



Appeal Decision

Site visit made on 25 September 2023

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2023

Appeal Ref: APP/W1525/W/23/3319619

2 Town Farm Cottages, Main Road, Woodham Ferrers, Chelmsford CM3 8RE

- 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 & Mrs Jonathan & Charlotte Stapleton against the decision of Chelmsford City Council.
 - The application Ref 22/01550/FUL, dated 16 August 2022, was refused by notice dated 29 November 2022.
 - The development proposed is a 5 bedroom low energy house with landscaping, 2 bay garage and driveway to Main Road.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised National Planning Policy Framework (the Framework) was published on 5 September 2023. The amendments to the Framework do not have any bearing on the matters in dispute in this appeal.

Main Issues

3. The main issues are:
 - whether the site is an appropriate location for the proposed development having regard to the development strategy; and
 - the effect of the proposal on the character and appearance of the surrounding area.

Reasons

Location

4. Policies S1 and S7 of the Chelmsford Local Plan Adopted 27 May 2020 (the LP) set out the spatial principles and strategy for Chelmsford, which focuses new development to settlements in accordance with the settlement hierarchy. The site is located outside of any defined settlement and is therefore identified in LP Policy S11 as being within the Rural Area. In addition, the site is not within Growth Area 10, which allocates land for mixed use development, including 1,000 dwellings.
5. The site is approximately 330 metres from Woodham Ferrers, and the settlement provides a limited range of facilities and services including a public house and a primary school. The site is close to existing dwellings, which are not remote from Woodham Ferrers being accessible via an existing footway. In

addition, the site is connected to nearby settlements through the bus stops on either side of Main Road. Accordingly, the development would not result in an isolated dwelling, which paragraph 80 of the Framework seeks to avoid.

6. LP Policy DM8 permits new buildings in the Rural Area where the development will not adversely impact on the identified intrinsic character and beauty of the countryside. Development that would be supported includes a dwelling which is of exceptional quality or innovative nature. This reflects paragraph 134 of the Framework, which states that great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
7. The development proposes the erection of a detached dwelling, comprising intersecting two-storey and single-storey blocks. The design rationale presented is limited and does not set out the evolution of the proposal, where the design draws its inspiration and how it relates to the surrounding area. Whilst the dwelling would be a high quality family home, the proposal has not explained why it is outstanding or of exceptional quality.
8. The appellant has outlined that the proposed development would incorporate Passivhaus standard as the baseline and would include additional energy efficiency improvements with the aim of the development being extremely low carbon. Materials have been carefully considered and include lightweight structurally insulated panels which would enhance thermal qualities, timber and sedum roofs and would likely add to the environmental features of the development.
9. To achieve a dwelling of exceptional quality or innovative nature is a particularly high bar. The design of the proposal is of a good quality in itself and would deliver a family home to a high standard. In addition, the development would have high sustainability credentials through the materials used in construction and would be an ultra-low energy home. Whilst this is commendable, I am not persuaded, on the evidence before me, that the dwelling would be of exceptional quality, nor would it be of an innovative nature due to the reliance on existing and increasingly popular technologies, principles and materials.
10. I conclude that the location is not appropriate for the proposed development and the dwelling would not be of exceptional quality or innovative nature. On this basis, the proposal would not accord with policies S1, S7, S11 and DM8 of the LP, which set out the spatial principles and strategy for development.

Character and appearance

11. The appeal site is located to the rear of a pair of semi-detached dwellings, which front onto Main Road. The site is used as garden land associated with No 2 Town Farm Cottages (No 2) and extends to the rear of No 1 Town Farm Cottages (No 1) alongside Workhouse Lane. The boundaries consist of established hedges and mature trees to either side, particularly alongside Workhouse Lane.
12. No 1 and No 2 are located opposite a row of detached bungalows forming a cluster of development focussed on the crossroads formed by Main Road, Edwins Hall Road and Workhouse Lane. However, the surrounding area is rural

in character comprising open fields bounded by hedgerows and trees. The landscape includes an undulating valley with a stream immediately adjacent to the site. The land rises gently towards Woodham Ferrers and more sharply towards South Woodham Ferrers, but is generally level to the rear of the site. There is an open feel to the locality, although wider views are interrupted by hedgerows adjacent to the surrounding roads.

13. The proposed dwelling would be positioned to the rear of No 1 and No 2, which front Main Road. Long range views of the dwelling would be restricted by the landscape features of the area, including hedgerows alongside the roads, whilst the sedum roof would reduce the visual effect in views from higher ground. However, the dwelling would be particularly visible within the immediate locality. The position of the building would be discordant with the surrounding pattern of development, whilst the flat roof of the two-storey element would jar with the traditional form and material finish of the neighbouring development.
14. The incongruous appearance and positioning of the dwelling would harm the character and appearance of the area. However, this harm would be limited to the immediate vicinity of the site given the particular landscape characteristics of the wider surroundings. Whilst a landscaping scheme, secured by condition, could reduce the visual effect of the development, it would not be sufficient in eliminating the harm to the character and appearance of the area given the scale of the proposal.
15. I conclude that the proposal would harm the character and appearance of the surrounding area. Consequently, I find conflict with policies S11 and DM8 of the LP, which require proposals to not adversely impact the intrinsic character, appearance and beauty of the countryside.

Other Matters

16. The appellant has suggested that buildings and structures incidental to the enjoyment of the dwellinghouse could be erected covering up to 50% of the site using permitted development rights. I have not been presented with any substantive details, including a Certificate of Lawfulness, to demonstrate that such a development would take place. I therefore do not consider this to be a realistic proposition and attach minimal weight to this.
17. The appellant's statement indicated that the site is located within Growth Area 10 and that the area of land between the appeal site and the northern edge of South Woodham Ferrers will be subject to a significant urbanising influence and this could have a bearing on the rural character of the area. However, it is noted that Growth Area 10 does not extend as far as the site. In any event, it is unclear what form the development would take, whether homes would be constructed up to the boundary of the allocation and how the surrounding landscape would be accounted for. Accordingly, my findings are unaltered.

Planning Balance

18. The Council has a five year supply of housing land, which is not disputed by the appellant. The policies for the supply of housing land can therefore be considered up-to-date.
19. The appeal site has reasonable sustainability credentials in respect of its location, by virtue of its proximity to bus services to neighbouring towns and the availability of some local facilities. I also note the engagement with and

support from the local community. In addition, the scheme would provide a zero-carbon dwelling, which would assist in reducing emissions and tackling climate change. This is supported by the development plan and the Framework and represents a public benefit.

20. The provision of a single home would boost the supply of housing and would benefit the economic and social well-being of the area. However, this limited benefit would be demonstrably outweighed by the harm I have identified by the inappropriate location of this development and harmful effect it would have on the character and appearance of the area.

Conclusion

21. The proposal conflicts with the development plan when considered as a whole and there are no material considerations that outweigh the harm identified. For the reasons given above I conclude that the appeal should be dismissed.

J Pearce

INSPECTOR