



Appeal Decision

Site visit made on 30 April 2024

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2024

Appeal Ref: APP/W1525/W/23/3325811

1 Slampseys Cottages, London Road, Great Leighs, Chelmsford, Essex CM77 7QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Elaine Appleby against the decision of Chelmsford City Council.
 - The application Ref is 23/00559/FUL.
 - The development proposed is the erection of detached two-bedroom dwelling together with closure of existing access and creation of new access, 4 car parking spaces and shared block paving turning areas, refuse and cycle provision.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.

Main Issues

3. The main issues are:
 - a) the effect of the proposed development on the character and appearance of the area; and
 - b) whether the site represents an appropriate location for housing having regard to the settlement strategy and access to services and facilities.

Reasons

Character and appearance

4. 1 Slampseys Cottages is one of a pair of semi-detached homes addressing London Road. The pair are former farm workers cottages with both being set close to the road featuring wide, but relatively shallow, gardens to either side. These homes are set amongst the small, linear and dispersed hamlet of Youngs End which is formed of a small number of homes, a public house and car garage. The area's character is rural in nature and gives way to open fields and woodland copses, particularly to the east and west. This character endures despite numerous examples of modern development affecting this – including a business park, nearby housing estates and the A131 dual carriageway.

5. The proposed development comprises a two bedroom detached home which would be constructed at the far northern side of the garden. A new access would be formed with London Road providing a shared driveway to the existing house and proposed dwelling.
6. The proposed dwelling would elongate the hamlet and extend the built form into the open countryside. The proximity of it to the road would exacerbate this visibility and contribute to the erosion of the rural character. There would be a further increase in the amount of domestic paraphernalia and parked vehicles on the site which would further affect the rural character of the area. I therefore conclude that the proposed development would be harmful to the intrinsic beauty of the countryside and this rural hamlet. It would therefore be harmful to the character and appearance of the area contrary to the requirements of policies S1, S11 and DM8 of the Chelmsford Local Plan 2021 (CLP) and provisions of the Framework. These policies, read together, only allow for buildings and structures in the Rural Area (RA) where the development will not adversely impact on the identified intrinsic character and beauty of the countryside.
7. In reaching this conclusion I have had regard to the proximity of the site to the urban fringe of Great Notley to the north and other urbanising influences. I have also considered the numerous examples of further significant planned developments in the area which fall within the jurisdiction of Chelmsford City and Braintree District Councils. Some of these strategic allocations come very close to the site and both individually and cumulatively will invariably change the wider character of the area in the longer term.
8. Nevertheless, the appeal site and the remainder of Youngs End do not fall within any of these site allocations. In any case, these allocations would not directly affect the character of Youngs End which is presently a distinct rural hamlet and displays its own individual character as set out above. The new land allocated for development would approach this but nevertheless still falls short of directly impacting it. Indeed, this is a firm reason to resist further development that could erode the urban/rural fringe.
9. I accept that the appellant could choose to exercise their 'permitted development rights' and potentially construct various outbuildings within the domestic curtilage. I cannot comment on this as I have no details before me or any lawful development certificate to show that this is a valid fallback position. Even so, this would not change my assessment here as the nature of a new two-storey dwelling is distinctly different to that of a domestic outbuilding.

Location of development

10. The site is located within the RA and is outside any defined settlement boundary or Growth Area. Nevertheless, the site is very close to the urban fringe of the wider Braintree built-up area with the town of Great Notley being the closest noteworthy settlement.
11. Despite the rural location, it is clear that there are numerous shops and facilities in the nearby urban area including a GP surgery, supermarket and restaurants. This is in addition to the public house within the hamlet itself. These are all accessible on foot and, with the small exception of the area immediately outside the site itself, offer continuous footpaths. Moreover, there are bus stops in both directions almost immediately outside the site itself.

These stops provide frequent services between the main nearby towns of Braintree and Chelmsford with services running between four and six times per hour during daytime periods. This level of service and transport provision is well in excess of what could normally be reasonably expected in a rural location or hamlet of this size.

12. I recognise that the nearest services and facilities are located outside of the Chelmsford City jurisdiction. However, this is unlikely to be a material factor to future residents when it comes to their day-to-day requirements. The provision of off-street parking for the dwelling may erode the desirability of using public transport but its availability cannot be disregarded.
13. I am mindful of the Inspectors findings in relation to the appeal at land south west of Pembroke House¹ which is close to the site and that my findings differ to those. However, the site is set approximately halfway between that site and the strategic allocation within Braintree District to the north. The strategic allocation will have been considered through the Local Plan process as being a sustainable location for development. Moreover, this site is previously developed land, unlike the land south west of Pembroke House.
14. I therefore conclude that the development is in an appropriate location with regard to access to services and facilities. Whilst it is not strictly in accordance with the criteria set out in policy S7 of the CLP in terms of locating the development in accordance with the settlement hierarchy, I consider it conforms with the provisions of paragraph 8 of the Framework.

Conclusion

15. The proposed development would be harmful to the character and appearance of the area, however, it would be in an appropriate location considering access to services and facilities. Even so, due to the identified conflict, the proposal is contrary to the development plan, read as a whole, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

Nick Bowden

INSPECTOR

¹ APP/W1525/W/22/3293931