



Appeal Decision

Site visit made on 12 November 2024

by Thomas Courtney BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th January 2025

Appeal Ref: APP/W1525/W/24/3342809

Fairlawn Workshop, Woodham Road, Rettendon, Essex SS11 7QW

- 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 Elegant Architectural Ltd against the decision of Chelmsford City Council.
 - The application Ref is 23/01978/FUL.
 - The development proposed is the demolition of existing commercial buildings and construction of four new dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. An amended plan (drawing no 2015 04 rev D) has been submitted with the appeal. It shows an amended site plan with a turning head for refuse collection and emergency vehicles. Interested parties have not been given the opportunity to make representations on these changes giving rise to procedural unfairness. For that reason, I will not accept the amended plan.
3. The National Planning Policy Framework (the 'Framework') was updated on the 12 December 2024. Both parties have been given the opportunity to comment on the new amendments and how they are relevant to the appeal.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and development plan policy;
 - the effect of the proposal on the character and appearance of the surrounding area; and
 - the effect of the proposal on highway safety.

Reasons

Whether inappropriate development

5. Paragraph 154 of the Framework states that new development is inappropriate in the Green Belt unless it falls within the given list of exceptions. Under exception (g) the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings),

which would not cause substantial harm to the openness of the Green Belt is permitted. Policy DM6 of the Chelmsford Local Plan (CLP) is broadly consistent with the Framework in this regard.

6. The proposal would result in a reduction of built form in terms of floor area and volume. The large extent of hardstanding would also be removed from the site. The proposed dwellings would be arranged in a compact fashion, concentrating the built form within the centre of the site. This would allow the removal of the existing built form positioned on the boundaries adjacent to the neighbouring garden and the open land to the north. This would improve the spatial and visual openness of the site along its boundaries.
7. The linear layout would not appear overly formal or rigid given the varied profiles of the proposed dwellings that would feature differing roof structures and gables. Whilst the layout would be more uniform than the irregular and sporadic appearance of the existing built form, this would not adversely impact openness as the spread of development across the site would be reduced.
8. The Council highlights that the proposed dwellings would be taller than the existing buildings. However, the proposed roofs would not appear excessively bulky given their relatively modest structure and height. The footprint of the proposed dwellings would also be moderate. As such, they would not constitute unacceptably large, obtrusive structures, nor would they appear prominently in the surrounding context.
9. Accordingly, the effect of the development and the likely presence of parked cars, fencing and other domestic paraphernalia on visual openness would be very limited and would not cause a significant reduction in openness. The removal of the hardstanding and the introduction of garden land, landscaping and lawn in the northern part of the site would visually improve the appearance and openness of the site. The development would have a very limited impact as it would not cause substantial harm to openness. In this regard, I do not consider that there would be conflict with the Framework.
10. On this basis, the proposal would not be inappropriate development in the Green Belt and would accord with the exemption outlined at Paragraph 154(g) of the Framework. It would also not conflict with Policies S1, S11 and DM6 of the CLP insofar as they seek to ensure that the Green Belt is preserved from inappropriate development.

Character and appearance

11. The appeal site is a rectangular back-land plot with access off Woodham Road. It features a mix of redundant buildings, haphazardly built sheds, metal containers, a nissen hut, and a vast amount of hardstanding.
12. The area is characterised by a staggered and linear pattern of development with detached dwellings set-back from the road with large front gardens and long driveways. There is a mix of single storey and two-storey dwellings of varying sizes. There is also a noticeable number of rear outbuildings and large residential annexes within the plots adjacent to the site. Consequently, the built form on the northern side of Woodham Road has an ill-defined building line to the rear of the main dwellings fronting the road, resulting in an irregular and patchy grain of development.

13. The proposed development would constitute back-land development and would be visible to surrounding occupiers. However, the proposed dwellings would not appear out of place given the inconsistent building line on the northern side of Woodham Road. There are large annexe buildings that appear as dwellings directly to the east and west of the appeal site. The proposed dwellings are modest in scale and would not appear incongruous in this context.
14. The redevelopment of this brownfield site would have a positive visual impact as it would remove derelict structures, add greenery, and introduce well-designed and coherent buildings. Therefore, the appearance of this back-land residential development would not adversely impact the existing residential character of the surrounding built form.
15. Furthermore, the outline permission for the construction of 3 detached dwellings at Land at Whitegates, Woodham Road (ref 21/01335/OUT) would introduce back-land development on the northern side of Woodham Road. It is comparable to the proposed scheme and therefore weighs in favour of the appeal.
16. Given the above, the proposed development would not have a harmful effect on the character and appearance of the surrounding area. It would therefore not conflict with Policy DM23 of the CLP which seeks to ensure proposals are well-designed and relate positively to their context.

Highways

17. The proposed site layout plan does not include a turning facility for large vehicles. Consequently, large goods vehicles such as refuse vehicles and delivery vans would have to reverse over 90 metres along the single-track private drive and onto Woodham Road. This would be a hazardous manoeuvre which would unacceptably endanger highway users. The proposed arrangement would thus significantly harm highway safety.
18. I note the appellant's comments regarding the submission of the amended drawing (no 2015 04 rev D) which shows a turning head within the site. The Council did not consider the amended site layout within the statutory 8-week period. Whilst the amended plan was submitted during the appeal process, interested parties have not been given the opportunity to make representations on these changes. As noted previously, this gives rise to procedural unfairness. I have therefore not assessed the revised site layout.
19. Given this, the proposal would have an unacceptable harmful effect on highway safety. It would conflict with the Framework insofar as it seeks to ensure proposals provide safe and suitable access to sites and don't result in any significant impacts on highway safety.

Other Matters

20. The proposed development would be an effective use of Grey Belt land, providing four new dwellings on a small site in a sustainable location close to public transport options. These are positive aspects of the scheme, and I have attached moderate weight to these considerations. However, they would not outweigh the significant harm to highway safety I have identified.

21. I note the neighbour's comments regarding the revised layout and the turning space within the site. However, I cannot accept the amended plan (drawing no 2015 04 rev D) given the fact that interested parties have not been given the opportunity to make representations on the changes.

Conclusion

22. The proposal would not constitute inappropriate development in the Green Belt and would not harm the character and appearance of the area. However, the proposal would cause material harm to highway safety. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

23. For the reasons given above the appeal should be dismissed.

Thomas Courtney

INSPECTOR