
Appeal Decision

Site visit made on 29 August 2023

by S J Warder MA BSc(Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 September 2023

Appeal Ref: APP/W1525/W/22/3306087

Land adjacent Badgers, Great Gilbracks Chase, Sandon, Chelmsford CM2 7TG

- 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 R Mayo against the decision of Chelmsford City Council.
 - The application Ref 21/02513/FUL, dated 22 December 2021, was refused by notice dated 28 July 2022.
 - The development proposed is to erect a 4 bed detached house with detached garage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Following the appeal, the appellant and the Council confirmed that the financial contribution required to mitigate the effect of the proposal on European Sites had been made. This overcomes the third reason for refusal in the decision notice and it is not necessary for me to consider this matter further. The main issues have been framed accordingly.

Main Issues

3. The main issues in this case are:
 - the effect of the proposal on the character and appearance of the site and surrounding area; and
 - whether the proposal would amount to sustainable development, with particular regard to travel patterns.

Reasons

Character and Appearance

4. The appeal site is located within the Rural Area for the purposes of Chelmsford Local Plan 2020 (LP) Policy S11. This policy seeks to ensure that development does not adversely impact the identified intrinsic character and beauty of the countryside
5. Policy DM8 Part A identifies the forms of development which may be acceptable in the Rural Area. These include the redevelopment of previously developed land (PDL) in accordance with Part B. A relatively small part of the site on its western boundary is covered by hardstanding with a small shed nearby.

Otherwise, the site is mostly laid to grass, open and free from built development. The storage building and demolished structures referred to by the appellant as the 'Works' occupy a distinguishable, separate site and, therefore, do not contribute to the previously developed character of the appeal site. As such, the appeal site does not have the character of PDL.

6. In terms of the criteria used to assess proposals under Part B of Policy DM8, the size, scale, massing and spread of the proposed development would be far greater than the existing modest and discreet hardstanding and shed present on the site.
7. The appeal site is currently open and, notwithstanding the recently completed neighbouring dwelling 'Badgers', allows medium and long-range views north towards Danbury from Great Gilbracks Chase. Views across the site are also available from a small section of the public footpath leading east, although, as the appellant points out, these are limited by the presence of conifer hedging. Nevertheless, the gap provided by the openness of the appeal site makes a positive contribution to the informal and loose knit pattern of built development along this section of Great Gilbracks Chase and to its relationship with the wider landscape. The proposed development would reduce that openness, consolidate the pattern of built development and close off attractive, publicly accessible views that link the area with the landscape to the north.
8. The appellant makes reference to previous permissions for a large dwelling at the site (Application refs: 04/00940/OUT, 07/01655/OUT, 10/00952/ETL and 13/00443/ETL). I have not been provided with full details of these permissions. Nevertheless, they appear to have expired and pre-date the current Local Plan and National Planning Policy Framework (the Framework). As such I can give them little weight.
9. The appellant's evidence indicates that the appeal site is not within the East Hanningfield Wooded Farmland Landscape Character Area as claimed in the Council's evidence. However, the harmful visual effects I have identified are not directly related to the characteristics of that particular Landscape Character Area.
10. The level of activity associated with a new dwelling would also increase considerably compared with the existing, low key use of the site to the detriment of its currently quiet and tranquil character. Consequently, I find that the proposal does not accord with LP Policy DM8 Part B.
11. Policy DM8 Part A of the LP also allows for infilling in accordance with Policy DM9. This policy allows for the infilling of a small gap in an otherwise built-up frontage. The appeal site occupies a gap between the adjoining residential properties known as Badgers and Oak Stable. Whereas the Council gives the width of this gap as some 150m, the appellant refers to the presence of the Works, a previously developed site between the appeal site and Oak Stable. The Works accommodates a single storey storage building sited with a gap of 28m to the boundary with Badgers. Other structures on the site have been demolished to ground level.
12. However, the reasoned justification for Policy DM9 refers to gaps between 'dwellings or buildings'. Therefore, even if this small and dilapidated storage building is taken into account, it is the overall distance between it and Badgers itself which needs to be assessed. There is a small space between the storage

building and appeal site western boundary and a much more significant distance between the appeal site eastern boundary and Badgers. The overall gap is, therefore, comfortably wide enough to accommodate at least two dwellings. Moreover, by virtue of the layout of these buildings, they do not appear as built-up frontage and the proposed dwelling would be set well back from both of them. Consequently, I consider that the proposal would not occupy a small gap in an otherwise built-up frontage and therefore does not comply with Policy DM9 B(i). The appellant questions the relevance of Policy DM9 because the site is in a hamlet rather than a village. However, the policy is intended to apply to the Rural Area generally.

13. Policy DM8 Part A (viii) also allows for a dwelling which is of a design of exceptional quality or innovative nature. Policy DM23 of the LP requires development to respect the character and appearance of the area and be compatible with its surroundings in terms of its scale, form and architecture among other things.
14. I recognise that the design of the proposed dwelling is intended to reflect the neighbouring Oak Stable which, in turn, has the appearance of a traditional rural building. Such buildings often entail compromises in their form, architecture and proportions. While Oak Stable is fairly modest in scale and its overall form is reasonably well proportioned, compromise is evident in, for example, the window pattern. In particular the large areas of glazing in the rear elevation, although they may sit in place of the large openings often found in agricultural buildings, are not characteristic of traditional rural architecture and dominate the rear elevation.
15. The proposed dwelling would be significantly larger than Oak Stable, it would have a greater height to eaves and its side elevations would be far deeper. As such, the reasonable overall proportions of Oak Stable would not be replicated. The lack of alignment of the windows in the front and side elevations would not make for a harmonious composition and the glazing in the rear elevation would be, if anything, more dominant than that in Oak Stable. This glazing would be glimpsed from the public footpath which runs north from Great Gilbracks Chase.
16. The proposal would, therefore, accentuate the compromises sometimes necessary in seeking to reflect traditional rural architecture and result in a poorly proportioned and discordant building. Consequently, the design of the proposed development would not be of an exceptional quality or innovative nature. Rather, it would have a harmful effect on the character and appearance of the site and surrounding area and would not, therefore, comply with LP Policies DM8 Part A (viii) or DM23.
17. The appellant refers to the size, form and glazing of the recently completed Badgers dwelling. However, that building is designed in a very different style which limits the value of comparison with the proposed development.

Sustainable Development

18. Paragraph 8 of the Framework sets out the environmental, economic and social dimensions of sustainable development. Policies S1 and S7 of the LP apply these principles to the spatial strategy for the Plan area. Among other things, Policy S1 seeks to locate development at well connected and sustainable

locations. The appeal site is not in an area identified for new development under this policy.

19. The appeal site is located towards the end of Great Gilbracks Chase, an unevenly surfaced and unlit cul de sac. East Hanningfield Road leading west from Great Gilbracks Chase is lit intermittently and has a footpath leading to bus stops some 800m from the site. From these stops there are infrequent bus services to destinations including Chelmsford and South Woodham Ferris. Heading south from Great Gilbracks Chase, Main Road links to a narrow range of facilities in East Hanningfield at a distance of around 2.5km from the site, but is fairly busy with free flowing vehicular traffic, unlit and has no footpaths.
20. Even taking into account the Framework's advice on the differing levels of accessibility in urban and rural areas, the appeal site location is not attractive for walking or cycling or the use of public transport to access day to day facilities. The potential to install an electric vehicle charging point and solar panels would not overcome the site's poor accessibility by other transport modes. I note the appellant's reference to the approval of a new dwelling under reference App No 21/00904/FUL. However, that dwelling is much closer to the bus stops and main road than the appeal site.
21. I have already found that the proposal would have a harmful effect on the character and appearance of the area. The appellant states that the building would use low carbon technology and sustainable materials and that the proposals would offer bio-diversity net gain. However, as no details have been provided, I can give these matters very limited weight. Taking all of these points together, they weigh firmly against the proposal with regard to the environmental role of sustainable development.
22. The proposal would make a very modest contribution to the housing needs of the area. Although there is nothing to suggest that there is a shortfall in supply, the Framework does seek to boost the provision of housing. The proposal would also have a small and short-term economic benefit through construction activity and on-going benefit in the form of additional Council Tax payments. In terms of the economic and social dimensions of sustainability, these points count in favour of the proposal to a modest degree. However, they do not outweigh the identified environmental harms and, overall, I find that the proposal would not be a sustainable form of development. As such, it would conflict with Framework paragraph 8 and LP Policies S1 and S7.

Other Matters

23. The appellant has expressed concerns regarding the Council's consideration of the application. However, my decision is based purely on the planning merits of the proposal.

Conclusion

24. For the reasons set out above, the appeal should be dismissed.

Simon Warder

INSPECTOR