



Appeal Decision

Site visit made on 14 September 2022

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2022

Appeal Ref: APP/W1525/W/21/3281319

Land Adjacent Daylands Farm, Stock Road, West Hanningfield, Chelmsford CM4 9QZ

- 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 Brockwitz against the decision of Chelmsford City Council.
 - The application Ref 21/00888/FUL, dated 29 April 2021, was refused by notice dated 9 August 2021.
 - The development proposed is described on the application form as the 'erection of a detached self-build bungalow on land adjacent to Daylands Farm'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - if the development is inappropriate development, the effect of the proposed development on the openness of the Green Belt; and
 - whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposed development.

Reasons

Whether Inappropriate Development

3. The appeal site comprises a parcel of open land to the north of Stock Road. The site is bounded along its southern boundary by mature trees and landscaping. The site is located within the Green Belt.
4. The proposed development consists of the erection of a detached, single-storey dwelling laid out in an 'H' plan. An area of hardstanding is proposed to the front of the property which would accommodate parking and turning areas. A timber framed car port is also proposed to the front of the property.

5. National Green Belt policy in the Framework sets out that the construction of new buildings in the Green Belt should be regarded as inappropriate development. There are, however, certain exceptions. One of those, at paragraph 149, is 'limited infilling in villages'. Policies DM6 and DM9 of the Chelmsford Local Plan (LP, adopted 2020) broadly conform to the general thrust of national Green Belt policy, setting out that inappropriate development in the Green Belt will normally be refused whilst supporting limited infill development within villages. The appellant contends that the site lies within a village.
6. I note that the Framework does not define what constitutes a village. This is a matter of judgement in which I shall have regard to the potential indicators put forward by the appellant, together with observations during my site visit.
7. I note that there are a reasonable number of residential properties located to the north of the site. These are largely positioned adjacent to Stock Road, with further properties along Foxborough Close. Foxborough Close has a distinctly rural character to it, formed of a rough-surfaced lane which lacks footways and lighting. It is bounded by mature hedgerows and trees. Stock Road, too, has a rural character to it. Grass verges and hedgerows, together with the dispersed nature of residential properties, contribute to this. Whilst footways exist, these are narrow and, in part, disconnected.
8. Although a public house exists on Stock Road, this is set back from the road in a large plot and away from residential properties. I am not convinced that either this, the petrol filling station and its associated shop or the existence of a bus stop, contribute to a village setting here. I note that the supporting text to LP policy DM9 sets out that a village will usually include some form of community facility but that whether or not a site is located within a village will be assessed on a site-by-site basis.
9. The fact that there is some built form within the surrounding area and along Stock Road, and that it is distinguishable from the open fields that lie opposite or adjacent to the site, is not reason to conclude that the site does in fact fall within a village. Rather, it appears as a dispersed grouping of houses within a rural setting, together with a public house and outlying fuel station. This grouping is of limited coherence and in my view forms the rural fringe of West Hanningfield 'proper', which lies some way to the east of the site, rather than an identifiable collective. For these reasons, I conclude that the appeal site is not in a village for the purposes of the Framework and the development plan.
10. As I have found that the site is not within a village for the purposes of paragraph 149 (e) of the Framework, it is not necessary for me to consider whether the proposed development would represent infilling, nor whether any infilling would be limited.
11. Consequently, the proposed development would not fall into any of the exceptions listed in paragraph 149 of the Framework. I therefore conclude that it would be inappropriate development in the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to this harm. The proposed development would be contrary to the relevant provisions of LP Policies DM6 and DM9, which in summary seek to protect the Green Belt from inappropriate development.

Openness

12. The Framework indicates that openness is an essential characteristic of the Green Belt and a fundamental aim of Green Belt policy is to keep land permanently open. The openness of the Green Belt has a spatial aspect as well as a visual aspect. 'Open' can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible from the public realm.
13. Whilst I accept that the dwelling proposed has been designed with sensitivity to prevailing built forms, it would nonetheless result in built form where there is presently none. The footprint of the dwelling, its bulk and the accompanying domestic paraphernalia, including parked cars and amenity areas, would all inevitably lead to a loss of openness, both physically and visually. The fact that there is built form within the surrounding area does not change this effect on openness.
14. The appellant contends that the proposed development is screened from the highway and that this, together with the low ridge height of the proposed dwelling would mean the development would not impact unacceptably on the function and purpose of the Green Belt. However, the adjacent road is well used, as witnessed during my site visit. Views can, and would, be obtained of the site from here, particularly from the site entrance.
15. Accordingly, the proposed development would harm the openness of the Green Belt. The adverse effects would be moderate.

Other considerations

16. I have carefully considered the comments made in respect of the efficient use of the land, the sustainable location of the site, its enclosed and screened nature, the proposed use of sustainable materials and an appropriate colour palette, the definitions of infill development and building, the size of the appeal plot and those nearby and the enhancement of an undeveloped site. I also note the comments in respect of the potential use of suitable conditions. Matters relating to the scheme's compliance with other LP policy objectives are not in dispute between the main parties. None of the considerations above, or their benefits, either individually or cumulatively, would sufficiently outweigh the harm identified. I therefore give these considerations limited weight.
17. From the evidence before me, the Council was unable to sufficiently meet demand for applicants on its right to build register for the period 2018-2019. The Council sets out that it is one permission short of meeting demand for that period, the deadline for which is October 2022. There is no dispute that the Council can demonstrate a five-year supply of deliverable housing land. Therefore, the policies most relevant for determining the application are not out-of-date and as such paragraph 11d) of the Framework is not engaged.
18. I acknowledge that the appeal proposal would contribute towards meeting the demand for self-build homes in the area, mindful of the Government's ambition to increase the supply of custom and self-build housing. I therefore give this consideration moderate weight.
19. My attention has been drawn to previous planning permissions within the area, with specific reference to 19/01816/FUL, 20/01514/FUL and 20/02127/FUL. Whilst these are acknowledged, the characteristics of each site and location are

different. Whilst I do not have the full details of those cases before me, it is evident that the circumstances that applied to these other cases, and the planning balance there, are not directly comparable to those before me. I note that 19/01816/FUL and 20/01514/FUL were subject to different exceptions under the Framework and 20/02127/FUL is located some distance away from the site. I therefore give these other developments only limited weight.

Green Belt Balance

20. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition, there are adverse impacts on openness here. Substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
21. For the reasons already given, the cumulative weight attached to the other considerations does not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. The proposed development would not therefore accord with the Green Belt protection aims of LP Policies DM6 and DM9, and the Framework. The proposed development conflicts with the development plan taken as a whole.

Conclusion

22. Therefore, I conclude that the appeal should be dismissed.

A Price

INSPECTOR