



Appeal Decision

Site visit made on 13 February 2024

by G Sibley MPLAN MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 May 2024

Appeal Ref: APP/W1525/W/23/3324065

Land between Stock Road and Slades Lane, Galleywood CM2 8RW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr George Moss of Parkview Group Ltd against the decision of Chelmsford City Council.
 - The application Ref is 23/00205/OUT.
 - The development proposed is outline planning application (all matters reserved) relating to the proposed erection of 2-4 self-build dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have removed "on land adjoining Stock Road and Slades Lane, Galleywood, Chelmsford, Essex, CM2 8RW" from the description of development as this is an address and not an act of development. As such, I am satisfied that the parties would not be prejudiced by this.
3. The National Planning Policy Framework (the Framework) was updated following the issuing of the council's decision. I have given the parties the opportunity to comment on the updated Framework (December 2023) and I have taken these into consideration.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies and linked to this whether the site is a small gap in an otherwise built-up frontage, the effect of the proposal on the function and purpose of the Green Belt and the effect of the proposal upon the character and appearance of the area; and
 - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

The Framework and Development Plan Policies

5. The proposal seeks outline permission with all matters reserved for 2 to 4 dwellings on a site that is within the Green Belt. The Framework establishes that the construction of new buildings in the Green Belt is inappropriate development subject to a number of exceptions. This includes paragraph 154 e) of the Framework which allows for the limited infilling in villages. Policy DM6 of the Chelmsford Local Plan 2013 – 2036 (LP) is similar to this and states that planning permission will be granted for the limited infilling in the Green Belt as an exception in the Green Belt so long as it accords with Policy DM9.
6. The LP was adopted after the Framework first came into force and as such the policies within it would have to have been consistent with the Framework for it to have been adopted. The updates to the Framework since the development plan was adopted did not make a fundamental change to this specific matter. As such, I see no convincing evidence that the policies within the development plan are not consistent with the Framework and should be 'discounted'. Whilst the Framework is a material consideration applications and appeals should be determined in accordance with the development plan unless material considerations indicate otherwise.
7. LP Strategic Policy S1 states that the council will require all new development to accord with several spatial principles where relevant, including protecting the Green Belt and respecting the character and appearance of landscapes and the built environment.
8. Strategic Policy S11 of the LP identifies that the openness and permanence of the Green Belt will be protected and opportunities for its beneficial use will be supported where consistent with the purposes of the Green Belt. Inappropriate development will not be approved except in very special circumstances.
9. LP Policy DM9 has four criteria which development should be assessed against. It is not disputed that the site is within a village which is the first criterion and given the location of the site I see no reason to disagree. The second criterion is whether the site is a small gap in an otherwise built-up frontage. There are two additional criteria which relate to the function and purpose of the Green Belt as well as character and appearance and I will deal with those latter two criteria later in this decision.

Whether the site would be a small gap in an otherwise built-up frontage

10. The reasoned justification for Policy DM9 states that in some circumstances, the context and character of the development pattern of the immediate area will allow for more than one property, or building, within these gaps. Each case will be assessed on a case-by-case basis.
11. The site is located centrally within a large parcel of land situated between Stock Road, Slades Lane and Beehive Lane. Within this parcel of land is a school and a group of sporadically sited buildings. Several of these buildings are set back a considerable distance from the roadside, whilst others are located close to it. When viewing development along these roads, the buildings are generally partially obscured from view and are separate from the other buildings. The trees and hedges that bound the roads creates a visual buffer between the buildings and the roads which contributes to this visual disconnection between the buildings. Given the varying setbacks of the properties and the inconsistency regarding which road the buildings take access from or address,

there is no continuous built-up frontage of development when viewed from the three roads.

12. Considering the size of the site the width of the plot frontages could be designed to be similar to other dwellings in the area. The site forms a gap between the associated plots for the neighbouring properties. However, the site is not a gap between the buildings themselves in an otherwise continuous frontage. Whilst a group of dwellings could infill the site, I do not consider the site itself to be a small gap in an otherwise built-up frontage given the sporadic nature of development I have outlined above. Therefore, the proposal would not accord with the second criterion of LP Policy DM9.

The effect of the proposal on the function and purpose of the Green Belt

13. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of the Green Belt are their openness and their permanence. Openness is the absence of development, and it has both spatial and visual aspects.
14. The proposal is made in outline and the details of the proposed houses are not before me. However, the site is open land, and the proposal would seek to erect 2 to 4 dwellings on this site. This would introduce new built form into the Green Belt where there is presently none. This would result in a spatial loss of openness.
15. The established trees and hedges around the site and those that bound the neighbouring plots would partly enclose the site which would limit the viewpoints from where the dwellings would be seen. Whilst the scale of the dwellings is not defined at this stage the site is generally undeveloped and the development together with access arrangements would increase the site's visibility from nearby public roads and footpaths. This would result in a visual loss of openness.
16. Overall, the development would conflict with the function of the Green Belt to keep land permanently open and thus harm the Green Belts openness and permanence in this location.
17. The site is located to the west of Galleywood's built-up area which is identified as a key service settlement within the development plan. Chelmsford is located close to the site and these settlements are separated by land within the Green Belt.
18. There is ribbon development to the south of Chelmsford and this linear sprawl has brought development close to Galleywood. Whilst the site is within Galleywood, this undeveloped part of Galleywood contributes towards checking the coalescence of the two settlements. There is already development close to the site, however given the limited gap between the two settlements further development in this area and on this site would fail to check the unrestricted sprawl of Chelmsford. As a result, the proposal would consequently fail to check the unrestricted sprawl of large built-up areas contrary to purpose a) of paragraph 143 of the Framework.
19. One of the five purposes of the Green Belt is to prevent neighbouring towns merging into one another. Given that Galleywood and Chelmsford are not towns the proposal would not result in neighbouring towns merging into one

another. As a result, the proposal would not conflict with purpose b) of paragraph 143 of the Framework.

20. It is not disputed that the site is located within Galleywood and as such, the proposal would not be within the countryside. Accordingly, it would not result in development in the countryside. This would consequently safeguard the countryside from encroachment. Accordingly, it would not conflict with purpose c) of paragraph 143 of the Framework.
21. It is not disputed by the parties that the proposal would not harm the final two purposes of the Green Belt set out in paragraph 143 of the Framework and based on the evidence before me I see no reason to disagree.
22. I have found that the proposal would erode both the spatial and visual dimensions of the openness of the Green Belt and would impact unacceptably on the function and purpose of the Green Belt in respect of purpose a) of paragraph 143 of the Framework. It would therefore not accord with criterion iii of Policy DM9 of the LP.

Character and Appearance

23. The site is bound by roads to the north and south and there are sporadically sited buildings close to the site within the wider parcel of land enclosed by the aforementioned three roads. These dwellings vary in scale and appearance and given the sporadic siting of these houses there is no obvious pattern of development within this wider parcel of land.
24. The site is located in an area where development becomes less dense towards the edge of Galleywood. The trees and hedges that bound the site as well as the undeveloped appearance of it positively contributes towards the transitional character and appearance of the area between the suburban parts of Galleywood and the rural countryside beyond.
25. Given the size of the site, if four dwellings were built, there would be space within each plot for the dwellings to have large gardens with garages to create a comparatively low-density scheme similar to other development within this wider parcel of land.
26. The final details of the scheme are for later consideration as part of the reserved matters. However, even with much of the boundary trees and hedges retained the vehicular accesses and the associated visibility splays would increase the visibility across the site and there would be views of the dwellings from both Stock Road and Slades Lane. The development of this site, at both the upper and lower end of the proposed scale would urbanise the site. Given the location of it within this transitional area, development on this site, including the associated hard landscaping and domestic paraphernalia would erode the positive contribution this site makes towards the rural transitional character and appearance of the area.
27. Therefore, the proposed development would harm the character and appearance of the area and would not be in accordance with criterion iv) of LP Policy DM9.

Whether Inappropriate Development

28. Consequently, whilst the proposal would accord with criterion i) it would not accord with criteria ii), iii) or vi) and as such the proposal would not be in accordance with LP Policy DM9 and would not be limited infilling in the Green Belt. It would also be contrary to paragraph 154 e) of the Framework. There is no claim that the proposal would accord with any of the other exceptions as set out under LP Policy DM6 or paragraph 154 of the Framework. Accordingly, the proposal would be inappropriate development in the Green Belt.

Other Considerations and Green Belt Balance

29. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I have concluded that the proposal would be inappropriate development in the Green Belt which is, by definition, harmful. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
30. This outline scheme does not identify the scale of the houses themselves and the final amount of development could vary considerably. Nevertheless, 2 to 4 dwellings built on this site would cause moderate harm to the openness of the Green Belt. The Framework states that substantial weight should be given to any harm to the Green Belt and accordingly, I attach substantial weight to the harm that would arise from this proposal. There would also be additional harm to the character and appearance of the area, and I attribute moderate weight to this harm.
31. The proposal would deliver 2 to 4 dwellings and there would be economic, social and environmental benefits both during and after construction. The Framework states that local planning authorities should seek opportunities to support small sites to come forward for self-build housing and the proposal would deliver such a scheme. Given the moderate size of the scheme even at the top end of the scale, I attach moderate weight to these considerations.
32. I have been referred to several appeal decisions. The Inspector in the first appeal decision reinforced that limited infilling would not be limited to sites within settlement boundaries as defined in development plans¹. The Council has taken this approach, as is clear in its Officer's Report and it is not disputed that the appeal site is within a village.
33. The Inspector in the second appeal decision identified that infill development within the Green Belt could include sites for multiple dwellings². In that case the Inspector noted that there was no definition within the development plan or the Framework of what would constitute 'limited infilling'. However, in this case, the development plan has a specific policy related to infilling in the Green Belt and defines what 'infilling' should be.
34. Another Inspector identified the importance of delivering self-build homes³. I do not disagree with the general approach taken by that Inspector, and I have attached appropriate weight to this consideration in light of the scale of the proposal. Given the differences between these appeal schemes and that

¹ APP/C1570/W/21/3268974

² APP/C1570/W/19/3241822

³ APP/G2435/W/18/3214451 & APP/G2435/Q/18/3214498

proposed and because they were also in different local authority areas, I attach limited weight to those decisions.

35. It has been established in case law⁴ that the boundary of a village as defined in a development plan may not be determinative in whether the site is in a village. These are matters of planning judgement, to be assessed on the facts on the ground as well as any relevant policies. However, in this case it was not in dispute between the parties that the site was within a village and based on the evidence before me I saw no reason to disagree.
36. Whether a site is 'isolated' regarding what was paragraph 55 (now paragraph 84) of the Framework was established in case law⁵ and the term 'isolated' was found to have its ordinary meaning. Whether the site is 'isolated' regarding paragraph 84 of the Framework is not in dispute between the parties and based on the evidence before me I see no reason to disagree.
37. Overall, I attribute moderate weight to the other considerations cited in support of the proposal. Consequently, the substantial weight to be given to Green Belt harm is not clearly outweighed, even collectively, by the other considerations sufficient to demonstrate the very special circumstances necessary to justify the proposal. Therefore, the proposed development would be contrary to LP Policies S1, S11, DM6 and DM9. It would also conflict with the Framework. These seek, amongst other matters, to protect the openness and permanence of the Green Belt.

Other Matters

38. The appeal site lies within the zone of influence of the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy. The Conservation of Habitats and Species Regulations 2017 requires that a competent authority makes an Appropriate Assessment (AA) of the implications of the plan or project on the integrity of the sites in view of their conservation objectives. The appellant has not sought to make a financial contribution under the council's mitigation scheme. Given my findings on the main issues in this appeal, I have not carried out an AA or reached a finding in respect of the proposed development's effect on the impact of recreational use by increased visitor numbers upon designated sites.

Conclusion

39. The proposed development would conflict with the development plan as a whole and the other material considerations do not indicate that a decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

G Sibley

INSPECTOR

⁴ Wood v Secretary of State for Communities and Local Government, Gravesham Borough Council [2015] EWHC Civ 195

⁵ Braintree District Council v Secretary of State for Communities and Local Government & Ors [2018] EWCA Civ 610