
Appeal Decision

Site visit made on 2 February 2021

by Stephen Wilkinson BA BPI DIP LA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 March 2021

Appeal Ref: APP/W1525/W/20/3259269/

Agricultural Buildings, Imphy Hall, Back Lane, Stock, Ingatestone, CM4 9RZ.

- 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 P Ward against the decision of Chelmsford City Council.
 - The application Ref 20/00935/OUT, dated 19 June 2020, was refused by notice dated 21 August 2020.
 - The development proposed is erection of 2No. dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with all matters reserved. I have treated the submitted drawings as for illustrative purposes only.
3. I have changed the description from that on the application form to the description used by the appellant on the appeal form as I think that this more accurately reflects the proposed development. Accordingly, I have determined the application on this basis.
4. As required by the Essex Coast Recreational Disturbance, Avoidance and Mitigation Strategy (RAMS) the appellant paid an appropriate fee in line with the strategy. The payment was deposited in a dedicated account held by the Council. Accordingly, on receipt of this payment, the Council withdrew its third reason for refusal. As I am dismissing this appeal the Council is required to return the money.

Main Issues

5. The main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt, including the effect the development would have on the openness of the Green Belt.
 - whether or not the site's location is suitable for the proposed development having regard to both national and local policies.
 - whether the proposal would preserve or enhance the character or appearance of designated heritage assets, and

- If the development is inappropriate, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify development.

Reasons

Whether the development is inappropriate

6. The National Planning Policy Framework (the Framework) identifies the protection of the Green Belt as a core planning principle. It says one of the fundamental aims of the Green Belt is to keep land permanently open, and openness is one of its essential characteristics. Moreover, checking the unrestricted sprawl of large built-up areas and safeguarding the countryside from encroachment are among the 5 purposes it says the Green Belt serves. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
7. The appeal site comprises a large barn located in the Green Belt. The barn is portal framed but clad in timber with an overall height to its ridge of around 5.5m. It is part of a complex of farm buildings located around areas of hard surfacing. The site lies within about 60m of Imphy Hall, a Grade II listed farm house. The site is surrounded by open fields and paddocks and affords long distance views across open fields to the north.
8. The proposed development is not included in any of the exceptions included in Paragraphs 145 and 146 of the Framework. Accordingly, it would be inappropriate development, as defined by the Framework. This is a point acknowledged by the appellant. By implication the proposals would have an adverse impact on openness. This would result in substantial harm.
9. For this reason the proposed scheme would conflict with Policy DM6 of the Chelmsford Local Plan (adopted 2020) which does not allow inappropriate development in the Green Belt and Paragraph 143 of the Framework which states that such development is, by definition, harmful to the Green Belt.

Location of the proposed development

10. Both parties accept that the appeal site is poorly located in relation to services. The 'fall back' position, involving the conversion of the barn into 2 dwellings which was granted consent through Prior Approval¹ can be distinguished from the appeal scheme.
11. The appeal site can only be accessed along an unlit track and lies well beyond the village of Stock. There are no public bus services close to the site and walking and cycling would be unfeasible. In this respect the site does not offer a choice of transport mode to allow access to services.
12. On this main issue I conclude that the proposal conflicts with Policy S2 of the Chelmsford Local Plan which aims to reduce the need for travel and supports sustainable travel modes. These policies are supported by the environmental objectives of the Framework.

¹ 20/00152/CUPAQ

Impact on the heritage asset

13. Sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 place statutory duties on decision makers, when considering whether to grant planning permission for development which affects a listed building or its setting, to have regard to these matters. The appeal site lies within the setting of a designated heritage asset, Imphy Hall, a Grade II listed building.
14. The appeal site has a lawful use as an agricultural building and is of a design consistent with that use. Its design and elevational treatment consisting of black wooden cladding is common to the complex of buildings around Imphy Hall. Although it is not a curtilage building, its location forms part of the setting of the listed farmhouse. The design of its roof pitch and external appearance identify it as a large rural building.
15. Although the Council consider that the existing building would have a harmful effect on the setting of the listed building the alternative suggested by the appeal scheme is unknown. In the absence of detail, given that all matters are reserved, the level of harm arising would be less than substantial. However, no public benefits have been identified by the scheme which would mitigate for the degree of harm.
16. I do not accept the appellant's argument that the appeal scheme, if allowed, would enable the inclusion of details at the reserved matters stage designed to address the Council's concerns on this matter. Given the sensitive relationship of the appeal site with Imphy Hall, a full assessment was required of the relationship of the proposal at the outset. The absence of a Heritage Statement is instructive in this regard.
17. To conclude on this issue, I find that the appeal proposal would materially harm the setting of the listed farmhouse. This would be contrary to Policy DM13 of the Chelmsford Local Plan which requires that less than substantial harm to designated heritage assets is weighed against public benefits. This approach is consistent with Paragraph 196 of the Framework. In the case of this appeal the addition of 2 additional dwellings is not sufficient to outweigh the harm that would result from the appeal scheme.

Very special circumstances

18. The appeal site has the benefit of a Prior Approval Consent for the change of use of the existing building into 2 dwellings. I recognise that this is a fall back position and importantly a material consideration in the determination of this appeal. The approved scheme involved the conversion of the existing building. Prior Approval has been introduced to increase housing supply to meet the Government's housing targets and differs from the requirement of planning permission when the weight of adopted policy and other considerations require to be considered.
19. The appellant has cited a decision of an Inspector colleague,² in respect of a case for residential development in the Green Belt, which was allowed on the basis that the impact of the proposal was no greater than the fall back scheme. However, this decision can be distinguished from the appeal before me as this was for a detailed scheme whereas for this appeal, all matters are reserved.

² APP/J1535/W/18/3200087

20. The appellant has drawn my attention to several other decisions of my Inspector colleagues³. It would appear that only one (3157261) of these has direct relevance to the issues raised by this appeal, in respect of the approval of conditions attached to a Class Q Prior Approval Consent. However, the decision was dismissed due to the impact of the proposed new build scheme on the character and appearance of the area when compared to that granted consent under Class Q. It is this distinction between the Class Q approval and the scheme before me which is material to my decision.
21. Underpinning the purpose of Green Belts is a need to resist urban sprawl; their essential characteristics are their permanence and openness. Whilst the appeal scheme would result in substantial harm to openness, it would be contrary to Section 13 of the Framework and Policy DM6 of the City of Chelmsford Local Plan which includes a presumption against new development in the Green Belt.
22. For the above reasons I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusions

23. For the above reasons this appeal is dismissed.

Stephen Wilkinson

INSPECTOR

³ APP/D0840/W/15/3139974, APP/C1625/W/16/3153058, APP/A1530/W/16/3157261