

Appeal Decision

Site visit made on 22 March 2021

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 06 May 2021

Appeal Reference: APP/W1525/W/20/3261570

Land at 'Tall Trees', Old Southend Road, Howe Green, Chelmsford, Essex CM2 7TB

- 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 M Rhodes against the decision of Chelmsford City Council.
 - The application (reference 19/01751/FUL, dated 19 November 2019) was refused by notice dated 5 May 2020.
 - The development proposed is described in the application form as a "proposed new garage and store".
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Decision

1. The appeal is dismissed.

Preliminary points

2. Although the address of the appeal site is given as Sandon on the application form, it is given as Howe Green on the refusal notice and the appeal form, as well as in other documentation. The latter address appears to be correct and I have adopted it for the heading to this decision, above.
3. The building to which this appeal relates has already been constructed. The application was one to which Section 73A of the Town and Country Planning Act 1990 applies, therefore (being an application for development that has already been carried out).

Main issue

4. The main issue to be determined in this appeal is the effect of the proposed development on the character and appearance of the surroundings.

Reasons

5. The appeal site is located in a rural area where scattered development has grown up in a predominantly agricultural landscape. Old Southend Road branches off from Southend Road, at an angle, and the appeal site is located at the junction of the two. A much more modern road, the dual carriageway A130, runs to the west of Southend Road, however, leaving Old Southend Road as a country lane. There is a short ribbon of houses along the western frontage of Southend Road, opposite the appeal site, but open fields lie to the

- east and south of the appeal site, with only a small number of other buildings in the vicinity, including farm buildings nearby in Old Southend Road.
6. The appeal site itself has roughly the shape of a truncated triangle, with its apex at the road junction. It is mainly laid to grass but it is enclosed by mature hedges and trees on the east and west frontages (and around the northern part of the site, close to the junction). A newer fence and hedge mark the boundary with the field to the south.
 7. A stand of mixed conifers and other trees in the south-west corner of the site shelters a small timber-clad cottage. The building is single storey, with a shallow pitched "felt" roof, and is relatively inconspicuous, although it is visible from the adjoining roads. This building benefits from a certificate of lawful use or development (dated 25 April 2013) that has established its lawful status as a dwellinghouse.
 8. A larger building has been constructed in the south-east part of the site, close to the access from Old Southend Road and adjacent to the associated driveway and turning area. The building is in the form of a simple barrel-vaulted structure, on arched steel frames, clad in metal sheeting. At the time of my site visit, it was not fully occupied but it was evidently being used as a garage and store, containing materials that included tools and equipment.
 9. This building was erected without planning permission and the planning application was made retrospectively, when the building was still under construction. Planning permission is now sought, in effect, for its retention.
 10. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the statutory Development Plan unless material considerations indicate otherwise. Development Plan policies are therefore especially important.
 11. The Council's 'Core Strategy Development Plan and Development Control Policies DPD' (dated February 2009) was superseded in May 2020 by the new 'Chelmsford Local Plan 2013-2036' which is now the key policy document for this appeal. Certain Policies in the new Local Plan are aimed at protecting the visual qualities of the area and it is against those Policies that I must assess the proposed scheme though, of course, it must be considered on its own merits.
 12. Strategic Policy S11 in the new Local Plan is concerned with "the role of the countryside". In relation to this appeal, it is intended to protect "the intrinsic character and beauty of the Rural Area outside of the Green Belt". Policy DM8 goes on to regulate "new buildings and structures in the rural area" more specifically, while recognising at Policy DM8(D) that residential outbuildings can have a place in the countryside. Moreover, Policy DM23 seeks to encourage "high quality and inclusive design" in all developments.
 13. Similarly, Section 15 of the 'National Planning Policy Framework', is aimed at "conserving and enhancing the natural environment" in broad terms and it includes a recognition of "the intrinsic character and beauty of the countryside". In addition, Section 12 emphasises the aim of "achieving well designed places" in the broadest sense, while making effective use of land and encouraging economic activity. It is aimed at achieving good design standards

generally but, at the same time, it is acknowledged that modern design can have a role to play, for example at paragraph 126, which states that planning policies “should allow a suitable degree of variety where this would be justified”.

14. The new building is a simple structure with a striking contemporary appearance and, although it is screened from the roads either side to an extent, it creates a notable visual feature in the countryside. Its neat form and clear architectural statement do not replicate traditional buildings but, nevertheless, such a modern idiom would not be out of place in principle, in my view.
15. On the other hand, the new building is very bulky in its context. It is larger than ‘Tall Trees’, the residential property on the appeal site, and is excessive in scale for its stated purpose, as a “garden store and garage” ancillary to the residential use of the property. It has a harmful impact on the character and appearance of the rural landscape and it erodes the open nature of the grassy plot in which it is sited.
16. In short, the new building does not meet the criteria that are set out in Policy DM8(D) of the ‘Chelmsford Local Plan 2013-2036’, since it is disproportionate in size and scale and is not ancillary in appearance to the host dwelling. Thus, it would have an adverse impact on the character and beauty of the countryside, contrary to Policy S11 of the Local Plan.
17. I accept that the proposed extension would be a useful addition to the accommodation at ‘Tall Trees’ but, nevertheless, I am convinced that the harm that would be done to the character and appearance of the rural surroundings outweighs the benefits of the project. Hence, I have concluded that the scheme before me would conflict with the Development Plan and with the ‘National Planning Policy Framework’ and that the appeal must fail. Although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.

Roger C Shrimplin

INSPECTOR