



Appeal Decision

Site visit made on 15 January 2024

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st January 2024

Appeal Ref: APP/W1525/W/23/3315662

Lodge Farm, Livery Yard, Heath Road, Ramsden Heath, Chelmsford, Essex CM11 1HL

- 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 St Katherine Group Limited against the decision of Chelmsford City Council.
 - The application Ref 22/01465/FUL, dated 29 July 2022, was refused by notice dated 19 October 2022.
 - The development proposed is described as construction of 8 dwellings with associated works including parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the site address above from the application form, albeit slightly reordered it.
3. A description of development was not provided with the application form. I have therefore taken it from the appeal form but removed the reference to demolition as the site had been cleared of buildings at the time of my visit.
4. During the appeal, the National Planning Policy Framework (the Framework) was revised. Its content in respect of the main issues has not been materially altered. Therefore, in this instance it has not been necessary to consult the parties on the revisions to the Framework.

Main Issues

5. The appeal site is located within the Green Belt. Paragraph 154 of the Framework indicates that other than in connection with a closed list of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. These exceptions include (g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.
6. The main parties are in agreement that the proposal would see the redevelopment of previously developed land in the Green Belt as defined in development plan policy and the Framework.

7. Accordingly, the main issues are:

- the effect of the proposal on the openness of the Green Belt;
- the effect on the character and appearance of the area;
- whether the appeal site is a suitable location for the proposed development having regard to local and national planning policy for the delivery of housing and accessibility to services and facilities; and
- whether the harm by reason of inappropriateness would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Openness

8. Paragraph 142 of the Framework states the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Openness is not defined in the Framework but in determining the nature and extent of any impact on Green Belt openness, it is necessary to assess both spatial and visual impacts. Policies S11 and DM6 of the Chelmsford Local Plan (LP) reiterate the Framework's strategic approach to development in the Green Belt and impact on the openness.
9. An assessment of whether or not a development would cause substantial harm to the openness of the Green Belt necessitates a 'baseline' to be established to measure any harm against, based on the particular facts of a case. In my view, this includes what is currently on the site and what the site is used for.
10. Due to the clearance of the buildings that have taken place and that it does not appear to be in use as a livery, the site itself is substantially open even though it is enclosed by mature hedges from many views along Heath Road. The remaining containers, gravel mounds and other equipment only cover a small proportion of the overall site. Therefore, while existing features are left on the site, their impact on the openness of the Green Belt in this location is minimal, as fields surrounding the site are fairly open with a generally flat topography.
11. The erection of eight well-sized dwellings across the appeal site would result in built development and massing where there is presently none. Added to this would be the site infrastructure, such as the internal access route, driveways, parking, boundary treatments and the domestic paraphernalia that would come with the residential occupation of each dwelling. This would be a significant negative change in terms of the existing spatial and visual openness of the Green Belt.
12. For the reasons given, the scheme would therefore be contrary to the main aims of Green Belt policy at local and national levels, which I have set out above and I attach substantial weight to this harm.

Character and appearance

13. There is a strong rural character to the immediate area resulting from the small group of dwellings and buildings with traditional appearances arranged in close proximity surrounded by large areas of open and undeveloped fields.

Surrounding development further out from the appeal site is largely ribbon development along Heath Road. The surrounding fields contain a mixture of trees, hedges and low-level fencing, giving the area a verdant open appearance and character.

14. The appeal site which I have identified above had been cleared at the time of my visit. The site in some areas had a somewhat unkempt appearance as a result of mounds of rubble and other features such as the storage containers being on site. Nevertheless, the lack of built form and the fact that vegetation had begun to sprout through a large area of the site means that the site still contributes to the open and rural character of the area.
15. As I have set out above, the development would encroach into the significantly more open rural area set away from the existing dwellings and buildings found nearby. While the dwellings would incorporate materials found within the surrounding area, the houses would be taller than many of the nearby buildings and incorporate a significant number of openings resulting in them being unduly prominent and at odds with the lower-level traditional appearance of development found close by.
16. Furthermore, the appeal would introduce an elongated cul-de-sac and suburban form of development out of character with the pattern of development found nearby. The inward facing houses with boundary fencing and parking areas would be domestic and suburban in character and would not appear as a farmstead arrangement, typical rural house types or barn conversions. As a result, the proposed development would have an urbanising effect on the surrounding area and severely diminish the open qualities of the site and its surroundings which are within the Green Belt.
17. The appellant also states that the appeal scheme would be largely hidden from surrounding public views. While the site is restricted from a number of public viewpoints, it can still be seen through gaps in the hedges and from longer-range views over the fields. Furthermore, it would be highly visible should surrounding hedges become damaged, diseased, or removed. I therefore attach little weight to the site being partially screened, particularly as it would harm the openness of the Green Belt.
18. My attention has been drawn to an approved scheme¹ (previous scheme) for five dwellings on the site and two other schemes. Whilst I do not have full details, the previous scheme was for a lesser number of dwellings with a different layout and design and is therefore materially different to the appeal scheme.
19. No substantive details are before me in regard to the schemes at De Beauvoir or Park Lane Riding School. As such, I can draw no comparison that weighs in favour of the proposal. In any event, I have considered the proposal on its own merits and found harm for the reasons set out.
20. For the reasons above, the proposed development would have a detrimental effect on the character and appearance of the surrounding area and, therefore the Green Belt. In this respect, the development conflicts with Policies S11 and DM6 of the LP. The proposed development is contrary to the aims of those

¹ Application ref: 19/01500/FUL

parts of the Framework which seek development to be sympathetic to local character, including the surrounding built environment and landscape setting.

Suitable location

21. Policies S1 and S7 of the LP 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. 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.
22. The appellant has highlighted the nearby settlements of Billericay, Wickford and Basildon that would be capable of meeting the majority of the day to day needs of the future occupiers. To access services and facilities in these locations, the occupants of the proposed dwellings would have to walk and cycle along routes that are not particularly wide, mostly unlit and lack dedicated footways or cycle lanes. This is likely to discourage any future occupiers of the development from walking or cycling to gain access to these services and facilities. Similarly, while there is a public right of way close to the appeal site, the travel distance and its condition are unlikely to encourage its use on a regular basis. These routes would also be even less attractive for use outside of daylight hours or inclement weather.
23. Additionally, some roads within the vicinity of the appeal site are subject to the national speed limit, which means vehicles are likely to be travelling at fast speeds. Therefore, the routes access nearby facilities and services would be unsuitable for walking, cycling, children's pushchairs, wheelchair users, or people with limited mobility.
24. My attention has been brought to bus stops located near the appeal site. However, I have not been provided with any substantive evidence of the full timetable from these stops, and the evidence I do have suggests it is fairly limited, particularly on weekends. It is, therefore, likely the future occupiers of the dwellings would be highly reliant on the private car to meet their day to day needs.
25. While the previous application for dwellings on the appeal site was granted by the Council, the evidence before me shows it was finely balanced when considering the scheme as a whole. In regard to this appeal, the scheme is materially larger and therefore, its location in an unsuitable location away from nearby facilities and services attracts additional weight. I, therefore, cannot draw any direct comparison that weighs in favour of the proposal and find it would not make effective use of the previously developed land.
26. Consequently, the proposed development would not be in a suitable location for development with regard to the local and national planning policies for the delivery of housing and accessibility to services and facilities to which I attach significant weight. This would be contrary to LP Policies S1 and S7, which seek, amongst other things, to locate development in sustainable locations. For similar reasons, the proposed development is contrary to the aims of those parts of the Framework which seek to promote sustainable transport.

Other considerations

27. The appellant has put forward a fallback position in the form of the previous scheme for five dwellings on site. As detailed in the main issue above, I accept that the fallback position is available and a material consideration in the assessment of the proposal. Furthermore, I accept that there is a real possibility that it would be developed should planning permission for the appeal scheme be refused.
28. However, for significant weight to be afforded to a fallback position there needs not only to be a real possibility of it being carried out, but it would also need to be equally or more harmful than the appeal scheme. Based on the evidence before me, the previous scheme would not have a greater impact on openness, given the approved layout, design, and overall footprint of the built development consented. Consequently, I afford the fallback position limited weight in support of the proposal.
29. As I have set out above, the buildings on site had been demolished at the time of my visit. For the avoidance of doubt, even if I were to take into account that their removal would have reduced the built form on site, there would still be a requirement to assess the impact on the openness of the Green Belt. From the evidence before me, there would be a spatial reduction in built form. However, extending the built form, which has a domestic urban appearance, above what previously existed and further outward would lead to a significant negative change in terms of the existing visual openness of the Green Belt. I therefore give this very little weight.
30. The appeal proposal would result in eight additional dwellings. In the absence of any cogent evidence that there is currently a housing shortfall in the area, a small increase in the overall housing supply for the area attracts limited weight.
31. There would be economic benefits during the construction of the proposed development. I attach limited weight to the economic benefits given the small scale and temporary nature of these benefits.
32. The provision of natural surveillance and a lack of harm in regard to overlooking and the provision of adequate garden space are neutral factors that do not weigh in favour of the scheme. Similarly, a lack of harm with regard to protected species on site does not amount to a benefit.
33. In the absence of any mechanism to secure works that would see the reinstatement of areas of land outside the site boundary into meadows. I attach no weight to this matter.

Other Matters

34. From the evidence before me the appeal site falls within a 'Zone of influence' for the European designated site, Blackwater Estuary SPA and Ramsar Site as defined in the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy. Natural England has provided revised advice regarding the need to ensure that new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations.
35. As the competent decision maker, if I had been minded to allow the appeal it would have been necessary for me to complete an Appropriate Assessment for this scheme. However, as I am dismissing the appeal for other reasons, I have

not taken the matter further. In any event, this would not have amounted to a benefit.

Conclusion

36. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be supported except in very special circumstances. It goes on to advise that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
37. The other considerations do not clearly outweigh the substantial weight that I have given to the harm that would be caused to the Green Belt, by reason of inappropriateness, including openness, and the harm to the character and appearance of the area that I have identified. I have also found the appeal scheme would not be in a suitable location with regards to access to facilities and services. Consequently, the very special circumstances necessary to justify the development do not exist.
38. For the reasons set out above, the proposal would conflict with the development plan, when read as a whole and the Framework. Material considerations do not indicate that a decision should be taken other than in accordance with that plan. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

A Hickey

INSPECTOR