



Appeal Decision

Site Visit made on 25 October 2021

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th November 2021

Appeal Ref: APP/W1525/W/21/3275992

Buildings north west of Bartletts Farm, East Hanningfield Road, Rettendon, Chelmsford, CM3 8EW

- 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 G Hall against the decision of Chelmsford City Council.
 - The application Ref 20/01194/FUL, dated 27 July 2020, was refused by notice dated 27 November 2020.
 - The development proposed is proposed extensions to link existing buildings and convert to form new bungalow.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's third reason for refusal related to the impact on the Blackwater Estuary Special Protection Area and RAMSAR site and the Crouch and Roach Estuaries Special Protection Area and RAMSAR site. The appellant has provided a contribution under the Essex Recreational Disturbance Avoidance and Mitigation Strategy to provide mitigation for any significant impact that would arise from the proposed development. The Council considers this to be acceptable and is therefore no longer pursuing this point. I see no reason to disagree with the Council's conclusion.

Main Issues

3. The main issues are therefore:
 - Whether the appeal site accords with relevant local policies regarding the location of new residential development; and,
 - Whether the building is of permanent and substantial construction suitable for conversion.

Reasons

Location

4. Policy S1 of the Chelmsford Local Plan 2020 (the LP) directs development to well connected and sustainable locations, amongst other criteria.
5. The appeal site is in the countryside, and is distant from services and facilities to meet the day-to-day needs of future occupiers. While there are bus stops on East Hanningfield Road near the site, there is presently only a limited service

and this only runs on weekdays. Future occupiers of the proposed dwelling would therefore principally be dependent on private vehicles for travel to shops, employment, recreation or other pursuits.

6. While Policy DM10 of the LP allows for the change of use of buildings in the Rural Area, this does not conflict with the intent of Policy S1. Rather, the policies should be read together, with buildings being suitable for conversion where they are sited in well connected and sustainable locations.
7. The appellant notes that conversions carried out under the prior approval procedure are not assessed on their location. Nevertheless, this appeal seeks planning permission and therefore must be assessed against the relevant policies of the development plan, which does include an assessment of location.
8. The proposed development therefore fails to accord with relevant local policies regarding the location of new residential development.

Building condition

9. Policy DM10 of the LP allows for the change of use of buildings in the Rural Area subject to specific criteria. One of those criteria requires that the building is of permanent and substantial construction, and works to convert the building would not result in substantial reconstruction.
10. The Structural Report prepared by David Smith Associates concludes that the buildings are structurally strong enough to be converted. The Council has not submitted professional evidence to dispute this, and I saw no evidence during my site visit that the conclusions of the Structural Report are incorrect.
11. The proposed works involve extensions and alterations to the buildings, including significant internal alterations, although internal alterations do not require planning permission. The roofs to two of the buildings have been replaced prior to the submission of this appeal. From the evidence submitted, the frames of the buildings were not altered during the works and the replacements were on a like-for-like basis. These works would not therefore amount to substantial reconstruction.
12. The conversion would involve extensions and alterations to the buildings, connecting them to form a single building. Other than works to the roofs addressed above, the Structural Report indicates that small areas of timber stud have experienced water ingress because of damaged cladding. However, repair or replacement of these small areas and any damaged cladding would amount to modest works considering the scale of the buildings. The proposed works would not amount to substantial reconstruction of the building.
13. The proposed development would therefore accord with the relevant criterion of Policy DM10 of the LP set out above.

Planning Balance

14. The appellant suggests that the Council's policies relating to the location of residential development are not consistent with the National Planning Policy Framework (the Framework), specifically paragraph 80 c). This states that the development of isolated homes in the countryside should be avoided unless the development would re-use redundant or disused buildings and enhance its immediate setting. The appellant has drawn to my attention the judgment in

the *City & Country Bramshill Limited* [2021] EWCA Civ 320 case which states that isolated should be taken to mean isolated from a settlement, rather than any other dwellings.

15. My attention has also been drawn to two decisions in East Suffolk in which the Inspector found conflict between local policies relating to the location of residential development and the Framework. As those appeals relate to a different authority, and I have not been provided with details of the policies or the specific details of the cases, they only carry very limited weight in my determination of this appeal.
16. I do not find that Policies S1 and DM10 are inconsistent with the Framework in seeking to focus residential development in well connected and sustainable locations. The LP was adopted in 2020 and therefore would have been tested against the 2019 revision of the Framework which contained identical wording to paragraph 80. The Framework also promotes sustainable transport, including limiting the need to travel and offering a genuine choice of transport modes. The Framework is a material consideration in the determination of this appeal, but there is conflict with the policies of the development plan and these are not inconsistent with the Framework, taken as a whole.
17. The development would create one new dwelling by the re-use of redundant or disused buildings. This would support the government's objective of significantly boosting the supply of homes, and while the Council does not have a shortfall in its supply of housing land this does not diminish the value of new housing. The appellant suggests that the development would enhance its immediate setting by providing a defined residential curtilage and a boundary treatment appropriate to its rural setting. The Council recognises that the appeal proposal would deliver some economic benefits, but these would be modest given the relatively small scale of the development.
18. While these benefits weigh in favour of the development, they do not outweigh the harm that would arise from the location of the appeal site distant from day-to-day services and facilities, which would conflict with the plan-led approach to housing development. There are therefore no material considerations to indicate that this appeal should be determined other than in accordance with the development plan.

Conclusion

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

M Chalk

INSPECTOR