



Appeal Decision

Site visit made on 27 November 2024

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th December 2024

Appeal Ref: APP/W1525/W/23/3322113

Crowsheath Farm, Hawkswood Road, Downham, CM11 1JT

- 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 Crowsheath Farm Country Park Limited against the decision of Chelmsford City Council.
 - The application Ref is 22/01677/FUL.
 - The development proposed is described as "retention of stone wall."
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Contrary to the description of development, the wall has been built in brick with a reconstituted stone capping. As retention is not an act of development the proposal should be considered as the retrospective erection of a wall.

Main Issues

3. The wall is inappropriate development within the Green Belt. Therefore, the main issues are the effect on the:-
 - Openness and purposes of the Green Belt;
 - Character and appearance of the surrounding area;
 - Ecological value of the site; and
 - Whether other considerations clearly outweigh the harm to the Green Belt and any other harm so as to amount to very special circumstances.

Reasons

4. The wall encloses land within the Crowsheath Farm estate. This is extensive and includes residential properties, fishing lakes, a storage barn, offices, camping site, woodland and fallow fields. The wall is about 300m in length with a height of up to 2.5m and a thickness of approximately 0.5m. There are regular piers of around 1 sqm which are up to 3.1m high. It runs along both sides of the entrance driveway and the northern boundary of the holding.

Openness and purposes

5. The physical presence of the wall is such that it intrudes into and reduces the openness of the Green Belt. This impact is accentuated by its visibility.

Nevertheless, the harm to openness is limited given its modest height compared to surrounding buildings.

6. The Green Belt purposes set out in the National Planning Policy Framework do not refer to cumulative effects or precedent. The wall replaced a substantial area of trees and hedges and so has given the site a more 'developed' appearance. However, it has not extended out into surrounding land and so the proposal has not encroached into the countryside. As such, none of the purposes are offended by the proposal.

Character and appearance

7. The surrounding area is rural in character. In the immediate vicinity along Hawkswood Road, trees and hedging predominate although there are a scattering of properties and Hanningfield reservoir is a short distance to the east. There is a cluster of development at Crowsheath Farm but this is set well back from the road.
8. In this context, even though the wall does not directly adjoin Hawkswood Road, it stands out starkly as an urbanising and incongruous feature. In particular, the regularity of the piers, the chunkiness of the wall and the brightness of the brick, combine to make it an overly fussy and ostentatious feature when seen from the road. The structure is also publicly visible from the footpath to the south-east. Its adverse visual impact is not lessened by the presence of a utilitarian fence around the reservoir.
9. Some planting next to the wall has taken place adjacent to the garden of Viewfield. The appellant suggests that landscaping could be secured by condition. However, it is not clear whether this would be feasible given land ownership constraints. In any event, given its extent, this may not be effective in softening the appearance of the wall. The purpose of greenery should be to assimilate development into its surroundings rather than to hide it altogether.
10. Therefore, the wall has a significant harmful effect on the character and appearance of the surrounding area and this could not be overcome by a requirement for new planting. It does not respect its context as expected by Policy DM23 of the Chelmsford Local Plan on high quality design.

Ecology

11. According to Local Plan Policy DM16, all developments should avoid negative impacts on biodiversity and deliver a net gain where possible. The appellant has put forward a range of measures that could be incorporated into a Biodiversity Enhancement Plan. In theory, these would achieve the aims of the policy. However, the ecologist's recommendations are of a general nature.
12. In particular, no account is taken of the vegetation and potential natural habitats that have been lost. This may have created a biodiversity deficit. Furthermore, no indication is given as to where the various enhancements would take place. Whilst there may be scope for this within the wider holding no detail is given, for example, of where further planting or a wildflower meadow would be provided or where bird, bat or insect boxes could be incorporated. Based on the information provided, the response to this issue does not mean that the objection should be set aside.

13. As such, the proposal has had a negative impact on biodiversity contrary to Policy DM16 and it has not been shown whether or how this would be compensated for.

Other Considerations

14. Local Plan Policy DM23 seeks to achieve safe environments through design. The Framework also indicates that public safety should be promoted. This objective is also referred to in the *Making Places* Supplementary Planning Document and the guidance on *Designing Out Crime*.
15. Three incidents of theft from the site were reported to Essex Police in 2022. There have also been reports of anti-social behaviour in Hawkswood Road but it is not clear whether these were near to or associated with Crowsheath Farm. Nevertheless, this is an understandable concern of the estate operator given that machinery and equipment is kept at the site. Furthermore, those living at, staying at or visiting the site would wish to feel secure.
16. However, there is no gate onto Hawkswood Road and so anyone can enter the site unchallenged and unhindered. It is intended to install an electric gate where the roadway widens opposite the barn. That being the case, the length of walling along the entrance driveway, which is most visible from Hawkswood Road, appears to have no obvious security value. It has also not been explained why much of the wall follows the boundary of Viewfield.
17. The Council also questions whether other security measures such as CCTV have been considered and observes that there are other ways to gain access to the estate without climbing over the wall. No reply has been made to these points and the value, in practice, of the wall in providing security is not apparent. No evidence has been given to justify its extent or alignment. Visually it might portray an impression of solidity or act as a deterrent. However, the actual function of the wall in meeting the expectations of national and local policy is a matter of little positive weight.
18. A means of enclosure of up to 2m in height would be permitted development. However, the proposal is markedly taller than this. In any event, the appellant has stated that they do not wish to pursue lowering the wall and so the likelihood of this occurring is low. Furthermore, it would not be reasonable to impose the condition suggested by the Council to reduce the wall in its entirety to 2m. The potential 'fallback' and the previous existence of low bollards are relevant considerations but not ones that strongly support the proposal.
19. Three appeals from 2007, 2010 and 2020 are referred to where a wall and fencing were allowed in the Green Belt. These show that issues of safety and security and the 'fallback' position are other considerations to be weighed up as part of the overall balance. That is what has been done in this decision. However, the importance to be attached to these factors, together with the actual impact of the proposal, are individual to this appeal. No two cases are the same and the fact that over the years other means of enclosure have been accepted in the Green Belt does not heavily favour this proposal.
20. There are several examples of other brick walls in close proximity to the site. Indeed, their use as boundary features or at entrances is not uncommon in rural areas. However, all of those highlighted are much less in length, simpler in design and, in some cases, lower. They are therefore not directly

comparable to the proposal and their existence does not provide anything other than very limited support for it.

Other Matters

21. It is claimed that the wall has encroached onto highway land and onto that owned by Northumbrian Water Ltd. This is a civil matter and as the appeal is to be dismissed there is no need to deal with this further.

Final Balance

22. The wall is inappropriate development within the Green Belt. In accordance with the Framework, substantial weight should be given to any harm to the Green Belt. In addition, there is limited harm to openness. Furthermore, there is significant harm to the character and appearance of the surrounding area and a negative impact on biodiversity that could not clearly be remedied by condition. Together, these objections are considerable.
23. Even when combined, the other considerations put forward of site security, the existence of permitted development rights, other appeal decisions and other walls nearby, fall well short of clearly outweighing the totality of harm. As a result, very special circumstances do not exist.

Conclusion

24. Local Plan Policies S1, S11 and DM6 reiterate the Framework in that they seek to protect the Green Belt. As there are no very special circumstances, the proposal conflicts with these policies and does accord with the development plan as a whole. There are no material considerations that outweigh this finding. Therefore, the proposal is unacceptable for the reasons given and the appeal should not succeed.

David Smith

INSPECTOR