



Appeal Decision

Site visit made on 20 June 2025

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th June 2025

Appeal Ref: APP/W1525/W/24/3353356

Tepari, Braintree Road, Little Waltham, Chelmsford, Essex CM3 3LD

- 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 Payne against the decision of Chelmsford City Council.
 - The application Ref is 24/00551/FUL.
 - The development proposed is a single storey extension and loft conversion, and construction of new dwelling.
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Decision

1. The appeal is dismissed insofar as it related to the demolition of existing outbuildings and construction of new dwelling. The appeal is allowed insofar as it related to the single storey extension and loft conversion at Tepari, Braintree Road, Little Waltham, Chelmsford, Essex CM3 3LD, in accordance with the terms of the application, Ref 24/00551/FUL, and the plans submitted with it so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The external materials of the extension hereby permitted shall match those used in the existing dwelling.
 - 3) The single storey extension and loft conversion hereby permitted shall be carried out in accordance with drawing nos. TQRQM23051163700417; Ref: PAY.MAR.24A Page 2 of 6; Ref: PAY.JAN.24A Page 3 of 6; and Ref: PAY.JAN.24A Page 4 of 6.

Background and Main Issue

2. The Council's refusal reasons do not relate to the proposed single storey extension and loft conversion, which it found would not be harmful to the character and appearance of the area, or to the living conditions of the occupants of nearby properties, subject to the imposition of planning conditions. Based on the evidence before me and my experiences at the site visit, I do not disagree with the Council's assessment of the proposed extension and therefore I have allowed the appeal insofar as it related to the single storey extension and loft conversion, subject to the conditions listed above.
3. In that context, the main issue in this appeal is whether the proposed dwelling would be in a suitable location for housing, having regard to the Council's spatial strategy and its proximity to services and facilities.

Reasons

4. Policy S1 of the Chelmsford Local Plan, Adopted May 2020 (“the CLP”) requires all new development to accord with Spatial Principles, including respecting the hierarchy of settlements, the character and appearance of an area, and being located at well-connected and sustainable locations, in order to reduce the need to travel; and reduce car dependency.
5. The spatial strategy in CLP Policy S7 applies those Spatial Principles by focusing new housing development to the most sustainable locations in accordance with the settlement hierarchy, including urban areas and designated urban extensions. The appeal site is located outside of the settlement boundary of Chatham Green, near to a collection of buildings, and within the countryside for planning purposes, where CLP Policy S11 requires development to be assessed against detailed criteria in the relevant development management policies of which CLP Policy DM8 is before me.
6. The evidence indicates that services and facilities likely to be visited frequently by the future occupants of the proposed dwelling are located in higher order settlements, the closest of which are Great Leighs and Little Waltham. Journeys to either settlement would be along a stretch of the A131, which does not have dedicated cycle lanes and is served only by short footpaths close to bus stops, with few streetlights.
7. The flow of traffic along the A131 was near constant at the time of my visit and vehicles appeared to travel at broadly consistent speeds commensurate with the displayed national speed limit. My observations of those road conditions are not contradicted by any alternative substantive evidence.
8. Due to the combination of road conditions, journey times and distances, walking or cycling to Great Leighs or Little Waltham would be unattractive and unrealistic modes of travel for future occupants of the appeal development. As such, it is not realistic to suppose that future occupants would be able to access facilities and services by walking or cycling.
9. Bus stops on either side of the A131 are a short walk from the appeal site. The road and footpaths around the bus stops, including the relatively small central refuge at the crossing point, are served by streetlights. The appellant confirms that they access bus services from those stops to reach facilities and services.
10. However, bus services are just one factor to be considered in assessing whether a site is in a suitable location in the terms set out in the CLP, and public transport is lower on the hierarchy of transport modes than walking and cycling. Bus services, which can evolve and change over time, would not be suitable for all journeys and they also incur a financial cost for most passengers and journey times tend to be longer by comparison to car travel.
11. I am not satisfied on the evidence before me that the bus services would provide a sufficiently attractive option for regular travel for future residents of the proposed dwelling. Given the appeal site’s distance from services and facilities, which could not be realistically reached by walking and cycling, it would be expected that future occupants of the proposed family sized dwelling would have access to a car. Consequently, future occupiers of the proposed dwelling would be expected to be

heavily reliant upon private vehicles to meet most, if not all, of their everyday travel needs.

12. The number of car journeys from a single dwelling to the closest services and facilities would be low and would cover relatively short distances. However, they would cumulatively add up over the lifetime of the proposed dwelling, as would their greenhouse gas emissions. Whilst electric charging points could encourage travel by low or zero emission vehicles, their use cannot be guaranteed and they would not reduce the need to travel to larger settlements to access services and facilities or reduce car dependency, as sought by the settlement strategy. That opportunities to maximise sustainable travel will invariably be different between urban and rural areas does not alter my conclusion on these factors.
13. Occupants of existing dwellings in the area of the appeal site would be expected to be heavily reliant upon the private car to access services and facilities. However, those properties already exist, and I am not aware of the planning circumstances that led to them being built. I have necessarily considered the proposed dwelling against current planning policy. I am not aware of any obligation on the Council or other organisations to improve connectivity between the appeal site and facilities and services in other settlements, or any plans for that to happen. As such, those matters are of limited relevance and weight to my consideration of the proposed dwelling.
14. For the reasons given above, I conclude that the proposed dwelling would not be in a suitable location for housing, having regard to the Council's spatial strategy and its proximity to services and facilities. It would conflict with CLP Policies S1 and S7, insofar as they set a spatial strategy that focusses development to well-connected and sustainable locations, including in accordance with the settlement hierarchy, in order to reduce the need to travel, and reduce car dependency.

Other Matters

15. The proposal would make efficient use of land and a small but useful contribution to the supply of family housing, on land identified by the Council as previously developed. The evidence indicates that the Council is able to demonstrate in excess of a 5-year supply of deliverable housing sites. Whilst this is not an upper limit on housing permissions, it does indicate that housing supply in the Council's area is currently in line with Government expectations.
16. An absence of harm to the character and appearance of the area is a neutral factor that weighs neither in favour nor against the appeal proposal. The supporting text to CLP Policy DM8 advises that an absence of such harm, which is a Spatial Principle in CLP Policy S1, does not make development on previously developed land automatically acceptable, as a site may have unacceptable spatial constraints. Those policies require a site and context specific assessment, and in doing so I have found that the proposed dwelling would not be in a suitable location for housing.
17. Construction and occupation of the proposed dwelling would deliver economic benefits, and the proposed tree planting would enhance biodiversity. Those benefits align with the economic, social and environmental objectives in the National Planning Policy Framework ("the Framework"). However, the scale of the benefits that would accrue from the proposed dwelling would be small and of modest weight in its favour. They would be insufficient to outweigh the conflict with

the Council's spatial strategy and the environmental disbenefits of future occupants being heavily reliant upon the car, with little opportunity to prioritise walking and cycling.

18. No objections to the proposed dwelling were received from nearby residents or the Parish Council. Its occupation would not harm highway safety or the living conditions of nearby residents, and it would meet all applicable standards for internal and external space. Nonetheless an absence of harm, including in these respects, would be a requirement of any well-designed scheme and would not weigh in favour or against the development.
19. The appellant states that payment has been made to mitigate the proposed dwelling's likely adverse in-combination effects on the nature conservation interests of the Blackwater Estuary Special Protection Area. However, as I am dismissing the appeal for the proposed dwelling for other reasons, I need not consider this matter any further as no harm to the SPA would arise. Being mitigation, it does not weigh in favour or against the proposed dwelling.
20. Some broad similarities can be drawn between this case before me and the appeal¹ dismissed in the local area. However, both relate to different sites on different sides of the A131, which I have assessed on their individual site specific circumstances and effects, and the evidence presented by the respective appellants.

Conditions

21. For certainty, it is necessary to impose a condition requiring the proposed single storey extension and loft conversion to be carried out in accordance with the approved drawings. To be in keeping with the appearance of the host property it is necessary to impose a condition requiring it to be constructed from external materials that match the existing dwelling. However, I have amended the Council's recommended condition by omitting the flexibility to agree alternative materials as that would introduce uncertainty, contrary to the test of precision in Framework paragraph 57.

Conclusion

22. The proposed single storey extension and loft conversion to the existing dwelling complies with the development plan as a whole. However, the location of the proposed dwelling would harmfully undermine the Council's spatial strategy for plan-led growth in CLP Policies S1 and S7, that seek to focus development to well-connected and sustainable locations in accordance with the settlement hierarchy, in order to reduce the need to travel and reduce dependency on private vehicles, and resultant greenhouse gas emissions.
23. The conflict with the spatial strategy is an important matter that is sufficient to outweigh the benefits of the proposed dwelling and bring it into conflict with the development plan when read as a whole. The conflict with the development plan carries significant weight against the proposed dwelling. There are no other material considerations, including the benefits of the proposal and the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the proposed dwelling is unacceptable.

¹ APP/W1525/W/23/3333442

24. Consequently, the appeal is dismissed insofar as it related to the demolition of existing outbuildings and construction of new dwelling. The appeal is allowed insofar as it related to the single storey extension and loft conversion.

G Sylvester

INSPECTOR