
Appeal Decision

Site visit made on 9 August 2022

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2022

Appeal Ref: APP/W1525/W/21/3283489

Larmar Engineering Co Ltd, Main Road, Margaretting, Ingatestone CM4 9JD

- 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 J Barnes (Sunbury (Country Homes) LLP c/o Agent - Strutt & Parker) against the decision of Chelmsford City Council.
 - The application Ref 20/02111/FUL, dated 18 December 2020, was refused by notice dated 13 September 2021.
 - The development proposed is the demolition of existing Larmar Engineering factory, associated buildings and residential bungalow, and redevelopment to provide 7 new residential dwellings with associated parking and amenity space.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. On 3 December 2021, planning permission¹ was granted on the appeal site for the demolition of the existing engineering factory and associated outbuildings and the construction of 5 new dwellings with associated parking and amenity space. For plots 1-5, the layout of the consented scheme is the same as the proposal before me. However, it does not include plots 6-7 or the demolition of the bungalow to the rear of the appeal site. During my site visit I saw that the consented scheme was under construction and the original factory building had been demolished.

Main Issues

3. The main issues in the appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the 'Framework') and relevant development plan policies; and
 - Would the harm by reason of inappropriateness and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether it is inappropriate development

4. The appeal site, which was occupied by a large factory building that has since been demolished and a chalet style bungalow with a large open garden to the

¹ 21/01831/FUL (the consented scheme)

rear of the site, is located in the Green Belt. The surrounding area is semi-rural with a number of residential dwellings set amongst open fields and a verdant landscape.

5. Paragraph 149 of the Framework indicates that the construction of new buildings in the Green Belt are inappropriate subject to a number of exceptions. These exceptions include limited infillings or the partial or complete redevelopment of previously development land, whether redundant or in continued use. As the appeal site was occupied by a redundant factory building and residential dwelling, it could be considered previously developed land, which is agreed by the Council.
6. This exception also requires that new buildings do not have a greater impact on the openness of the Green Belt than the existing development or do not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority. There is no evidence to suggest that the proposal includes affordable housing and therefore the second section of this exception is not relevant to this appeal.
7. Policy DM6 of the Chelmsford Local Plan (the CLP) 2020 also indicates that development within the Green Belt will not be permitted subject to a number of exceptions, including the redevelopment of previously developed land where the proposed development would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing use and/or development. This is broadly consistent with the Framework's approach.
8. Plots 1-5, which have planning approval and are under construction, are largely located within the footprint of the factory building which has now been demolished as part of the approval for those houses. The new housing of plots 1-5 represented significantly less built form than the factory, with a lower overall massing and would not have a greater impact on the openness of the Green Belt. In considering this application, because the factory unit has been demolished, any impact comparison in Green Belt terms is with the bungalow, which remains to be demolished.
9. The proposed dwellings for plots 6 and 7 would not extend further back into the site than the existing bungalow and would include the removal of the existing detached garage, which sits further back into the site. However, the two new dwellings would cover a greater width of the site and would be significantly greater in height than the current bungalow. Therefore, because of the increase in built form to the rear of the site, the proposed development of the additional plots 6 and 7 would have a significant spatial impact on the openness of the Green Belt.
10. Views to the rear of the site, where plots 6 and 7 are proposed, would be largely obscured by the development of plots 1-5 and surrounding trees and hedges. However, there would still be some views of the proposed dwellings from the public realm via the access road, thereby eroding the current visual openness of the rear of the site.
11. Although the existing rear garden would be divided into two, to serve the two new dwellings, it would remain as a domestic garden environment and any increases in any garden paraphernalia would be minimal. However, due to the increase in built form to the rear of the appeal site, the proposed development

would result in a significant reduction in both the spatial and visual openness of the Green Belt. It would therefore not fall under the exception outlined in paragraph 149 of the Framework and Policy DM6 of the CLP.

12. No other exceptions have been brought to my attention and I do not consider that any are relevant to the appeal before me. Consequently, as the development would not fall under any of the exceptions within paragraph 149 of the Framework or Policy DM6 of the CLP it would be inappropriate development within the Green Belt. The inappropriate development would be harmful to the Green Belt which, in accordance with paragraph 148 of the Framework, should be given substantial weight.

Other Considerations including Very Special Circumstances

13. The proposed development for seven dwellings would provide two more dwellings than what is currently being constructed under the consented scheme. These would be located within a sustainable location and would boost the housing supply within the area, which is supported by the Framework. I give limited weight to the benefits of additional housing, as providing only two additional dwellings above the consented scheme would be of minimal benefit in relation to the over housing supply need.
14. The appellant has highlighted that the existing dwelling on the appeal site could be enlarged via permitted development rights including extensions to the dwelling and its roof, and outbuildings within the curtilage. However, whilst this may be possible, no evidence has been provided to demonstrate that the appellant intends to carry out these works should the appeal fail and what the overall impact on the Green Belt would be compared to the appeal proposal. Nevertheless, as any extension to the existing dwelling or outbuilding within the garden would be likely to have some impact on the openness of the Green Belt, this is given moderate weight.
15. The appellant has brought two appeal decisions² to my attention which relate to previously developed land within the Green Belt and which were granted planning approval for new dwellings to replace existing buildings. However, whilst for similar developments, the circumstances surrounding these examples are unknown, including the scale and layout of the development, the impact of the previous buildings on the Green Belt or the nature of the surrounding area. Therefore, it is not possible to draw comparisons between these developments and the appeal proposal before me. The observations made by the Inspector in the August 2021 appeal decision in relation to various High court judgements do not alter my consideration of the appeal or the conclusions which I have made.
16. The appellant has also highlighted two additional appeal decisions within their final comments³. However, limited details have been provided regarding these and therefore I cannot make any definitive judgement as to whether they are similar to the appeal proposal or whether they could be afforded any significant weight in favour of the proposed development. Consequently, the four appeal decisions are given limited weight.

² APP/R0660/W/21/3274166 (August 2021 appeal decision) and APP/D0650/W/20/3258060 (February 2021 appeal decision)

³ APP/L3625/W/17/3189035 and APP/B1930/W/15/3028110

17. The proposed development includes a wildlife/ecological corridor on the rear boundary of the site, which is approximately 3 metres in depth. The appellant claims that this would provide an increase in biodiversity across the appeal site, although limited evidence has been provided to demonstrate this increase. Nevertheless, as this would be a positive benefit of the proposed development and would reduce the size of the domestic curtilage on the appeal site, this is given moderate weight.
18. It is also noted that the proposed development would remove the existing commercial buildings, which are considered bulky and unsightly by the appellant. However, these commercial buildings have already been removed under the consented scheme and therefore would not weigh in favour of this development proposal.
19. The appellant has highlighted that the Parish Council withdrew their objection as amendments were made to the scheme during the application process. They also state that no objections were received during the original application. However, this is a neutral factor in my consideration of the appeal which also does not weigh in favour of the proposed development.
20. I find that the other considerations in this case do not clearly outweigh the harm to the Green Belt, in terms of a loss to openness and inappropriateness that I have identified. Consequently, the very special circumstances necessary to justify the development in the Green Belt do not exist. Therefore, the proposal conflicts with Policies S11 and DM6 of the CLP which seek to protect the Green Belt, along with the Green Belt objectives of the Framework.

Conclusion

21. Therefore, for the reasons given above and having had regard to all other matters raised, the development would conflict with the development plan taken as a whole and I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR