



Appeal Decision

Site visit made on 5 November 2024

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2024

Appeal Ref: APP/W1525/W/24/3341567

Clarity Independent School, Bridge Farm Barn, Woodhill Road, Sandon, Chelmsford CM2 7SG

- 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 Ms Debbie Hanson against the decision of Chelmsford City Council.
 - The application Ref is 23/00946/FUL.
 - The development proposed is erection of 2 outbuildings. One of them to be used as a Staff Room and the other one as a Classroom/Meeting Room so that the different age groups can be split. Number of children and teachers at the school and visitors coming to the school will not change. Parking provision will remain unchanged.
-

Decision

1. The appeal is allowed and planning permission is granted for “erection of 2 outbuildings. One of them to be used as a Staff Room and the other one as a Classroom/Meeting Room so that the different age groups can be split. Number of children and teachers at the school and visitors coming to the school will not change. Parking provision will remain unchanged” at Clarity Independent School, Bridge Farm Barn, Woodhill Road, Sandon, Chelmsford CM2 7SG in accordance with the terms of the application, Ref 23/00946/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with drawing nos: 1-3 *Site Location Plan, Existing and Proposed Block Plan*; and 4-11 *Proposed Plans*.
 - 2) There shall be no more than 12 full-time school children in the school at any time. In addition, there shall be no more than two clients attending the assessment unit on any one day.

Preliminary Matters

2. At time of my site visit, the proposed buildings were in situ. The proposal had therefore been implemented. I have determined the appeal on the basis of the submitted plans.

Main Issues

3. The main issues in this appeal are:
 - Whether the development would be in a suitable location, having regard to the local development strategy;

- The effect of the development on the living conditions of the occupants of Bridge House; and
- The effect of the development on highway safety and efficiency.

Reasons

Whether in a suitable location

4. The site is an independent school within Chelmsford's rural area. Policy DM8 of the Chelmsford Local Plan 2020 (CLP) states planning permission will be granted for new buildings and structures in the Rural Area where the development will not adversely impact on the identified intrinsic character and beauty of the countryside and, at criterion (i), where the development is for a local community facility where there is a demonstrated need.
5. The outbuildings are sited within the established boundaries of the school site, between the main school building and the boundary with a dwelling plot. The development is accommodated within the existing school site and does not encroach into the countryside. I have been provided no evidence to suggest the proposal would harm the intrinsic character and beauty of the countryside and have identified none myself. However, the Council allege conflict with Policy DM8 through a failure to demonstrate a need for the development.
6. The proposed function of the outbuildings is stated on the application form, with one building to be used as a staffroom and the other building for use as a classroom/meeting room. The description of development indicates the proposal would enable pupils of different age groups to be split. The appellant's statement suggests the main school building is used to capacity and the buildings are required for staff wellbeing and to provide a welcoming space for parents to visit with staff and share concerns. The justification for the development is therefore to meet the operational needs of the school.
7. The buildings are single storey with a flat roof form and have a modest floor area. At time of my site visit, each building accommodated a table and chairs, teaching resources, office paraphernalia such as cupboards, filing cabinets, and IT equipment. One building includes a WC, and the other contains a small kitchenette. The buildings therefore appear proportionate in size and scale in relation to their intended use.
8. No existing floor plans have been provided to show use of the main building, and the Council identify the addition of one additional student on roll as the only material change in the school's circumstances. The Council suggest the requirement for additional buildings demonstrates an intensification of demand, use and activity at the site. However, the appellant explains the school specifically caters for children with a wide range of Special Educational Needs and provides care and education to children with social, emotional, and mental health challenges. The school delivers bespoke education packages to meet the needs of all students and engages therapists to work with pupils. Since the education provided is tailored to the individual needs of pupils, it is logical that the operational needs of the school can change over time.
9. The application form states the number of children, staff, and visitors attending the school will not change. The original grant of planning permission includes a planning condition which limits the school's capacity to no more than 12 full-time school children in the school at any time, and no more than

two clients attending the assessment unit on any one day. The proposal does not seek to alter the condition and therefore the development would not increase the pupil and client capacity of the school.

10. The school currently has 11 pupils on roll and is registered with the Department for Education to accommodate 13 pupils. The Council suggests the number of registered pupils is evidence of a breach of the planning condition. However, the appellant indicates new pupils attend for half days for a transitional period, and it is unclear whether all registered pupils attend on a full-time basis. Therefore, I have no evidence to demonstrate the condition has been breached nor that the need for the proposed buildings arises from an intensification of use.
11. In my decision I have had regard to paragraphs 99 and 127 of the National Planning Policy Framework (the Framework) which recognise the importance of providing sufficient choice of school places to meet the needs of communities, and require decision-makers to take a proactive, positive, and collaborative approach to development that will widen choice in education, give great weight to the need to create, expand or alter schools, and support proposals which make more effective use of school sites.
12. For the reasons set out above, I am satisfied the proposal demonstrates a need for the development and, having regard to the local development strategy, I conclude the development would be in a suitable location.
13. The proposal would comply with Policy DM8 which supports development of needed local community facilities in the rural area where it will not adversely impact on the identified intrinsic character and beauty of the countryside.

Living conditions

14. As indicated in the development description, the buildings are intended for use as a staffroom and classroom/meeting room, and therefore would comprise the same use as, and support the function of, the wider school site.
15. The buildings are of modest scale and therefore would be unsuited to accommodate a large number of people at any one time. The appellant indicates the school caters for children with Special Educational Needs that require a quiet, nurturing environment. The two buildings would provide a room for staff wellbeing and space for parents to meet with staff. I have no evidence that such activities would generate excessive noise or disturbance.
16. As discussed above, the number of full-time pupils and attending clients can be controlled through condition and the proposal would not increase the school's capacity. Therefore, the proposal would not result in noise and disturbance from intensification of the use of the site.
17. The buildings are sited close to the boundary with Bridge Farmhouse. However, I have been provided no evidence to suggest use of the buildings would generate excessive noise or disturbance. I have no reason to consider the proposal would adversely affect the peaceful enjoyment of the use of the garden of Bridge Farmhouse and I am satisfied the proposal would not harm the living conditions of Bridge Farmhouse's occupants.
18. The proposal would therefore comply with CLP Policy DM29 which safeguards the living environment of the occupiers of any nearby residential property by

ensuring that the development is not overbearing and does not result in excessive noise or activity. In addition, the proposal would satisfy paragraph 135 of the Framework which ensures developments provide a high standard of amenity for existing users.

Highway safety

19. The school buildings are set back from the highway behind a yard area and long, shared access route. Pupils are transported to the school via taxi and the yard area offers informal parking, without demarcated bays. Since the proposal would not increase the school's pupil capacity or number of staff and visitors, the proposal would not increase the need for parking spaces.
20. The two buildings are sited on a relatively narrow strip of land between the site boundary and the school's walled courtyard. The Council suggest this area could previously have accommodated parking. However, I have been provided no details of the original parking layout, and therefore it is unclear if parking spaces would be lost.
21. The Essex Parking Standards require the school provide 12 parking spaces to serve full-time members of staff. The local highway authority (LHA) indicates 13 parking spaces would be retained and confirms the proposal would not affect on-site parking provision. The number of parking spaces would therefore exceed the requirement.
22. An adjacent storage building has planning permission for conversion to a dwelling. The LHA suggests the school would have enjoyed unofficial turning and parking over an area of hardstanding in front of this building. The hardstanding area is outside the appeal site boundary and is not within the school's control.
23. The Council raise concerns that loss of the hardstanding area could displace parked vehicles onto Woodhill Road, which is unsuitable for on-street parking due to the lack of footways, street lighting, narrow alignment, traffic, and proximity to junctions, and would increase conflict and risk of collisions to the detriment of highway safety and efficiency. The loss of the hardstanding area is the result of the grant of planning permission for the conversion of the storage building and is not a consequence of the appeal proposal.
24. At time of my site visit, conversion of the building was in progress. The former area of hardstanding had been enclosed by boundary treatments, and therefore was unavailable for parking and turning. Despite the enclosure of this hardstanding area beyond the school's boundary, I am satisfied there would be adequate turning space for vehicles to exit the shared access in a forward gear. In addition, in the event parking within the yard area were full, there would be adequate space for vehicles to stop along the edge of the wide shared access route. Therefore, I have no evidence that parked vehicles would be displaced onto Woodhill Road.
25. Paragraph 115 of the Framework states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. As set out above, I do not consider the proposal would have unacceptable or severe impacts on highway safety or efficiency.

26. The proposal would therefore comply with CLP Policy DM27 which requires proposals have regard to the vehicle parking standards set out in the Essex Parking Standards - Design and Good Practice 2009.

Other Matters

27. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires I have special regard to the desirability of preserving listed buildings, their setting, or any features of special architectural or historic interest which they possess.
28. The appeal site is behind the rear boundary of Bridge Farmhouse, a Grade II listed building. Bridge Farmhouse is an early 17th century timber-framed and plastered house with cross wings at the east and west ends and a tiled roof, with 19th century and later alterations and additions. The front elevation has a four-window range with casement windows with gothic arched heads and square hood moulds. The building's significance is therefore derived from its architectural and historic interest. Publicly accessible views of Bridge Farmhouse are available from Woodhill Road and the rural character of the area is important to the setting of the listed building.
29. The outbuildings are next to the boundary with Bridge Farmhouse. The dwelling's occupant considers the buildings to be out of keeping with Bridge Farmhouse and other adjacent buildings. However, the buildings are single storey with flat roofs and are low in form and unobtrusive. The buildings are set back and well-screened from public vantage points by existing boundary treatments and vegetation. Consequently, the buildings would not appear visually dominant nor affect the area's rural character. I have also had regard to the advice of the Council's Planning Listed Buildings & Conservation team who consider there to be no harm to the setting of the listed building. I am therefore satisfied the proposal preserves the listed building and its setting.

Conditions

30. Since the buildings are in situ, I have not included a condition imposing a time limit for the commencement of development. However, in the interests of certainty over the lifetime of the development, I have attached a condition requiring the development be in accordance with the approved plans.
31. To ensure the development does not have adverse effects on living conditions or highway safety, I have included a condition to limit the number of full-time students and clients in attendance.

Conclusion

32. For the reasons given above, having regard to the development plan taken as a whole and all other relevant material considerations, I conclude the appeal should be allowed.

E Dade

INSPECTOR