



Appeal Decision

Site visit made on 7 February 2023

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 28 March 2023

Appeal Ref: APP/W1525/W/22/3304176

**Chalk End Farm, Fambridge End Road, Chalk End, Roxwell, Chelmsford
CM1 4LG**

- 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 George Askew Farms against the decision of Chelmsford City Council.
 - The application Ref 21/02340/FUL, dated 25 November 2021, was refused by notice dated 31 January 2022.
 - The development proposed is full planning application in respect of the retention of the existing building, with partial conversion and new build to provide a new dwellinghouse with associated access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellants have made a payment to the Council in accordance with the Council's Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). The Council have confirmed receipt. Although this issue is not in dispute between the parties, it is a matter that I will return to later in my decision.

Main Issue

3. The main issue in this appeal is whether the site is a suitable location for a dwelling having regard to local policy for the delivery of housing, with particular reference to the effect on the character and appearance of the countryside and accessibility to everyday local facilities and services by a range of modes of transport.

Policy background

4. Policies S1 and S7 of the Chelmsford Local Plan -2020- (the Local Plan) set out the Council's Spatial Principles which form the basis for the spatial strategy for the Local Plan. Policy S1 requires all development to accord with the Spatial Principles. These include, amongst other things, locating development at well-connected and sustainable locations; respecting the character and appearance of landscapes; and focusing development at the higher order settlements outside of the Green Belt. Policy S7 sets out the Council's Spatial Strategy, which applies the Spatial Principles to focus new housing to the most sustainable locations, in accordance with the settlement hierarchy.
5. Policy S11 of the Local Plan designates the countryside outside of the Urban Areas and Defined Settlements and not within the Green Belt as the Rural Area.

It states that when assessing development within the Rural Area, the intrinsic character and beauty of the Rural Area will be recognised, assessed and development will be permitted where it would not adversely impact on its identified character and beauty. The relevant Development Management Policies set out what type of development is appropriate in each of the above areas and provide detailed criteria by which development proposals will be assessed.

6. There is no disagreement between the parties that the site is within the Rural Area and is therefore in the countryside for planning purposes.
7. Policy DM8 of the Local Plan seeks to control the erection of new buildings and structures in the Rural Area. It supports the development of new buildings in the Rural Area where the development would not adversely impact on the identified intrinsic character and beauty of the countryside and falls within a specific list of exceptions. These exceptions include housing which re-uses redundant or disuse buildings, which leads to the enhancement of the immediate setting, dwellings which are of an exceptional quality or innovative nature, and infilling.
8. Policy DM9 of the Local Plan relates to infilling in small gaps or frontages in the Rural Area, subject to satisfying certain criteria, including the requirement that the development would not detract from the existing character or appearance of the area.
9. Policy DM10 of the Local Plan relates to the change of use of land and Part C relates to buildings in the Rural Area. The policy states that planning permission will be granted for the change of use of land or buildings in the Rural Area where, amongst other things: -
 - The building is of a permanent and substantial construction, and works to convert the building would not result in substantial reconstruction;
 - The building is in keeping with its surroundings, and any alterations or extensions do not harm its original character; and -
 - It does not adversely impact on the identified intrinsic character, appearance and beauty of the Rural Area.
10. Policy DM11 of the Local Plan seeks to control extensions to existing buildings within the Rural Area. The policy requires that any such extensions or alterations should not be out of keeping with its context and surroundings and does not result in any and does not adversely impact on the identified intrinsic character and beauty of the Rural Area.

Reasons

11. The appeal site (the site) lies on a shared accessway serving a small group of dwellings, converted from agricultural buildings, off Chalk End, a narrow country road connecting the A1060 and Fambridge End. In the vicinity of the site Chalk End has a rural character with a scattering of dwellings focused around the junction it forms off the A1060.
12. The buildings adjacent to the appeal site (Mulberry, Hawthorn and Rowan Barns), served by the accessway into Chalk End Farm, are converted former agricultural buildings of modern design, whilst the site itself is occupied by an

agricultural barn, open on three sides. The barn is a relatively lightweight structure and lies roughly on the apex of the angle formed by the converted barns. Given its agricultural use and appearance it is not out-of-character with the overall rurality of the area, where such buildings would be expected in fields close to roads.

13. Opposite Mulberry and Hawthorn Barns, across the accessway, lies the enclosed farmyard and house of Chalk End Farm. Beyond the site lie fields separated by low fences and hedges with gaps, containing mature trees. A public footpath runs to the south and east of the site, on a track following field boundaries.
14. The open nature of the existing building provides views of open countryside from Chalk End along the accessway, reinforcing the sense of rurality and openness of the countryside beyond.
15. The site lies within Landscape Character Area B20 Writtle Farmland Plateau (the CA B20) of the 2006 Landscape Character Assessment (the LCA). The identified key characteristics of CA B20 within the LCA include: -
 - Gently undulating glacial till farmland plateau landscape;
 - Predominantly arable farmland, with patches of pasture in close proximity to settlements;
 - Predominantly irregular field pattern;
 - Fields generally delineated by gappy hedges, often containing single mature deciduous trees; and
 - Network of narrow, winding lanes
16. The appeal site and its surroundings evidence these characteristics and, notwithstanding the urbanising effect resulting from the barn conversions, the character and appearance of the site is of a rural field containing a lightweight agricultural building. Thus, this field and its barn retain a closer affinity with the rural hinterland than the more urban forms introduced by the development around it and makes a positive contribution to the rural landscape as identified in the LCA.
17. The proposed development would retain the existing structural frame of the building but would enclose it with new walls and a roof. The resultant structure would have a large, solid appearance.
18. This new structure would be visible from the nearby footpath and, whilst views would be intermittent through the existing hedgerow, it would appear as a solid, dominant structure within the field. There would, in addition, be views of the barn along the accessway.
19. Whilst certain features of design reference the design of rural agricultural buildings the building would have the overall appearance of a dwellinghouse, and this would be reinforced by the introduction of residential paraphernalia associated with day-to-day occupation, with an urbanising effect. Such an effect is already apparent associated with the adjacent barn conversions. This would be in harmful contrast with the current rural character of the site and its immediate environs and this harm would be apparent from the nearby footpath.

20. The more solid structure would restrict views through to the open countryside from Chalk End and appreciation of open rurality at the end of the accessway would be significantly reduced. In this case, given the contribution that this makes to the appreciation of open countryside beyond the dwellings, this amounts to material harm.
21. The appellants consider that the proposal would relate well to the existing residential uses of the barn developments, both in design and layout. The appearance of the building would reflect the design of those developments. Further, the appellants have proposed a planting scheme, seeking to address the concerns of the Council. A planting scheme incorporating shrubs and larger plants would be likely to increase biodiversity within the field. However, whilst a planting scheme could be secured by planning condition, and details of that scheme submitted for approval prior to implementation, the planting of the field with shrubs would, itself, conflict with the identified key characteristics of CA B20. Further planting would take some time to establish and I cannot be certain that it would successfully screen the proposal from views from the footpath, whilst the building would still restrict views from Chalk End. I am, therefore, not convinced that the planting would successfully address the harm that I have identified.
22. The site is located a significant distance from the nearest centre that would provide a range of services for the day-to-day needs of residents. The unlit nature of the intervening roads, with their lack of footways and vehicular speeds would be likely to deter pedestrians and cyclists, particularly after dark, with children or during inclement weather. Thus, residents of the site would almost certainly rely very heavily on the private car to meet their day-to-day needs.
23. A bus service passes along Fambridge End Road, providing an hourly service and this frequency would be likely to discourage its use. Further, I have little information before me regarding destinations to demonstrate that this would provide a realistic alternative to the use of the private car to cater for the day-to-day needs of residents
24. The Framework recognises that sustainable transport solutions will vary between urban and rural areas and that rural housing development in smaller settlements can enhance or maintain the vitality of rural communities. The appeal site lies in an area of only sporadic development, where dwellings form small loose groups or hamlets with no services within them requiring, in all likelihood, a trip into the local town to satisfy their day-to-day needs. Thus, it could not be said that the development would contribute meaningfully to the vitality of villages outside the town.
25. Further, there is no meaningful alternative to using the private car to satisfy these needs. With, for such a limited scale of development, no real scope to improve connexions for walking, cycling or public transport, dependency upon private motor vehicles would be almost total.
26. Policies DM8 and DM10 seek to control development in the countryside whilst protecting the identified intrinsic character, appearance and beauty of the Rural Area from adverse effect. I have found that the proposal would result in material harm to the character and appearance of the countryside.

27. Even were I to consider that Policies DM9 or DM11 of the Local Plan applied to the proposed development I note that they both require that the development should not be out of keeping with its context and surroundings or adversely impact on the identified intrinsic character and beauty of the Rural Area. I have considered the effect of the proposal on the Rural Area above and found harm. Thus, these policies would not provide support for the proposal.
28. I have also found that the proposal would, in the absence of any realistic alternative, be very heavily dependent on the use of the private car to access everyday local facilities and services.
29. Bringing these matters together, I find that the appeal site would not be a suitable location for a dwelling, having regard to local policy for the delivery of housing, with particular reference to the effect on the character and appearance of the countryside and accessibility to everyday local facilities and services by a range of modes of transport. The development is therefore contrary to Policies S1, S7, S11, DM8 and DM10 of the Local Plan in as much as, together, these policies seek, amongst other things, to locate development in sustainable locations and protect the identified intrinsic character and beauty of the countryside.
30. For similar reasons the proposed development is contrary to the aims of those parts of the Framework which seek to conserve and enhance the natural environment and promote sustainable transport.

Other Matters

31. There is no dispute between the parties that the site lies within the 'zone of influence' of the Blackwater Estuary and Crouch and Roach Estuaries Special Protection Areas and Ramsar sites. Had I been minded to allow the appeal, I would have needed to satisfy myself that the proposal would not, either singly or in combination with other development, adversely affect the integrity of European Sites. However, this could only have, at best, a neutral effect in my considerations and could not affect the outcome of this appeal and so I have not considered this matter further.
32. My attention has been drawn to the residential conversion of Rowan Barn, which was initially allowed as a prior notification conversion under Class Q of the General Permitted Development Order (2015), as amended. During the conversion structural problems were identified that necessitated a planning application¹ to complete the works. The appellants consider that the proposal would have similar transport demands to the proposed development which is before me, and so establishes a precedent for their proposal.
33. However, it is unclear how the Council considered transport matters in determining that proposal. As will be seen above, I have, in considering the proposal's access to transport, come to the conclusion that the proposal would be almost totally dependent on the private car. It is clear that, in considering the planning application for Rowan Barn the Council took into account other factors, including the late stage of construction of the works and its previous approval under Class Q and that these influenced the planning balance for the case.

¹ Council Ref: 19/01208/FUL

34. Similarly, the appellants have raised issues that they consider to have been dealt with by the Council inconsistently during this and a previous application². This is a matter between the appellants and the Council. I have, in any case, considered the proposal before me on its own merits

Planning Balance

35. The appeal site is located in close proximity to an existing settlement and is not isolated and so the countryside location does not conflict with paragraph 80 of the Framework.
36. Paragraph 79 of the Framework recognises that rural housing development in smaller settlements can enhance or maintain the vitality of rural communities. The Framework also recognises, in Paragraphs 130 and 174, the importance of being sympathetic to local character, including landscape setting, and of recognising the intrinsic character and beauty of the countryside. The Framework seeks to balance these aims with housing growth.
37. The development would provide benefits in terms of delivering an additional home to boost local housing supply. Whilst the Council is able to demonstrate in excess of a five year supply of housing land, this is not a maximum figure and there is no evidence to suggest that a small development of one dwelling would result in a significant oversupply of housing in the area. The Framework recognises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly.
38. There would be benefits to the local economy in terms of short term employment in the construction industry. However, the proposal lies some distance from any settlement that would provide day-to-day services and it is likely that the future occupiers would contribute more to the economy of the nearby towns. It is likely that the future occupants will participate in local events and societies. The provision of the proposed landscaping scheme would be likely to support biodiversity in the area.
39. Whilst the matter of the effect of the proposed development on the European Protected Sites remains unresolved, this could only have, at best, a neutral effect in my considerations.
40. Given the scale of the development, the benefits of the proposal would be of limited weight overall. The proposal would undermine the spatial strategy set out in the development plan, resulting in harm to the environment of the wider area. I have identified that harm to the intrinsic character and beauty of the countryside would result from the proposal. Given the location of the site, the lack of access to safe walking and cycling routes and limited access to public transport it is likely that future occupants of the development would be heavily reliant on private motor vehicles to access local shops and services.
41. These are significant factors weighing against the scheme that, in this instance, outweigh the benefits.

² Council Ref: 20/02072/FUL

Conclusion

42. For the reasons set out above, the proposal would conflict with the development plan when read as a whole. There are no material considerations, including the Framework, that indicate that a decision should be made other than in accordance with the development plan and I therefore conclude that the appeal should be dismissed.

I A Dyer

INSPECTOR