
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: 06 June 2025

Appeal Ref: APP/W1525/W/24/3354289

Land At The Briars, Pennys Lane, Margaretting, Ingatestone CM4 0HA

- 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 & Mrs Hopson against the decision of Chelmsford City Council.
 - The application Ref is 24/00719/FUL.
 - The development proposed is Proposed dwelling and garage. New access, timber gates and driveway.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The plans include front entrance gates, a vehicular access and driveway. In light of this I have used the description of development from the appeal form, as it better identifies the extent of the proposal.
3. Following information provided with the appeal, the Council no longer considers the proposal contrary to policy in respect of biodiversity. I have determined the appeal accordingly.
4. Since the determination of this application a revised National Planning Policy Framework (The Framework) has been published. The main parties have been given the opportunity to comment on any implications, and I have determined the appeal on the basis of the submissions received overall.

Main Issues

5. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies;
 - The effect on openness;
 - The effect of the proposal on the character and appearance of the area; 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 proposal.

Reasons

Whether inappropriate development; Openness

6. The appeal site is within a village 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(e), limited infilling in villages. I see no reason why, where that infilling comprises the erection of a dwelling, any gates, driveways and suchlike proposed as part of that scheme should be considered separately, and have determined the appeal on that basis.
7. Policy S11 of the Chelmsford Local Plan (2020) (the Local Plan) protects the openness and permanence of the Green Belt, prohibiting inappropriate development therein save for in very special circumstances. It defers to the Framework in identifying limited circumstances where new development could be acceptable. The effect of Local Plan Policies DM6 and DM9 are that infilling in villages is supported, if the proposal adheres to four specific requirements set out in the latter policy. For this appeal, the first relevant requirement is that the site is a small gap in an otherwise built-up frontage.
8. The specific requirements in Policy DM9 are not found in the Framework, which does not define the terms 'limited' and 'infilling'. In this respect, a distinction arises. However, each previous version of the Framework has said that limited infilling in villages is not inappropriate. The Local Plan predates the latest version of the Framework but, at the time it was adopted following examination, the pertinent part of the Framework was the same as it is now. Given this, I see no reason to find the specific requirements in Policy DM9 anything other than consistent with the Framework.
9. The appeal site comprises land south of a detached dwelling, The Briars, which is on the eastern side of Pennys Lane (the road). Save for at its southernmost end, development on the road is residential. Houses are generally visible from the road, such that the gaps between them are apparent.
10. Dwellings on the eastern side of the road are on large plots. Even in this context, however, the plot which includes The Briars and the appeal site is wider than is typical. If measured from the detached garage at the Briars, the gap to the nearest building to the south, The Vicarage, is some 70m. This is more than double the gap between The Briars and Colne Park, the neighbouring dwelling to the north, or the gap between Colne Park and Coppers, its northern neighbour. Gaps between dwellings on the western side of the road, opposite the appeal site, are shorter than on the eastern side, often significantly so. Based on its linear dimension, and the visual context provided by the area around the site, the gap which the proposal seeks to occupy is not small.
11. As such, even if The Briars and The Vicarage were considered part of a built-up frontage, the proposal would conflict with the first relevant requirement of Policy DM9 and would not comprise limited infilling in a village.
12. The appellant contends that the proposal has the benefit of paragraph 154(g), which supports limited infilling or the partial or complete redevelopment of previously developed land which would not cause substantial harm to the openness of the Green Belt.

13. Openness in the Green Belt has spatial as well as visual aspects. The proposal includes a new dwelling some 21m wide, between 11 and 14m deep, and some 5m tall, along with a new access and parking area, built on what is largely open land at present. In a spatial context, the proposed development would be significant.
14. I shall consider the effect of the proposal on the character and appearance of the area later in my determination but, irrespective of my findings on that front, the effect of the proposal on the visual openness of the Green Belt is a separate matter. The significant extent of the development would be evident from within the site itself, from the road, even if only when the proposed gates were open, as well as from nearby dwellings. The increase in comings and goings would also be evident.
15. Overall, even taking account of the removal from the site of a caravan used for purposes ancillary to The Briars¹, the proposal would cause substantial harm to openness. As such, even if the land is previously developed for the purposes of the Framework, the proposal does not benefit from the provisions of paragraph 154(g).
16. The proposal would be inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies, and cause substantial harm to openness, contrary to Policies S11, DM6 and DM9 of the Local Plan, and to the Framework.

Character and appearance

17. The road is flanked by trees, hedgerows, and verges, giving it rural and natural characteristics. This is emphasised by the fact, evident upon the approach to the road, that much of the land around the area is open. The appeal site adheres and contributes to this, in that its western edge includes a dense, tall hedgerow, a mature tree, and a stretch of open grass along the roadside.
18. At the same time, the road is readily identifiable as residential. Houses on the western side are set a short distance back from the road, with modest, largely open front boundaries. Houses on the eastern side are set further back, often behind tall gates. Aside from in the case of the dwelling Coppers, approximate but consistent building lines are discernible on both sides of the road. Many verges are mowed, hedges are carefully maintained, and many of the trees line up along the edge of the road. Overall, whilst natural and rural to a point, the road nevertheless appears planned, neat, and formal.
19. The proposal is to erect a detached dwelling. Notwithstanding its effect on openness and the size of the gap it would fill, as considered for Green Belt purposes, the dwelling would continue the existing, well-established pattern of development on the eastern side of the road and, therefore, in the road overall. In design terms, the housing stock nearby is sufficiently mixed to accommodate the proposed dwelling which would, in any event, broadly match The Briars in general appearance.
20. The extent to which the dwelling would be set back from the road and leave space around it would retain the current spacious feel, and its modest height would

¹ Application Ref 24/01540/CLEUD.

mitigate its presence in the street scene. I appreciate that a section of the existing hedgerow and verge would be expunged to provide access, but it would be such a small section that the beneficial effect of these features within the road would be unharmed. The access arrangements, including a drive and gates, would be typical of those already found on the eastern side of the road, and so result in no harm.

21. The proposal would not harm the character and appearance of the area, and would comply in that respect with Policies DM17 and DM23 of the Local Plan. It would also adhere to the advice in the Making Places Supplementary Planning Document, where it seeks the most appropriate form of boundary treatment to an area's character.

Other considerations

22. The proposal would result in one new house, assisting the Government's aim of significantly boosting supply. The benefits of housing delivery carry 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.

Green Belt Balance and Conclusion

23. The proposal would constitute inappropriate development in the Green Belt and would harm openness. As such, the Framework requires that the harm by reason of inappropriateness be given substantial weight, and that inappropriate development should not be approved except in very special circumstances. These will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations. In this case, the other considerations are not sufficient to comprise the very special circumstances necessary to justify this development, which is contrary to Policies S11, DM6 and DM9 of the Local Plan, and the Framework, where they seek to protect the Green Belt.
24. I conclude that, whilst the proposal would not harm the character and appearance of the area, it nevertheless conflicts with the development plan overall, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

A Knight

INSPECTOR