



Appeal Decision

Site Visit made on 1 September 2021

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2021

Appeal Ref: APP/W1525/W/21/3269560

The Ridings North Hill, Little Baddow, Chelmsford CM3 4TG

- 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 and Mrs Castro against the decision of Chelmsford City Council.
 - The application Ref 20/01814/FUL, dated 6 November 2020, was refused by notice dated 1 February 2021.
 - The development proposed is infill dwelling with garage and new access.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. During the consideration of this appeal the revised National Planning Policy Framework July 2021 (the Framework) has been published. Both main parties have had the opportunity to submit comments on the relevance of the Framework to this case.

Main Issue

3. The main issue is whether the location is a suitable site for housing including with regard to the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is outside the defined settlement and therefore in the rural area for the purposes of the development plan. Together, of relevance to this appeal, Policies S11, DM8 and DM9 of the Chelmsford Local Plan (May 2020) (the Local Plan) require that development in the rural area should not adversely impact on its existing identified character and beauty and require that new infill development in the rural area will be permitted provided that the site is a small gap in an otherwise built-up frontage.
5. This part of North Hill is characterised by sporadic residential development of generally large, detached houses set in generous grounds. In this area dwellings are interspersed by open land in the form of both open fields and gardens. These breaks in development provide views to the open countryside land beyond and therefore make a positive contribution to the intrinsic character and beauty of this countryside location and the development pattern in this area. Although the appeal site is part of a continuous line of domestic curtilages, taking into account these open gaps, I am not persuaded that this is

equivalent to, nor that the site is part of an otherwise built up frontage. I have not considered the opposite side of the road for the purposes of assessing whether the appeal site is within a built up frontage, nevertheless it is part of the immediate setting of the site and I have considered it as such.

6. The appeal site is a domestic residential garden which forms one of these gaps. Although it may be possible for structures to be constructed in the garden under permitted development, restrictions of such development would ensure that any outbuildings would remain subservient to the open garden land. Notwithstanding this, I am not presented with evidence that satisfies me that there is a real prospect of such development taking place.
7. The proposed development would introduce a dwelling onto open garden land, along with an access, parking and likely associated domestic paraphernalia. This urban form of development would unacceptably erode the important breaks between buildings. It would therefore be harmful to the existing, identified character and beauty of this rural area. Whilst there is no dispute regarding the detailed appearance of the dwelling it would nevertheless be harmful for the reasons set out above.
8. Furthermore, as identified above, the development does not constitute a gap in an otherwise built up frontage. Therefore, notwithstanding whether the gap is 'small' the proposed development would not represent appropriate infilling in the rural area.
9. Therefore, the location would not be a suitable site for housing including with regard to the harmful effect of the proposed development on the character and appearance of the area. As such it would be contrary to Policies S11, DM8 and DM9 of the Local Plan, the aims of which are set out above. Along with the guidance in the Little Baddow Village Design Statement Supplementary Planning Document which states that infill development should respect the important open spaces between properties.

Other Matters

10. I have been presented with decisions where infilling has been dismissed at appeal¹. These cases have a different context to the appeal site and both include a site specific assessment as to whether the site constitutes a small gap in an otherwise built up frontage. I have followed that approach in this case based on these specific circumstances and the evidence before me.
11. The proposed development would provide the social and economic benefits associated with the provision of one new home, including boosting the supply of housing. However, given the size of the proposed development, the scale of these benefits is limited. Furthermore, I have found public and permanent harm to the character and appearance of the area and that the site would be the unsuitable for housing. Therefore, the limited benefits would not outweigh the notable environmental harms identified above. As such the proposed development does not represent sustainable development
12. New residential development at this site has the potential to cause disturbance to the Blackwater Estuary SPA and Ramsar Site (SPA) and the Essex Estuaries SAC (SAC). The Council has a strategy that seeks to mitigate the impacts on the SPA and SAC arising from recreational pressure, which increases with new

¹ APP/W1525/W/20/3253254, APP/W1525/A/14/2215196

housing. I understand that a financial contribution towards the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy has been paid. However, there is no need to consider this further because the scheme is unacceptable for other reasons.

Conclusion

13. The proposal would not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

H Miles

INSPECTOR