



Appeal Decision

Site visit made on 28 January 2025

by Thomas Courtney BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 May 2025

Appeal Ref: APP/W1525/W/24/3346727

Land Adjacent to Bungalow, Stock Hill Farm, Stock Road, Ingatestone CM4 9QZ

- 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 Patrick Casey against the decision of Chelmsford City Council.
 - The application Ref is 23/01833/FUL.
 - The development proposed is described as the erection of a detached bungalow, replacement of existing.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. The parties have been provided with the opportunity to comment on the implications of the revisions to their cases. I have taken account of the revised Framework, and any comments made, in my determination of the appeal as necessary.
3. In the interest of accuracy, the description of development in the banner head above is based on the decision notice and the appeal form.

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 living conditions of the neighbouring occupiers at No 1 Chase Farm Place with particular regard to outlook and light.
 - whether the proposal would be contrary to the Council's strategic approach to the provision of housing in the borough with particular regard to accessibility.

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), limiting infilling or 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 2020 (CLP) is broadly consistent with the Framework in this regard although it states that a development proposal should not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing use or development.

6. The Council highlights that the proposal would introduce a significant amount of built form across the width of the plot. However, the footprint of the proposed dwelling would be moderate and would still allow for space along its western side elevation for a path and landscaping. It would not therefore appear to spread across the entirety of the plot. Furthermore, the height of the proposed dwelling would not be overwhelming and would be comparable to buildings in the vicinity. The proposed roof would also not appear excessively bulky given its relatively modest structure. As such, whilst the proposed development would be clearly larger than the existing building, it would not constitute an unacceptably large, obtrusive structure, nor would it appear prominently in the surrounding residential context.
7. Accordingly, the effect of the development and the likely presence of domestic paraphernalia on visual openness would be moderate and would not cause a significant reduction in openness. The removal of the existing dilapidated structure, visible to surrounding occupiers, in the southern part of the site would visually improve the appearance and openness of the site. The development would have a moderate impact but would not cause substantial harm to openness.
8. There would be some conflict with Policy DM6 as the proposal would have a greater impact on openness than the existing use/development. However, this policy requirement does not align with the Framework (as amended in 2024) which requires a proposal not to cause substantial harm to openness. I have therefore attached very limited weight to the harm arising from this policy conflict. 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 Policy S11 of the CLP insofar as they seek to ensure that the Green Belt is preserved from inappropriate development. I have not referred to Policy DM9 of the CLP as I have found the development acceptable under Paragraph 154(g) of the Framework.

Living conditions

9. The proposed dwelling would be sited near the common boundary with the neighbouring property at 1 Chase Farm Place. The eastern side elevation would be close to the neighbour's rear bedroom window and rear amenity space. Furthermore, the proposed dwelling would project beyond the rear elevation of No 1 by approximately 6-7 metres.
10. The proposed dwelling would have a modest footprint and would be single storey. Nevertheless, it would feature a pitched roof which would exceed 5 metres in height. Whilst there would be no overlooking and no objections were raised, because of its height, considerable depth, and position to the south-west of No 1, it would unacceptably impact on the amount of light received at this neighbouring property. The bedroom would therefore be gloomier as a result. It would also

erode the neighbour's capacity to enjoy the rear amenity space. The loss of light would harmfully impact the living conditions of the neighbouring occupants.

11. Furthermore, the proposed dwelling would have an imposing presence given its overall scale and proximity to the boundary. When viewed from the neighbour's rear bedroom and garden, it would appear dominant and therefore adversely impact the neighbour's outlook. The proposed dwelling would still be visible above the boarded boundary fence. Therefore, the fence would not sufficiently mitigate the effect of the proposal.
12. The appellant states that the position of the proposed dwelling would be dictated by the constraints of the site and to facilitate adequate parking and amenity. While I note the site constraints and other policy requirements, it is incumbent on me to consider the development on its own merits. For these reasons, the harm I have identified is not overcome.
13. I note that there are buildings in the vicinity of the site that are built in close proximity to each other. However, most dwellings in the area are separated by adequate distances. Whilst the flank elevations of Unit 3 and The Bungalow are sited close together, neither dwelling projects beyond the other or impacts neighbouring amenity in the same way as the proposed appeal scheme before me.
14. Given this, the proposal would have a significant harmful effect on the living conditions of the neighbouring occupiers of 1 Chase Farm Place with regards to a loss of light and outlook. Consequently, it would conflict with Policy DM29 of the CLP which seeks to ensure proposals safeguard the living environment of the occupiers of nearby residential properties.

Accessibility of proposal

15. The site lies outside of a defined settlement where the Council's spatial strategy seeks to locate new housing. It would also be impractical and hazardous to walk to the nearby village of Stock given there is no streetlighting and no pedestrian footway along Stock Road after the junction with Downham Road. Whilst the road is mostly unlit, Stock could feasibly be reached by bicycle. However, this would, to a degree, suppress its attractiveness as an alternative mode of transport.
16. Notwithstanding the above, there are bus stops sited near the public house to the north-west of the appeal site within walking distance. These offer regular services to Stock which is a Key Service Settlement according to the settlement hierarchy. The bus routes also offer regular services to nearby towns. Future occupants of the proposed dwelling would be able to reach services, amenities, and local employment opportunities with the use of public transport. Furthermore, there is a convenience store within the nearby petrol station with late opening hours and a pub both of which are within easy walking distance of the site.
17. Recent residential developments in the surrounding area were found to be acceptable with regards to accessibility to amenities and local services. I have no reason to find that the appeal site would be any different. Given the public transport options and the proximity of the convenience store, the future occupiers would not be overly reliant on private vehicles. The site would be adequately connected and accessible.

18. For these reasons, the proposed development would be sufficiently accessible and would not be contrary to the Council's strategic approach to the provision of housing in the borough. It would adhere to Policies S1 and S7 of the CLP insofar as they seek to ensure that new development is located in sustainable locations.

Planning Balance

19. The proposed development would deliver social, environmental and economic benefits. It would be an effective use of previously developed land and would make a very modest contribution to the housing stock. It would be well-designed, with a traditional character, and meet minimum space standards. There would also be some minimal economic benefits during construction and from future occupants' contributions to the local economy through the use of services and facilities. These are positive aspects of the scheme, and I have attached moderate weight to these benefits.
20. I have, however, found the proposal would conflict with policies that look to provide appropriate living conditions for existing residential occupants. These impacts would be considerable and long lasting. The adverse impact of the conflict between the proposal and these policies therefore carries substantial weight in this appeal. Consequently, the adverse impacts of the proposal are not outweighed by the benefits.

Other Matters

21. The appeal site is located within the recognised 'Zone of Influence' for one or more of the European designated sites scoped into the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). The appellant has provided a financial contribution towards mitigation. I have a duty under the Conservation of Habitats and Species Regulations 2017 to assess any impact the proposed development would have upon the RAMS. However, as I am dismissing the appeal for the reasons given above, I do not need to conduct any further assessment in relation to the RAMS.

Conclusion

22. The proposal would not constitute inappropriate development in the Green Belt and would not be contrary to the Council's strategic approach to the provision of housing in the borough. However, the proposal would cause material harm to the living conditions of the neighbouring occupiers at 1 Chase Farm Place. 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