



Appeal Decision

Site visit made on 25 June 2024

by L Fleming BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 02 July 2024

Appeal Ref: APP/W1525/W/23/3327519

Seabrights Cottage, 192 Galleywood Road, Great Baddow, Chelmsford, Essex CM2 8NB

- 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 Glenn Caton against the decision of Chelmsford City Council.
 - The application Ref is 22/01493/OUT.
 - The development proposed is outline application: Proposed demolition of an existing double garage, glasshouse and associated hardstanding; to be replaced with a new dwelling (C3) of a lesser built footprint.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with all detailed matters reserved apart from the access. I have dealt with the appeal on that basis, treating the plans as illustrative only except where they relate to the access.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy.
 - The effect of the proposal on highway safety.
 - If the development is inappropriate in the Green Belt, whether any harm by reason of inappropriateness, openness and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate development

4. The appeal property is within the Green Belt. Paragraph 154 of the Framework makes clear that the construction of new buildings in the Green Belt should be regarded as inappropriate. Exceptions to this include (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces, (e) limited infilling in villages and (f) limited infilling or the partial or complete redevelopment of previously developed land, whether

redundant or in continuing use which would, not have a greater impact on the openness of the Green Belt than the existing development.

5. Policy S11 of the Chelmsford Local Plan 2013-2036 (2020) (LP) makes clear that inappropriate development in the Green Belt will not be approved except in very special circumstances. Furthermore, it says the openness and permanence of the Green Belt will be supported. Policy DM6 sets out exceptions to inappropriate development in the Green Belt and Policy DM9 provides criteria where infilling in the Green Belt will be considered acceptable. Insofar as is relevant to this case, the aims of these development plan policies are broadly consistent with the Green Belt protection aims of the Framework.
6. The illustrative details show a two storey dwelling. Policy DM24 of the LP clearly states new residential development must be in accordance with the standards as set out in Appendix B, unless it can be demonstrated that the particular site circumstances require a different design approach. Appendix B includes internal space standards for new dwellings and require a two bed, three person dwelling over one storey to provide a minimum gross internal area of 61 square metres and 70 square metres if over two storeys.
7. I note the 'possible approaches to reducing roof scale and mass'. I also note a modern eco-building might have a flat or single slope roof which could have a lower volume than a traditional pitched or hipped roof. I acknowledge that the proposal would result in less hard surfacing across the appeal site. However, with the absence of substantive evidence to demonstrate otherwise, in order to meet the minimum internal space standard required by Policy DM24 of the LP without exceeding the footprint of the existing buildings, inevitably the proposed building would be taller and of a greater volume than the existing buildings which would be replaced. Thus, on the basis of the evidence, I am not convinced that the proposal would not result in a replacement building which is not materially larger than the ones it replaces. Thus, taking a precautionary approach, I find the proposal would conflict with paragraph 154 (e) of the Framework.
8. Turning my attention to paragraph 154 (f) of the Framework and infilling. I have noted the comments about an alternative scheme to infill the space between the existing garage building and No 194 Galleywood Road. However, the description of development clearly refers to replacing the existing structures and not infilling between them. I am not referred to any detailed plans or planning permission for any alternative proposal relating to the appeal site which could be regarded as infilling. There is therefore no real possibility of an alternative infilling scheme being implemented should the appeal fail and therefore no fall-back scheme for me to consider.
9. Furthermore, there is a significant gap in built form on the Deadman's Lane frontage beyond the appeal site to the west, such that the appeal site is clearly not a small gap in an otherwise built-up frontage. Thus, in my view the proposal would not amount to infilling in a village and conflicts with paragraph 154 (f) of the Framework and Policies DM6 and DM9 of the LP in this regard.
10. I now consider paragraph 154 (g) of the Framework. It is agreed the appeal site is previously developed land, I find no reason to question this. However, given my findings above, the proposal would also introduce an additional bulk of built development into the Green Belt. The illustrative details show the proposed dwelling would be located close to a junction and is partly surrounded

by countryside. Whilst the site landscaping and existing buildings nearby would offer some screening, with the absence of detailed evidence to the contrary, in my view the proposal would be widely visible from the open countryside to the south, where any additional bulk in built form on the appeal site would be prominent and noticeable. Thus, based on the illustrative details before me, I am not satisfied, the proposed redevelopment of previously developed land would not have a greater impact on the openness of the Green Belt than the existing development. Without clear detailed drawings and evidence to demonstrate otherwise, I therefore find the proposal would conflict with paragraph 154 (g) of the Framework.

11. Overall, for the reasons given, I find the proposal would be inappropriate development in the Green Belt for the purposes of the Framework and development plan policy. It would therefore be in conflict with paragraph 154 of the Framework and Policies S11, DM6 and DM9 of the LP which among other things seek to avoid inappropriate development in the Green Belt.

Highway safety

12. The proposed site plan shows the existing dropped kerb access would be modified to create four off-street car parking spaces. Two for the proposed dwelling and two to serve No 192 Galleywood Road. The illustrative details show the proposed spaces would be positioned along the appeal site boundary with Deadman's Lane without any space for turning within the appeal site. Thus, with the absence of substantive evidence to the contrary, vehicles using the proposed parking spaces and site access would not be able to both enter and leave the site in a forward gear.
13. Manual for Streets 1¹ makes clear at page 90, that, for situations where the 85th percentile speeds exceed 37 miles per hour the Design Manual for Roads and Bridges² (DMRB) may be more appropriate. For roads with a 60 miles per hour speed limit, the DMRB advises visibility of 2.4 metres x 215 metres should be achieved. Manual for Streets 2³ provides guidance on visibility, specifically, in section 10 it sets out stopping sight distances for streets where the 85th percentile speeds are up to 60 kilometres per hour (37 miles per hour).
14. I have considered the Inspectors findings in the Felbrigg Road appeal⁴. However, the full details, particularly definitive evidence on vehicle speeds passing by that appeal site are not before me.
15. I note that a significant amount of boundary hedging would be removed which will improve visibility. I note the comments about vehicles needing to slow down passing by the appeal site due to the proximity of the junction. I also note the assurances that the character and connectivity of Deadman's Lane is such that vehicles do not pass by the appeal site at high speed. However, there is no substantive evidence before me which definitively assesses the speed of vehicles passing by the appeal site.
16. Deadman's Lane is a narrow rural lane subject to a 60 miles per hour speed limit. The proposal would intensify the use of the existing access and would require vehicles to either reverse into or out of the proposed parking spaces

¹Manual for Streets 1, Department for Transport, 2007

² Design Manual for Roads and Bridges, Highways Agency 1992

³ Manual for Streets 2, Chartered Institute of Highways and Transportation, 2010

⁴ Appeal Reference APP/Y2620/W/21/3279687

close to a junction and a bend in the road and into traffic travelling in both directions. In this case, it has not been demonstrated through evidence that the speed of traffic passing by the appeal site is such that vehicles could access the proposed parking spaces with an appropriate level of visibility where traffic could pass by on Deadman's Lane at significantly greater speeds than 37 miles per hour.

17. As such with the absence of appropriate evidence in relation to vehicles speeds, I am not satisfied the proposed access and four car parking spaces could be accessed safely without increasing the risk of collisions in this location. Thus, on the basis of the evidence, I am led to the conclusion that a safe and suitable access to the site would not be achieved for all users and the scheme is therefore in conflict with paragraph 114 (b) of the Framework. The scheme would therefore harm highway safety in the locality.

Other considerations

18. The proposal would provide a new dwelling contributing to housing supply. The occupants might work locally and support local services and there may also be employment opportunities associated with construction. It may also involve the redevelopment of previously developed land and the construction of an eco-dwelling. I also note the comments about the Council's handling of the planning application.
19. I have also considered the comments and details with regard to a scheme for four dwellings related to No 190 Galleywood Road. However, the full details of the Council's decision on that scheme are not before me, I have determined the appeal before me on its merits with regard to circumstances that are specific to the appeal site.

Conclusion

20. I have found that the proposal would amount to inappropriate development within the Green Belt and would be harmful to Green Belt openness and therefore should not be approved except in very special circumstances.
21. I give some weight to the contribution of a new dwelling to the supply of housing, the ability of the proposal to contribute towards the local economy and the vitality of a rural community and the regeneration of the appeal site. However, all of the other considerations combined are relatively modest.
22. As such the other considerations are outweighed by the substantial weight which must be given to the Green Belt harm identified and are clearly insufficient to demonstrate very special circumstances. The harm I have found to highway safety only carries further weight against the proposal. Thus, for the reasons set out above and with regard to all other matters raised I conclude, on balance, that the appeal should be dismissed.

L Fleming

INSPECTOR