



Appeal Decision

Site visit made on 7 March 2025

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th June 2025

Appeal Ref: APP/W1525/W/24/3355306

Oaktree Farm, Burnham Road, Rettendon, Essex SS11 7QS

- 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 D Regan against the decision of Chelmsford City Council.
 - The application Ref is 24/01122/FUL.
 - The development proposed is demolition of existing dwelling, commercial building and three ancillary storage structures. Erection of replacement dwelling and single additional new dwelling with associated amenity space, tree planting, parking, EV charging points and landscaping.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs against the Council is the subject of a separate decision.

Preliminary Matters

3. Following the determination of this application a revised National Planning Policy Framework (The Framework) was published on 12 December 2024. The Framework was amended on 7 February 2025 in a manner relevant to the appeal. The Council's view on whether the proposed development is inappropriate in the Green Belt has been subject to change. On 12 February 2025 it stated that it was. This is the Council's final position.
4. I invited comments on the 12 March 2025 from both parties. I will therefore consider all comments received up to the deadline for responses, including those supplied by the Council on 12 February 2025.

Main Issues

5. The main issues are:
 - Whether the proposed development is inappropriate in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the proposed development on the openness of the Green Belt; and
 - Whether the site is in a suitable location for the proposed development having regard to local and national planning policies and access to services and facilities.

Reasons

Whether inappropriate development

6. The appeal site (the site) is previously developed land in the Green Belt. Paragraph 153 of the Framework states that development in the Green Belt is inappropriate save for certain exceptions. These include, at 154(g), the partial or complete redevelopment of previously developed land (including a material change of use to residential) where it would not *cause substantial harm to the openness of the Green Belt*. When the application was determined, the requirement was that development not *have a greater impact on the openness of the Green Belt than the existing development* [my emphases].
7. Policies S1 and S11 of the Chelmsford Local Plan (2020) (the Local Plan) protect the openness and permanence of the Green Belt and prohibit inappropriate development therein save for in very special circumstances as defined by the Framework. Local Plan Policy DM6 supports the redevelopment of previously developed Green Belt land where it would not have a *greater impact on the openness of the Green Belt and the purpose of including land within it than the existing use and/or development*. In this respect the policy differs from the Framework, and I reduce the weight I attribute to the former accordingly.
8. Policy DM6 also sets out assessment criteria i to iv. Of these, i to iii require a comparison between the existing and proposed developments in terms of size, scale, massing, spread, visual impact, and associated activities and uses. I see no reason why this should not reasonably be part of assessing impacts on openness and find no conflict with the Framework. Whether, as per iv, the location of the site is sustainable and appropriate is not a consideration of paragraph 154(g), and has little evident bearing on openness. This reduces significantly the weight I apply to it.
9. Local Plan Policy DM9 is cited in the decision notice. This policy addresses infilling in villages in the Green Belt and is comparable to the exception set out at paragraph 154(e) of the Framework, therefore. However, the appellant has advanced no case that the proposed development would meet this definition, and I see no reason to think that it would. The policy is not relevant to the proposed development, therefore.
10. There is disagreement as to whether the provisions of paragraph 155 are applicable. I will come to that later in my determination. As a result of paragraph 154(g) of the Framework, however, the proposed development would not be inappropriate if it would not cause substantial harm to the openness of the Green Belt.

Openness

11. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. There are existing buildings on the site that would be removed as part of the proposed development. These are a long, barn-type structure referred to as the south building by the Council, and a timber-clad building referred to as the north building. Storage containers would also be removed from the site. Even if these containers are omitted from the calculation, the proposed development would still result in a reduction in the footprint and volume of buildings at the site.

12. The proposed development would be concentrated more around the centre of the site than the existing buildings, and involve the cessation of an authorised business use. The Council accepts that in terms of size, scale, massing and spread, the proposed development would not have a greater impact on the openness of the Green Belt. I see no reason to view matters differently. The Council also accepts that the proposed development is unlikely to result in a significant increase in activities on site. I see no reason to disagree insofar as the effect on a general sense of openness is concerned, though I will return to this matter in respect of vehicular movements and trip generation later.
13. The site is largely screened from Burnham Road by dense greenery along the boundary. The proposed dwellings would be taller than the north and south buildings by some 3m and introduce two-storey development to the site. The Council contends that this would impact the street scene, particularly once the leaves have fallen.
14. Burnham Road is fast-moving and has no pavements. Any glimpses of the site from the road are likely to be fleeting, and from a moving vehicle, therefore. The proposed dwellings would be some 40m from the road, further reducing the visual impact therefrom. Moreover, if the hedge is deciduous, as the Council infers, then it is unlikely to fully screen the existing buildings from the road in winter. The existing buildings are shorter than the proposed dwellings, but their longest elevations run broadly parallel to the road. In the case of the south building in particular, this makes it prominent. Weighing up these factors, I find that any increased harm in a visual sense attributable to the proposed development would be minor.
15. The proposed development would comprise the partial or complete redevelopment of previously developed land which would not cause substantial harm to the openness of the Green Belt. It would therefore not be inappropriate development.

Location

16. The Framework describes the purpose of the planning system as being “to contribute to the achievement of sustainable development”, an aim containing an environmental objective of mitigating and adapting to climate change. This includes moving to a low carbon economy achieved, in part, by the promotion of walking, cycling and public transport. Paragraph 164 requires new development to avoid increased vulnerability to the range of impacts arising from climate change. Local Plan Policies S1 and S7 seek to locate housing at well-connected and sustainable locations and, as such, accord with the Framework.
17. The appellant accepts that, given the environment around the site, future occupiers of the proposed development would undertake most journeys by private car. Indeed, given the speed of Burnham Road, and the absence of footpaths, lighting, and cycle lanes, I find it highly unlikely that any other option would be feasible.
18. The proposed dwellings would be suitable for family occupation. As such, and whilst I do not doubt that facilities such as a nearby garden centre and zoo would be of interest, the most frequented facilities are likely to be basic food shops, supermarkets, and schools. The nearest shop is a garage, requiring a round trip of some 3km. The nearest supermarkets require trips of some 4km. The schools

slightly more. I do not find these to be such short journeys as to mitigate the harm caused by reliance on the private car, particularly given their likely frequency.

19. I recognise that facilities to charge electric vehicles could be provided as part of the development, but there is no way to ensure that future occupiers would use such vehicles. The site is not in a suitable location for the proposed development having regard to local and national planning policies and access to services and facilities, contrary to Policies S1 and S7, and the Framework.
20. Notwithstanding the above, the appellant has highlighted the site's existing potential to generate vehicular movements. The Council states that Policies S1 and S7 do not require a comparative assessment of such matters. Even so, s38(6) of the Planning and Compulsory Purchase Act 2004 provides that applications should be determined in accordance with the development plan *unless material considerations indicate otherwise*. I find the existing potential for vehicular movements from the site to comprise a material consideration.
21. When considering the effect of vehicular movements on the openness of the site, the matter of perception is relevant. To my mind this may lend itself to a general comparison of the position before, and after, the proposed development. However, insofar as vehicle emissions are concerned, it is the actual measurement of them that is pertinent. They are usually displayed as (g/km). I have not been provided with even broad figures to illustrate the level of emissions from the site, or those the proposed development would likely result in.
22. In terms of the more informal evidence before me; Whilst the number of bedrooms in the north building is not shown on the plans, it is a modest, single storey building, and so significantly less likely to host a family than the proposed dwellings. To my mind, it has an inherently lower potential to generate vehicle emissions, therefore. The south building benefits from an extant permission for a change of use from agricultural buildings to B1 (business)¹, but I do not know whether this is restricted by conditions, or how, given the size and layout of the building, the lawful use is arranged.
23. Furthermore, the appellant does not contest the Council's observation that internal renovation of the south building in accordance with the previous permission was, when last inspected by its officers, incomplete. Whilst that was in 2023, the appellant does not say that the work has been completed since. I saw no conclusive evidence on this point myself when visiting the site. Overall, even if assessed informally, it is not evident that the site generates, or would likely generate in future, such emissions that the proposed development would result in either no net gain or a reduction. I attach minimal weight to the cited fallback position, and do not find it to justify a departure from policy.
24. As I have found the site is not in a sustainable location, it follows that the proposed development would not have the support of paragraph 155 of the Framework, given the pertinent requirement at point (c) therein.

Planning Balance

25. The proposal would yield a net gain of one new house, assisting the Government's aim of significantly boosting supply. The benefits of housing delivery carry

¹ Application Ref 20/01135/FUL.

significant weight but are tempered in this instance by the modest scale of the scheme. There would be temporary economic benefits associated with the construction phase. Thereafter, there would be ongoing local economic benefits relating to the occupation of the site, and local facilities would benefit from increased demand. Nevertheless, given the modest scale of the proposal and the small number of new residents brought about, these benefits would be minor. Overall, the benefits from the appeal proposal would be greatly outweighed by the harm caused by the location of the site.

Conclusion

26. 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. The appeal is dismissed.

A Knight

INSPECTOR