



Appeal Decision

Site visit made on 13 February 2025

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2025

Appeal Ref: APP/W1525/D/24/3347806

Gay Bowers Farm, Bakers Lane, West Hanningfield, Chelmsford, Essex CM2 8LD

- 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 Mr Russell Maxwell-Smith against the decision of Chelmsford City Council.
 - The application Ref is 24/00268/FUL.
 - The development proposed is removal of existing detached garage, lean to extension and rear porch and formation of 2 No. new double storey side extensions and single storey mono pitched rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A new National Planning Policy Framework (the Framework) came into effect in December 2024 and is applicable to this appeal. Neither the changes to the Green Belt section nor other aspects of the revised Framework materially affect the issues under consideration in this case, so it has not been necessary to seek further views from the parties.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies,
 - the effect of the proposal on the openness and purposes of the Green Belt,
 - the effect on the character and appearance of the host dwelling, having particular regard to its significance as non-designated heritage asset, and
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the development.

Reasons

Inappropriate Development in the Green Belt

4. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate unless one of a number of exceptions apply. These include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building

(paragraph 154c) and the limited infilling or partial redevelopment of previously developed land, subject to the effect on openness (paragraph 154g).

5. The appeal concerns extensions to an existing dwelling in an extensive rural landholding. Since the property is not in a built-up area, the residential garden, where the extensions would be located, falls within the definition of previously developed land (PDL), in Annex 2 of the Framework.
6. An existing garage, lean-to extension and small rear porch would be replaced. However, the vast majority of the dwelling would be retained, and the focus of the proposal is on extension of that existing building. Of the two main extensions, one would extend beyond an existing two storey addition and would not replace any existing structure. Although there are barns and other outbuildings in the vicinity, neither of the two storey extensions would occupy any well-defined gap between existing buildings. Consequently, considered as a whole, the proposal does not amount to redevelopment or infill of PDL within the scope of paragraph 154g and paragraph 154c is applicable.
7. In the Chelmsford Local Plan¹ (CLP), Policy DM11 reflects the provisions of paragraph 154c, stating that extensions or alterations to existing buildings in the Green Belt will be permitted where that would not result in disproportionate additions over and above the size and scale of the original building. The policy also requires that such extensions would not be out of keeping with their context and surroundings or result in any other harm and these matters are considered further below.
8. The dwelling has already been enlarged, to provide a two storey extension to the side, a lean-to extension at the rear and a detached garage directly adjacent. These are referred to by both parties as modern additions, with the planning history confirming that the two-storey extension was approved in 2014. On that basis, they are not part of the original dwelling as defined in the Framework.
9. The Council gives the floorspace of the original dwelling as 172sqm. The appellant has not provided an equivalent figure, but both parties indicate that the total proposed floorspace would be in the order of 300sqm. The Design and Access Statement provides a figure of just over 191sqm for the total overall additions, including both two storey extensions, each of 82sqm, and the proposed single storey addition to the rear. There is no justification for deducting the floorspace in the garage or existing two storey extension, since neither is part of the original dwelling. While the different figures from each party cannot easily be reconciled to establish an agreed percentage uplift, it is clear that there would be a very sizable increase over the floorspace of the original dwelling.
10. In terms of massing, the proposal would introduce substantial wings to either side of the original front elevation. These would be only marginally narrower than the original dwelling, thereby almost tripling its width. They would be set back, with a slightly lower ridge line, but not to an extent that would significantly reduce their bulk. The scale of the side extensions would overwhelm that of the original, central frontage. While the rear extension would be of more modest proportions, considered as a whole the additions would clearly amount to a disproportionate addition over and above the size of the original building.

¹ Chelmsford Local Plan adopted May 2020

11. I therefore conclude that the proposal would be inappropriate development in the Green Belt, as defined in the Framework and Policy DM11 of the CLP.

Openness and Purposes of Green Belt

12. The dwelling stands at the heart of an extensive holding, which also includes paddocks, woodland and areas of amenity grassland. As previously noted, the proposed extensions would be within the area already laid out as a garden and would, in part, replace an existing garage. Taking account of the barns and outbuildings nearby, the extensions would be seen in the context of an existing cluster of buildings. There would be no increase in the height of the dwelling and as far as can be determined from the evidence, no effect on public views, including any long distance views of the site.
13. The proposed development would not conflict with the Green Belt purpose of checking the unrestricted sprawl of large built-up areas, since it would be confined to the enlargement of an existing dwelling which is separated from the nearest large built-up area by countryside. Nor would there be any conflict with the other purposes of the Green Belt as defined in paragraph 143 of the Framework.
14. Nevertheless, taking into account the very sizable increase in the scale of the dwelling, there would be a noticeable increase in the level of built development. The dwelling would be more dominant, even when the extent of the holding is taken into account. That would, to some extent, be detrimental to openness. However, in the absence of any public views of the site, any harm would be experienced only by those living at, or visiting, the site. Taking that into account, the overall harm to openness would be very limited.

Character and Appearance: Non-Designated Heritage Asset

15. Mapping evidence in the Heritage Statement indicates the presence of an un-named building at the site from the late 18th Century. Although various dates are given for the existing dwelling, including a suggestion that it dates from the early 20th Century, additional heritage evidence provided with the appeal describes it as having likely origins in the early 19th Century. That is consistent with advice from the Council's Historic Environment Adviser, who similarly dates the house and the barns at the rear to the late 18th/early 19th Century. While the house has been subject to extensive alterations, there is no dispute that it should be regarded as a non-designated heritage asset (NDHA) based on its historic origins.
16. The original house has a symmetrical front elevation with vertically proportioned window openings and a central porch. Despite the modern additions, this older part of the dwelling can still be clearly identified, with the painted facing brickwork and symmetrical detailing being visual indicators of its extent. Notwithstanding the neo-Georgian detailing, its scale and proportions are consistent with the character of a rural farmhouse of the period. The relationship between the dwelling and the barns at the rear also reveals this historic function.
17. While the addition of symmetrical wings may be characteristic of stately homes and other grand houses, that is not the historic function or character of this particular dwelling. The substantial extensions would be visually overwhelming with little sense of subservience. The proposal would not allow for continued understanding of its character and origins as a rural farmhouse and the extended

dwelling would have a significantly more dominant relationship with the modest historic barns.

18. The existing side extension does somewhat unbalance the proportions of the front elevation. However, it has a more subservient appearance due to its significantly narrower width and does not prevent the symmetry of the original building from being appreciated. Nor does the presence of the earlier extensions make the dwelling look unfinished. The detached garage is a single storey structure of sympathetic external materials, which is neither unsightly nor intrusive within the setting of the NDHA. As such, any limited advantage from the more cohesive, symmetrical design approach would be significantly outweighed by the excessively dominant scale and visual prominence of the extensions.
19. For the above reasons, I conclude that the proposal would be harmful to the character and appearance of the host dwelling, having particular regard to its significance as non-designated heritage asset. It would conflict with Policy DM23 of the CLP which, amongst other things, requires that extensions are well-proportioned and compatible with the character and appearance of the host building in terms of scale, form and massing. It would also conflict with the requirement in Policy DM11 that extensions in the Green Belt would not be out of keeping with their context and surroundings or result in any other harm.
20. Where development would result in harm to the significance of a NDHA, both Policy DM14 of the CLP and paragraph 216 of the Framework require that a balanced judgement is made having regard to the scale of the harm and the significance of the heritage asset. In this case, no listed buildings or other designated heritage assets would be affected and the absence of public views of the site mitigates the level of public harm. Nevertheless, the property's status as a NDHA has been demonstrated in the heritage evidence and is not contested. While the dwelling has been altered in modern times, the harm to its character and appearance would be substantial and this would significantly undermine its heritage significance.
21. For the reasons given above, the more symmetrical design would not, overall, amount to an enhancement. While the increased accommodation would no doubt be of value to the occupiers, no public benefits have been presented to justify the proposal. Therefore, the proposed development would conflict with Policy DM14 of the CLP and would not gain support from the balanced approach advocated in paragraph 216 of the Framework.

Other Considerations

22. While I have had regard to the appellant's arguments about alternative forms of extension which may have been possible through the use of permitted development rights², the evidence also confirms that those rights have been withdrawn by means of a planning condition attached to an earlier planning permission. Therefore, there is not even a theoretical possibility that the property could be extended by that means. As such, the implementation of permitted development rights does not amount to a realistic fallback position and the proposal does not offer any visual advantage from that perspective.

² As defined in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

23. There would be no effect on flood risk, no trees or vegetation would be removed, and the Council did not allege any harm in respect of archaeological remains. However, those are neutral considerations weighing neither for nor against the proposal.

Green Belt Balance

24. The proposed extensions would be inappropriate development in the Green Belt as defined in the Framework and development plan. There would be some harm to openness, albeit very limited. The proposal would also harm the significance of a non-designated heritage asset.
25. The Framework states that substantial weight should be given to any harm to the Green Belt including harm to its openness. Very special circumstances will not exist unless that harm, and any other harm resulting from the development, is clearly outweighed by other considerations.
26. For the reasons given above, there is no realistic fallback position based on the implementation of permitted development rights. While the scale of the overall holding and the lack of public views are mitigating factors, they do not eliminate the harm by reason of appropriateness and the other harm. That being the case, the other considerations do not clearly outweigh the harm identified. Consequently, the very special circumstances necessary to justify the development do not exist

Conclusion

27. 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. Therefore, the appeal should be dismissed.

Jane Smith

INSPECTOR