



Appeal Decision

Site visit made on 18 February 2025

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2025

Appeal Ref: APP/W1525/W/23/3327079

Wood Edge, Main Road, Bicknacre, Chelmsford, Essex CM3 4HW

- 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 and Mrs Caton against the decision of Chelmsford City Council.
 - The application Ref is 23/00719/OUT.
 - The development proposed is the erection of 1 no. dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application which is the subject of this appeal was made as an outline application with all matters (access, appearance, landscaping, layout and scale) reserved for future consideration. As such I have considered the appeal on this basis.
3. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. Comments have been sought from both parties in relation to the revised Framework and any comments received have been taken into consideration within my decision.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

5. The appeal site is a parcel of land alongside Main Road and adjacent to the property known as Wood Edge. The site previously formed part of the garden space belonging to Wood Edge, however, although under the same ownership, it appears to now have been subdivided and used for outdoor storage. It is located outside of any defined settlement boundary, with the settlement of Bicknacre to the north, in the open countryside. The immediate area surrounding the appeal site is characterised by several residential plots in a loose knit style of ribbon development, interspersed with open space. The site is also bordered by Thrift Wood, a SSSI and large area of woodland, giving the appeal site a verdant appearance that makes a positive contribution to the character of this rural area.

6. Policy S11 of the Chelmsford Local Plan 2020 (the LP) states that the countryside outside of the Urban Areas and Defined Settlements, not within the Green Belt, is designated as the Rural Area. The intrinsic character and beauty of the Rural Area outside of the Green Belt, and not designated as the Green Wedge, will be recognised, assessed and development will be permitted where it would not adversely impact on its identified character and beauty. Policy S1 of the LP also requires new development to respect the character and appearance of landscapes and the built environment.
7. More specifically, Policy DM8 of the LP states that 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 where the development falls under one of a list of development types. This includes (ix) infilling in accordance with Policy DM9. Policy DM9 states that planning permission will be granted for infilling in the Rural Area provided that the site is a small gap in an otherwise built-up frontage and the development does not detract from the existing character or appearance of the area, and would not unacceptably impact on the function and objectives of the designation.
8. Due to its location, the appeal site is within the designated 'Rural Area' as defined by Policy S11. The appellant contends that the appeal site currently has no intrinsic character or beauty. However, in this rural edge location, the current gap in development, the verdant nature of the site previously described and views of the woods to the rear, make a significant contribution to the openness of this immediate area and its rural nature, including the intrinsic character and beauty of the Rural Area/countryside. As such, development of a dwelling on the appeal site would result in a loss of this positive contribution and an urbanisation of the site as a whole.
9. The appellant indicates that the proposal has been designed to allow views of Thrift Wood, with good levels of amenity land surrounding it, and that the proposed dwelling would be set back from the road with mature trees along the boundary, providing screening, with a traditional design including a pitched roof and dormer windows. These details would be subject to the reserved matters process. However, from the indicative plans provided, it is clear that a dwelling in this location would still be a highly visible addition within the streetscene. As such, the addition of a new dwelling and its associated domestic paraphernalia, which could not be satisfactorily addressed through the removal of permitted development rights by condition, would result in adverse harm to the undeveloped and open character of the site which contributes to the rural character of this area.
10. It is noted that a large number of dwellings have been constructed to the north of the appeal site, which the appellant states was an allocated site in the recent local development plan. However, this does not alter the character and appearance of the appeal site and its immediate surrounds, which is some distance from this recent housing development.
11. The appellant also contends that a large ancillary outbuilding could be constructed on the appeal site, presumably under permitted development rights, and that this should be given consideration as a fallback position. However, such a building would have an entirely different character to a separate dwelling and the associated domestic paraphernalia, including a separate access. Therefore, I do not consider that this fallback position would outweigh the harm identified.

12. The appellant claims that the development would constitute infilling as defined by Policy DM8 and DM9 of the LP. This is defined within the policy as a small gap in an otherwise built-up frontage. However, regardless of this definition, as it has been found that the proposed development would adversely impact on the identified intrinsic character and beauty of the countryside and would detract from the existing character and appearance of the area, the proposal would not be considered acceptable under these policies.
13. Policy DM8 of the LP also states that for previously developed land, planning permission will be granted where the proposed development would not result in harm to the identified intrinsic character, appearance and beauty of the area. The appellant and Council both agree that the appeal site constitutes previously developed land. However, for the reasons previously given, the proposal would result in harm to the identified intrinsic character, appearance and beauty of the area and would therefore also not fall under this section of Policy DM8.
14. Therefore, for the reasons above, the proposed development would result in significant harm to the character and appearance of the surrounding area and would conflict with Policies S1, S11, DM8 and DM9 of the LP as outlined above.

Planning Balance

15. It has been concluded by the parties that the appeal site is previously developed land. The appellant has stated that Paragraph 85 of the Framework supports the re-development of previously developed land. There appears to be some confusion in relation to paragraph numbers, as paragraph 85 of the Framework is not relevant to this appeal and my attention has not been drawn to any other parts of the Framework relevant to this matter. However, paragraph 89 of the Framework does state that the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist. However, as per my findings above, due to the harm to the character and appearance of the area, the appeal site is not considered to be suitable and therefore the use of previously developed land is given limited weight.
16. It is noted that the proposal would provide one additional dwelling in an area which the appellant considers is a sustainable location in relation to the proximity to public transport and other services and facilities. However, the benefits of a single dwelling are limited and would therefore not outweigh the harm previously identified.
17. The appellant indicates that the proposed development is a self-build property which they consider is encouraged by local and national policy. However, it is generally necessary for any planning permission to incorporate some means of ensuring that custom/self-build proposals are constructed in this manner. The appellant has suggested a condition to this regard, although no particular wording has been provided. Nevertheless, any such condition would be unlikely to pass the tests within paragraph 57 of the Framework in relation to enforceability. Therefore, without sufficient means to secure it, I give little weight to the proposal as a self-build dwelling.

Other Matters

18. The appeal site is within the zone of influence for the Blackwater Estuary Special Protection Area (SPA) and Ramsar site, where the Council indicate that likely

significant effects will occur through increased recreational pressure on these sites from the proposed development. Whilst this was included as a reason for refusal in the original decision notice, the Council have now confirmed that a financial contribution has been secured by way of an upfront payment which resolves this reason for refusal.

19. The Conservation of Habitats and Species Regulations 2017 (as amended) requires the decision maker to undertake an Appropriate Assessment (AA) where there are likely significant effects from the proposal, either alone or in combination with other plans or projects. However, regulation 63(1) indicates the requirement for an AA is only necessary where the competent authority is minded to give consent for the proposal. Therefore, in view of my overall conclusions resulting in my decision to dismiss the appeal, it has not been necessary to address this in any further detail.

Conclusion

20. Therefore, for the reasons given above and having had regard to all other matters raised, the proposal would conflict with the development plan taken as a whole and I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR