



Appeal Decision

Site Visit made on 26 July 2021

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th August 2021

Appeal Ref: APP/W1525/W/21/3273428

Mead Cottage, Butts Green Road, Sandon, Chelmsford, CM2 7RN

- 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 Mark Gallagher against the decision of Chelmsford City Council.
 - The application Ref 20/02000/FUL, dated 7 December 2020, was refused by notice dated 23 March 2021.
 - The development proposed is described as "demolition of storage barn and stables and construction of new single storey dwelling with storage on mezzanine floor – also conversion of existing haybarn to form new stables/tack room/garage and hay store all within existing building including externals and demolition of existing garage and utilising existing access. Construction of new garage to Mead Cottage. Change of use from storage areas and stable to dwelling and associated externals including repositioning of stables."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government released a revised National Planning Policy Framework in July 2021. The main parties were invited to comment on the revised document as part of their submissions on this appeal.

Main Issues

3. The main issues are:
 - Whether the appeal site is in a suitable location, having regard to local policies concerning rural housing and the effect on the character and appearance of the area; and,
 - Whether the development would provide safe access to the highway.

Reasons

Location

4. The proposed dwelling would be sited in a backland location distant from the road. Houses in the immediate area are typically close to the road, and the proposed dwelling would be an incongruous feature out of keeping with the surrounding pattern of development.
5. The design and appearance of the proposed dwelling has been patterned after typical Essex barns, and the dwelling would occupy a similar footprint to the

- buildings that it would replace. Nevertheless, it would be significantly larger than the existing barn and stables building with a curtilage greater in area than the fenced area around the existing building, and would therefore be a more intrusive feature in this location, harmful to its open and rural character.
6. The National Planning Policy Framework (the Framework) recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, it also supports the focusing of significant development on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. In addition, the site is distant from services, including public transport. Occupiers of the proposed dwelling would be reliant on private transport for access to day-to-day services facilities such as shops.
 7. My attention has been drawn to a variety of other permissions for new residential development in the wider area. However, I have very little information about these permissions, including their effects on the character and appearance of the areas in which they are located, and each seems to predate the adoption of the current development plan. These therefore attract little weight in the determination of this appeal.
 8. The proposed development would therefore be harmful to the character and appearance of the area and in a location not suitable for new housing. It would conflict with the requirements of Policies S11 and DM8 of the Chelmsford Local Plan (the LP) which require, amongst other things, that the redevelopment of previously developed land not result in harm to the identified intrinsic character, appearance and beauty of the area and that the location of the site is appropriate to the type of development proposed.

Highway access

9. The site access is close to a bend in the road that restricts visibility of and from the access for vehicles leaving the site. The creation of an additional dwelling at the site would be likely to result in more frequent use of the access, and an increased likelihood of accidents as a result.
10. The appellant intends that the new dwelling would be used for family members and does not anticipate an increase in traffic movements. However, given the degree of separation between the existing and proposed houses and lack of obvious links between the two it is likely that in the longer term the dwellings would be occupied independently and therefore increased vehicle movements would result.
11. The appellant has suggested that the creation of a separate access for Mead Cottage could address safety concerns. However, no details of such an access have been submitted so this possibility attracts very little weight in determining this appeal.
12. My attention has been drawn to commercial sites in the nearby area with accesses onto similar stretches of road. The livery stables and garden centre have wider accesses and appear to have good sight lines in both directions, while Jovic Independent Hire has a wider access onto a straight section of road. While all three sites are likely to experience greater traffic levels than the appeal proposal would generate, for these reasons the permissions at these sites carry limited weight in the determination of this appeal.

13. The proposed development would therefore fail to provide safe access to the highway. It would consequently conflict with the requirements of the National Planning Policy Framework that development not have an unacceptable impact on highway safety.

Planning Balance

14. The development would result in the creation of a new dwelling, supporting the Government's objective of significantly boosting the supply of homes. There is no indication that the Council cannot demonstrate at least a five year supply of deliverable housing land, but this is a minimum and does not diminish the value of new housing. The development would result in short-term economic benefits from the construction of the new house, and ongoing benefits from its occupation as well as support for local services. The new dwelling would be built to sustainability standards matching or exceeding that required by the building regulations, and the development would incorporate landscaping to suit the area and habitat.
15. These considerations weigh in favour of the proposed development but given that it is for one new dwelling they only attract limited weight. Set against this is the harm to the character and appearance of the area and from the siting of housing in this rural location, as well as the harm to highway safety. Taken together the harm arising from the development would therefore outweigh any benefits arising from it.
16. There are therefore no material considerations to indicate that this appeal should be determined otherwise than in accordance with the development plan.

Other Matters

17. New residential development can result in disturbance to European designated sites. Had I been minded to allow the appeal it would have been necessary to carry out an appropriate assessment to determine whether the proposed development would result in a significant impact in this regard. However, as the appeal is being dismissed on other grounds, it is not necessary to consider the matter further.

Conclusion

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

M Chalk

INSPECTOR