
Appeal Decision

Site visit made on 15 February 2021

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 March 2021

Appeal Ref: APP/W1525/W/20/3257509

Nineoaks, South Hanningfield Way, Runwell, Wickford, SS11 7DT

- 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 J Monk against the decision of Chelmsford City Council.
 - The application Ref 20/00681/FUL, dated 5 May 2020, was refused by notice dated 9 July 2020.
 - The development proposed is demolition of dwelling house and construction of replacement dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Following the receipt of a Preliminary Roost Assessment the Council has confirmed that they no longer wish to defend refusal reason 2 as the finding of the assessment are considered acceptable. I shall therefore deal with the appeal on this basis.

Main Issues

3. The main issues are:
 - Whether the proposed development constitutes inappropriate development in the Green Belt,
 - Its effect on the openness of the Green Belt,
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposed development constitutes inappropriate development

4. The appeal concerns a proposal for a new dwelling following the demolition of an existing dwelling and associated outbuilding. The site is located within the Green Belt.
5. The site currently comprises a detached chalet style dwelling and a large detached single storey outbuilding, located within a large plot. The site is located at the end of an unmade track which serves a number of other

dwelling which are predominantly chalets and bungalows. A Public Right of Way (PROW) runs along this track, continuing into the fields beyond.

6. Policy DM6 of the Chelmsford Local Plan 2013-2036 (adopted May 2020) (LP) seeks to control new building in the Green Belt and states that inappropriate development will not be approved except in very special circumstances. The policy lists exceptions where planning permission will be granted, including replacement buildings, subject to criteria including: the building being replaced must be of permanent and substantial construction; the new building is in the same use; the new building is not materially larger than the one it replaces and it would not be out of keeping with its context and surroundings or result in any other harm.
7. The National Planning Policy Framework (the Framework) states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. This is subject to the exceptions listed in the Framework at paragraph 145 which includes the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Policy DM6 of the LP is therefore consistent with the Framework.
8. Both main parties agree that the floor area of the existing buildings to be demolished amounts to 422sqm and the proposed new dwelling would have a floor area of 425sqm. I also acknowledge that the footprint of the proposed dwelling would be less than that of the existing buildings. It is, however, also relevant to consider the form, scale, bulk and height of the proposed dwelling.
9. The proposed replacement dwelling would include a basement level. Whilst there is a gradual change in levels across the site, the basement would be fully exposed when viewed from the rear and would also be partially visible from the side. The inclusion of a basement is reflected in height of the dwelling, which would be around 7.35m when measured from the front elevation, but a height of 9.42m when taken at the rear. The proposed new dwelling would therefore be considerably greater in height than the existing buildings on the site.
10. The proposed dwelling would appear as two storey from the front, with the upper floor partially accommodated within the roof, whilst the dwelling would have the appearance of a three-storey dwelling when viewed from the rear, compounded by the prominent rear gable and rear projection. The extent of accommodation at first floor level would be far greater than that within the existing dwelling and accordingly, the scale, bulk and mass of the proposal would significantly exceed that of the existing buildings on the site. This leads me to conclude that the dwelling would be materially larger than the buildings it would replace.
11. I acknowledge that there would be some benefit in consolidating the built form on the site within a single building as this would reduce the spread of development across the site. There would also be no material increase in floor area overall and the footprint would be less than that of the existing two buildings combined. However, these considerations do not offset my concerns with regard to the increase in height and overall massing of the proposal.
12. The proposed building would be materially larger than the buildings it replaces and would therefore be inappropriate development in the Green Belt. As defined by the Framework, substantial weight should be given to that harm.

Furthermore, the appeal proposal would not comply with Policy DM6 of the LP which seeks to control inappropriate development in the Green Belt.

Openness

13. As I have found the development to be inappropriate, it is necessary for me to also have regard to the effect of the proposal on the openness of the Green Belt.
14. Paragraph 133 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
15. As identified above, the appeal proposal would be of considerable height, bulk and mass compared to the existing buildings on the site. The proposed dwelling would be re-sited deeper into its plot, approximately 50m back from the frontage of the site. It would also be sited between 20-25 metres from the side boundaries.
16. I acknowledge that the site would generally be well screened by existing trees and hedging although filtered views of the proposed dwelling would be obtainable from the adjacent dwelling and from the PROW which runs along the adjacent track and across the fields beyond. The proposed dwelling would be apparent in the local landscape due to its overall height and massing and its location deeper into its plot away from other buildings along South Hanningfield Way. The proposal would erode the open and spacious character of the land, both visually and spatially. I assign moderate weight to this further harm to the Green Belt.

Other matters

17. I acknowledge that the proposal would provide a more sustainable home with improved living accommodation and would also provide employment opportunities during construction. Whilst benefits of the scheme, these are matters which I afford only limited weight.

Conclusion

18. Inappropriate development is by definition harmful to the Green Belt, and I have given substantial weight to this and moderate weight to the harm to openness I have identified. For the reasons given, the other considerations are not sufficient to clearly outweigh the substantial weight that must be given to any harm to the Green Belt. Therefore, the very special circumstances needed to justify the proposal do not exist. As such the proposal would conflict with the Framework.
19. I therefore conclude that the appeal should be dismissed.

J Davis

INSPECTOR