



Appeal Decision

Site visit made on 10 July 2025

by **A Oyeade MSc FCILT**

an Inspector appointed by the Secretary of State

Decision date: 16 October 2025

Appeal Ref: APP/W1525/W/25/3363020

Belsmard Nathans Lane, Writtle, Chelmsford, Essex CM1 3RF

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 Erik Belloy against the decision of Chelmsford City Council.

The application Ref is 24/01582/FUL.

The development proposed is conversion of residential and equestrian building to residential.

Decision

The appeal is dismissed.

Main issues

The main issues are:

- whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- the effect on the openness of the Green Belt;
- the effect on the availability of community facilities in the area;
- the effect on existing sustainable transport in the locality; and
- would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations to amount to the very special circumstances necessary to justify the proposal.

Reasons

Appropriateness of the development proposal in a Green Belt

1. Paragraph 154 of the Framework sets out among others the pertinent category of development which may be regarded as not inappropriate in the Green Belt as:
 - other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it, encompassing the re-use of buildings if the buildings are of permanent and substantial construction.
2. Policy DM10 of Chelmsford Local Plan (Adopted May 2020) follows the direction of the Framework by permitting the change of use of a building in the Green Belt if it is of permanent and substantial construction and, works to convert it would not create extensive reconstruction. Policy S11 of the same Plan then states that

inappropriate development will not be approved except in very special circumstances.

3. The appeal site lies in an open field surrounded by thick vegetation along its southern perimeter on Nathan's Lane and at its northern and eastern sides. The properties in this area are a mix of modern detached and semi-detached houses including farmhouses on large plots of land. Within the appeal site's compound, it is flanked by a modern 2-storey dwelling house of standard construction that appears to be the primary building on one side and a single storey ancillary building like it on its opposite side. There are also 2 other single storey buildings of timber construction on this site.
4. The appeal proposal involves the conversion of the existing stable building comprising a grooms flat, into a 3-bedroom residential dwelling. To facilitate this, the 5 stables and the associated tack room in this building would be removed, culminating in the reduction of the overall 14 stables on this site by 5 to 9.
5. In considering the Council's stance that the appeal site's lack of structural survey has made it impossible to confirm whether the building is of permanent and substantial construction, I have reviewed the visual survey letter submitted by the appellant. This document identifies a few concerns with the structure of the appeal building encompassing:
 - Moving foundation in the rear stable extension on the west elevation of the building.
 - Deflection in its roof which would necessitate certain degree of strengthening.
 - A need to engage a timber specialist to assess it for presence of worms and rot, with a view to advising on any pertinent vital treatment or remedial measures, including replacement of the disturbed parts.
6. I have also noted the appellant's surveyor's recommendation that a proper survey involving the opening of these affected parts of the appeal site comprising the rear foundation segment plus the roof and timber wall structures, would be needed. Consequently, although the appellant's surveyor has indicated that the appeal site can be converted to a residential use, without these investigations, it would not be feasible to ascertain the extent of the required upgrade works, and ultimately whether the appeal site, in its current form, is of permanent and substantial construction.
7. I conclude that it has not been demonstrated that the development proposal would not lead to significant reconstruction of the existing building. Accordingly, the proposal would constitute inappropriate development in the Green Belt and not therefore accord with Policies DM10 and S11 of Chelmsford Local Plan and the Framework, as described above.

Effect on the openness of the Green Belt

8. A fundamental aim of the Green Belt policy, as set out in paragraph 142 of the Framework, is to prevent urban sprawl by keeping land permanently open. Openness is an essential characteristic of the Green Belt that has spatial and visual aspects. The appellant has stated that:
 - the openness of the Green Belt is preserved as the structure already exists, and there is no expansion of the footprint; and

- the proposal should be considered under paragraph 154(g) of the Framework which allowed for the partial or complete redevelopment of previously developed land (including a material change of use to residential), in continuing use, which would not cause substantial harm to the openness of the Green Belt.
9. Nevertheless, the lack of proper structural survey of the existing building, compounded by the structural problems already established in the appellant's visual survey report as listed above, would make it impossible to determine the extent of the building reconstruction works ensuing from the appeal proposal. It would also render it unfeasible to ascertain whether the footprint or size of the building would be expanded to a level that would affect the current openness of the Green Belt. Moreover, even if paragraph 154(g) of the Framework was to be applied, it would be impractical to verify the magnitude of the partial redevelopment of the appeal building and consequential impact on the openness of the Green Belt.
10. Accordingly, there is limited evidence before me to show that the development would not impact on the openness of the Green Belt. Consequently, the proposal contravenes Policies DM10 and S11 of Chelmsford Local Plan and the Framework, as described above.

Effect on the availability of community facilities in the area

11. Policy DM21 of Chelmsford Local Plan states that the change of use of premises that provide valued community facilities will only be permitted, where the premises cannot be readily used for or converted to any other community facility. I have examined the actual decision notice for the certificate of lawful existing use development (CLEUD) that was issued on the existing uses comprising livery stable on this site in 2012 (ref. 12/00376/CLEUD), as quoted by the appellant. The submitted block plan in Appendix 4 of the appellant's statement appears to be the same as that in Schedule 2 of the CLEUD's decision notice. It is clear from the plan that the present L-shaped building on this site (depicted by hatched blue on the plan) is the sole building which has been confirmed as a livery stable, even though the appeal site may include private stables.
12. Hence, as the available evidence has indicated that no livery stable is contained within the appeal site and subsequently no impact on the number of livery stables in this location would be caused by the appeal development, it would not be against Policy DM21 of Chelmsford Local Plan. Nevertheless, the satisfaction of this policy would not mitigate or minimise the harm that would arise from the lack of conformity with Policies DM10 and S11 of Chelmsford Local Plan and the Framework, as established above.

Effect on the existing sustainable transport in the locality

13. I accept that the block plan in Schedule 2 of the 2012 CLEUD's decision notice does not include any residential building, and the Council has no record of Council tax being paid by any residents of the appeal building to confirm a residential use within it. Nonetheless, I did observe that the appeal property appeared to be partly in use as residential.
14. Given the scale of the building and constrained travel mode choice in its vicinity, there would not be a material difference in the travel demand of the proposed

development and that of the present use of the appeal building as stabling (be it private or public livery). Even though the Council has stated that future residents would continuously rely on private vehicles for their journeys to and from the appeal site, I have considered that this would not be noticeably different from the present occupiers' and users' travel choice.

15. Therefore, the development would not be contrary to Policies S1 and S7 Chelmsford Local Plan, which seeks to ensure that new developments to be located at well-connected and sustainable locations. Notwithstanding, the fulfilment of these policies would not mitigate or minimise the resulting harm from the non-compliance with Policies DM10 and S11 of Chelmsford Local Plan and the Framework, as concluded above.

Other Considerations

16. A dwelling on the site would contribute to rural housing once completed and employment during its construction.

Conclusion

17. The Framework indicates that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. In addition, there would be adverse impact on openness. Paragraph 153 of the Framework states that substantial weight should be given to any harm to the Green Belt, including harm to its openness in this case of inappropriate development. It also emphasises that very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
18. I give little weight to the contribution that the proposal would make to local housing and jobs. Therefore, the substantial weight to be given to the Green Belt harm is not clearly outweighed by the other considerations as to denote very special circumstances.
19. For the reasons given above, the appeal should be dismissed.

A Oyebade

INSPECTOR