me to consider this matter in any further detail.

13. The site is within the setting of the Grade II listed building situated to the north of the appeal site. I have therefore had regard to the statutory duty referred to in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. However, due to the proximity and physical relationship of the proposal with this designated heritage asset, its setting would be preserved and the proposal would not detract from it.

Planning Balance

14. The Framework states that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise, which includes the Framework.
15. The provision of a three-bedroom bungalow on the site would provide new residential accommodation in a location accessible to the shops, facilities and services in Roxwell and Chelmsford and would contribute to local and national housing targets. Some social and economic benefits would therefore arise from the proposal but, given the scale of the development, these benefits would be limited in scale and kind.
16. There is agreement between the main parties that the proposal would be compliant with policies of the development plan relevant to living conditions, highway safety and parking, and trees and biodiversity within the site, subject to planning conditions. Based on the evidence before me, there is no compelling evidence that would lead me to a different conclusion. Nevertheless, these matters would neither weigh in favour or against the appeal scheme.
17. The proposed development would not comply with development plan policy in respect of its location and the effect on the character and beauty of the countryside, which would amount to environmental harm. The appeal scheme would therefore not amount to sustainable development under the terms of the Framework and Policy S1 of the Council's Local Plan. Overall, I find that the adverse impacts of the proposal are matters of significant and overriding weight against the grant of planning permission.

Conclusion

18. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, I conclude that the appeal should be dismissed.

Paul Thompson

INSPECTOR