



Appeal Decision

Site visit made on 25 March 2025

by **S J Warder BSc(Hons) MA DipUD(Dist) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 April 2025

Appeal Ref: APP/W1525/W/24/3351475

Crowsheath Farm, Hawkswood Road, Downham, Essex 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 Mr Michael Annis against the decision of Chelmsford City Council.
 - The application Ref is 24/00062/FUL.
 - The development proposed is described as retention of car park and access.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) has been revised since the parties submitted their statements. However, the paragraphs relevant to this decision have not materially changed. Therefore, I consider that it was not necessary to seek further comments from the parties. Nevertheless, my decision refers to the paragraph numbers in the December 2024 version of the Framework.
3. The description of development above refers to the retention of a car park and access. On the site visit I saw that brick walls and piers flanking a partially hard-surfaced access had been constructed adjacent to Hawkswood Road and a partially surfaced car park had been laid out at a separate location within the wider Crowsheath Farm site.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt (GB) having regard to the Framework and relevant development plan policies;
 - the effect of the proposal on the openness and purposes of the GB;
 - the effect of the proposal on biodiversity;
 - 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 proposal.

Reasons

Whether inappropriate development?

5. The appeal proposals consist of engineering operations within the GB and there is no dispute between the parties that they amount to inappropriate development for

the purposes of Framework paragraph 154 and Policy DM10 of the Chelmsford Local Plan (LP). I see no reason to disagree, although the parties do dispute the extent to which the proposal would affect the openness and purposes of the GB.

6. Framework paragraph 153 confirms that inappropriate development is, by definition, harmful to the GB and requires substantial weight to be given to any harm.

Openness and purposes of the Green Belt

7. Prior to the appeal works being carried out at the access site, there was a field gate flanked by hedges and I understand that the car park site was essentially free from built development. The access works are visually and spatially divorced from the established development at Crowsheath Farm.
8. The walls flanking the access span some 36m in total and are 1.8m to 2.1m high. The 1m square piers are 3.1m high and application plan reference 1646-0030-02 shows five bar gates are proposed at the vehicular and pedestrian entry points. The walls and piers are set back from the carriageway and the broad, irregularly shaped intervening area is intended to be bitmac surfaced. Overall, this amounts to a substantial structure at a previously, largely undeveloped, rural location.
9. The colour of the brickwork and the set back of the wall from the carriage have a negligible effect in reducing its prominence in views from Hawkswood Road. Given its scale and proximity to the road, additional soft landscaping in front of the wall would do little to mitigate its prominence and urbanising effect.
10. While there are walls and gates at entrances to other properties in the area, they are not within visual range of the appeal access site. By virtue of their closer association with the properties they serve, their siting intrudes far less into the rural character of the area. Consequently, I consider that the scale, form and incongruous location of the access works result in a significant loss of openness of the GB and encroachment of built development into the countryside.
11. The car park is not visible in views from Hawkswood Road. However, openness has a spatial, as well as visual, aspect. According to the Council's evidence, the car park covers more than 1000sqm and would accommodate three rows of 16 vehicles. Although it is more closely related to established development in the wider site than the access works, the site was formerly open and contributed to the rural setting of the established development. In contrast, the construction of the car park has had an urbanising effect on a substantial area of land, extending built development into previously green and open land. It, therefore, significantly diminishes the openness of the GB and encroaches into the countryside.
12. Consequently, the proposals conflict with LP Policies S1, S11 and DM10 insofar as they seek to protect the GB and to preserve its openness. They also conflict with Framework paragraph 153 which has similar aims.

Biodiversity

13. The appeal proposal was carried out without an ecological appraisal. The Technical Note appended to the appellant's statement seeks to assess the scheme retrospectively and acknowledges the limitations in this approach. It finds that the proposals would not adversely affect statutory designated sites and neither the

access site nor the car park site supported priority habitats or had high potential to support protected species.

14. The assessment goes on to recommend a series of mitigation measures. However, all such measures would be off-site. While I accept that there is the potential to secure these measures on the wider Crowsheath Farm, off-site mitigation is lower on the bio-diversity mitigation hierarchy than avoidance or on-site measures. Moreover, the Technical Note makes no attempt to evaluate the effectiveness of the proposed measures against the biodiversity value losses incurred by implementing the appeal proposals. Further, the assessment of the extent of those losses carries a considerable degree of uncertainty.
15. As such, the Technical Note does not provide sufficient assurance that the proposals would conserve or enhance the network of habitats and species and avoid negative biodiversity effects as required by LP Policy DM16.

Other Matters

16. The appellant contends that the access works would improve security at Crowsheath Farm and points to instances of anti-social behaviour on or near Hawkswood Road as well as the appellant reporting theft to Essex Police on several occasions. The Framework, LP Policy DM23 and the Council's Making Places Supplementary Planning Document support the creation of safe and secure environments, and the SPD refers specifically to the use of boundary treatments.
17. The appellant also cites three appeal decisions where the security benefits of proposals were given weight in GB cases¹. However, while the principle that security matters can carry weight is established, each case must be determined on its merits and each of the cited appeals turned on site-specific circumstances and its own balance of harms and benefits.
18. In this case, as the appellant acknowledges in its Planning Statement, Crowsheath Farm is very open and access can easily be achieved from adjoining land as well as from Hawkswood Road without restriction. Moreover, no information has been provided on how the gates would be managed to allow visitor and residents access while preventing access by would-be criminals, particularly as the pedestrian gate is required to give access to a public right of way. Nor has it been shown that the previous field gate was not, or could not have been made to be, secure. Therefore, I consider that, even if the proposed access works could be effectively managed to restrict vehicular access from Hawkswood Road, they would have a limited effect on the security of Crowsheath Farm as a whole.
19. The car park would increase the amount of parking available for visitors to an established local business. Nevertheless, no information has been provided to show that there is currently a shortfall in parking at the site to the point that it is adversely affecting the viability of the business or putting at risk highway safety. As such, I give the claimed benefits of providing additional car parking little weight.
20. The appellant's final comments refer briefly to the use of permitted development rights as a 'fall-back' position. However, no firm evidence has been provided that such rights are available for the appeal proposals.

¹ Appeal Refs: APP/T0355/C/09/2116954, APP/T0355/C/06/2026505, APP/X4725/W/19/3242250

Green Belt Balance

21. I have found that the appeal proposals would be inappropriate development in the GB and would significantly reduce its openness as well as encroaching into the countryside. I am required to give substantial weight to any harm to the GB. On the other hand, I give limited weight to the benefits of the proposals in terms of improving security and the comfort and convenience of visitors by providing additional car parking. Consequently, the other considerations in this case do not clearly outweigh the harms identified and the very special circumstances necessary to justify the development do not exist.

Conclusion

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

S J Warder

INSPECTOR

