



Appeal Decision

Site visit made on 6 December 2022

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2023

Appeal Ref: APP/W1525/W/21/3288585

The Old Stables, Holybread Lane, Little Baddow, CM3 4BP

- 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 M Bowkett against the decision of Chelmsford City Council.
 - The application Ref 21/01727/FUL, dated 19 August 2021, was refused by notice dated 20 October 2021.
 - The development proposed is change of use of land, including boundary treatment and erection of garage building.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of land, including boundary treatment and erection of garage building at The Old Stables, Holybread Lane, Little Baddow, CM3 3BP in accordance with the terms of the application, Ref 21/01727/FUL, dated 19 August 2021, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 9174.009; 1974.005 rev B; 9174.008
 - 3) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development;
 - means of enclosure and retaining structures;
 - boundary treatments;
 - hard surfacing materials;

The hard landscaping works shall be carried out in accordance with the approved details before the proposed garage is first brought into use. The completed scheme shall be maintained in accordance the approved details.

- 4) All planting, seeding or turfing comprised in the approved details of soft landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form the description has been changed to the one that the Council used to deal with the proposal. I have nothing before me to indicate that this has been agreed and therefore I have used the description as originally applied for. The change of use of the land has already taken place, however the Council's reference to the proposal being retrospective is superfluous and I have left it out of my decision.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal site is enclosed on two sides by roads, alongside Holybread Lane is a well-established hedgerow and other vegetation. The existing access to the site is off Rysley, which is an established residential cul-de-sac, comprising a range of detached two storey dwellings, some of which overlook the appeal site. Inward views are confined to a short section of Rylands, adjacent to the site itself.
5. This combination of the road, hedge and buildings, and the limited visibility, creates a strong sense of containment, which gives a clear physical and visual contrast with the farmland beyond.
6. The site historically comprised a stable and paddock and in 2006 an appeal was dismissed¹ for the conversion of the stable to one residential dwelling and the Council refer to the Inspectors findings in relation to character and appearance. The Inspector stated that the proposed development would result in the introduction of an unwelcome domestic form into that part of the Countryside near Little Baddow, and would significantly diminish the existing character and appearance of the area.
7. However, since 2006 the site has been subject to an extensive number of planning applications as set out within the officer's report. In 2019, planning permission was granted for the demolition of the former stable block and construction of new residential dwelling (18/01576/FUL). The Council recognised in approving the dwelling that a previous application to convert the building was approved on the basis that it would not adversely affect the intrinsic character and beauty of the countryside.

¹ APP/W1525/A/06/2017030

8. The subsequent development of the site has resulted in a change to its character and appearance and a level of domestication, which has resulted in a change in the circumstances which were evident in 2006, and therefore I have given the findings of the previous Inspector limited weight.
9. The proposed siting of the garage, having regard to the overall size of the site and in particular its position opposite the existing cul de sac of dwellings, would not reduce to a detrimental extent the openness experienced in the locality. Nor would the development have an adverse effect on the rural character of the wider area, taking into account its setting adjacent to existing residential uses.
10. The proposed garage would exceed the height of the existing dwelling and would be sited on higher land and would therefore not be subservient in terms of its overall scale to the host dwelling. However, the proposed building as a whole would be proportionate in size to the scale of the dwelling, providing parking for two vehicles and a workshop, to be used for domestic storage. Furthermore, the proposed building would be sited opposite the existing two storey dwellings and in terms of the overall effect on the character and appearance of the area would not be dominant or unduly obtrusive.
11. I accept that, over time, the use of the site as garden land might involve some degree of domestication, possibly including items of furniture or play equipment. However, the site is small in relation to the existing residential enclave, and in the particular circumstances of this site therefore, it seems to me that the development would not represent a significant or noticeable encroachment upon the countryside.
12. I therefore conclude that the proposal would not have a harmful effect on the character and appearance of the area and would comply with policies S11 and DM8 of the Chelmsford Local Plan which permits residential outbuildings incidental to the residential enjoyment of the dwelling which are proportionate in size, scale and ancillary in appearance to the dwelling and in keeping with its context and surroundings and does not result in any other harm. It would also accord with policy DM10 which permits the change of use of land in rural areas where it does not adversely impact on the identified intrinsic character, appearance and beauty of the rural area.

Conditions

13. The Council has suggested 4 conditions. I have considered these in light of the Planning Practice Guide and the tests of the Framework and where necessary amended them for clarity. In addition to the standard implementation condition it is necessary, for the avoidance of doubt, to define the plans with which the scheme should accord. In the interests of the character and appearance of the area a condition to agree a scheme of landscaping, including details of any boundary treatment, would be necessary in this case given the lack of detail on the submitted plans.
14. I have not imposed the Council's suggested conditions removing permitted development rights as I have not been provided with adequate justification to suggest that there are exceptional circumstances for such a restriction and therefore do not consider it is necessary in this instance.

Conclusion

15. I therefore conclude that the proposal would accord with the development plan as a whole and, as other material considerations do not indicate a decision to the contrary, that the appeal should be allowed.

G Pannell

INSPECTOR