
Appeal Decision

Site visit made on 14 October 2025

by **C Walker BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17th November 2025

Appeal Ref: APP/W1525/W/25/3368944

**Land North-West of Oakview, The Ridge, Little Baddow, Chelmsford, Essex
CM3 4RT**

- 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 Orsi against the decision of Chelmsford City Council.
 - The application Ref is 24/01702/FUL.
 - The development proposed is described as 'New build house to north of existing house. New access way and drive to existing house (Oak View)'.
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Decision

1. The appeal is allowed and planning permission is granted for a new dwelling and new access way and drive to existing house at Land North West of Oakview, The Ridge, Little Baddow, Chelmsford CM3 4RT in accordance with the terms of the application, Ref 24/01702/FUL, and the plans submitted with it, subject to the conditions shown in the schedule at the end of this decision.

Preliminary Matters

2. The address in the banner heading above is taken from the Council's decision notice as it more accurately describes its location.
3. The description of development in my decision above has been amended to remove superfluous wording.
4. The appeal site falls within the zone of influence of the Blackwater Estuary Special Protection Area and Ramsar site and the Essex Estuaries Special Area of Conservation (hereafter the Habitat sites). They are European Designated Sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitats Regulations). Although not forming part of the Council's reason for refusal, as competent authority I must consider whether the development is likely to have a significant effect on the integrity of these sites. It is therefore necessary to consider this as a main issue.

Main Issues

5. In light of the above, the main issues are:
 - whether the proposal is an appropriate form of development, having particular regard to the effect on the character and appearance of the site and surrounding area; and
 - the effect of the development on the integrity of the Habitat sites.

Reasons

Appropriate form of development/character and appearance

6. The appeal site is located between the settlements of Danbury and Little Baddow, in the countryside. Policy S11 of the Chelmsford Local Plan 2013-2036 (adopted 2020) (the CLP), refers to the countryside as the Rural Area where it is outside of the Urban Areas and Defined Settlements and not within the Green Belt.
7. Policy DM8 of the CLP seeks to contain urban growth by defining the physical limits of the Urban Areas and Defined Settlements, limiting development within the Rural Area to those falling within a number of listed exceptions. This includes infilling in accordance with Policy DM9, which sets out that infilling in Rural Areas will be granted permission provided that the site is a small gap in an otherwise built up frontage and the development does not detract from the existing character and appearance of the area, and would not unacceptably impact on the function and objectives of the designation. It's supporting text goes on to say that a gap is normally regarded as 'small', if it is capable of accommodating no more than one property or building.
8. The appeal site is situated between two detached dwellings - Oak View and Terra Nova - both set well back from the road. Oak View, located at the northern end of its plot, features a sweeping driveway and a one-and-a-half storey house largely screened from public view by tall, mature vegetation along the frontage. In contrast, Terra Nova, also a one-and-a-half storey dormer bungalow with a garage, is clearly visible from the street due to its low hedgerow boundary.
9. The appeal site is comparable in size to Terra Nova and the properties opposite. Given the area's loose-knit character, it is unlikely that more than one dwelling could be accommodated between Oak View and Terra Nova without adversely affecting local character. On this basis, the proposal satisfies the first part of the infill criteria. However, as properties along this side of The Ridge are set well back within their plots, the development does not constitute a built-up frontage, resulting in conflict with CLP Policies DM8 and DM9.
10. This part of Little Baddow is formed by ribbon development with dwellings typically arranged to follow the road, with most on this side of the road set back a generous distance from it, including Oakview. Given its set back and verdant frontage, Oakview is inconspicuous in the street-scene and well contained by its surrounding mature landscaping, which largely prevents views through and beyond the site. Surrounding properties opposite are more apparent owing to their positioning closer to the road and larger scale, and to the north due to their lower or more open frontages.
11. The proposed dwelling would be positioned between Oak View and Terra Nova, broadly aligned with both. Its linear form and modest one-and-a-half storey scale would complement the existing dwellings while maintaining generous spacing, ensuring efficient land use. Set well back from the road and surrounded by mature vegetation, the new dwelling would be unobtrusive within the street scene, preserving the area's semi-rural character. Given the site's enclosed nature, the proposal would not result in a harmful loss of open space, and therefore does not conflict with CLP Policy S11, which seeks to protect the intrinsic character and beauty of the rural area. Similarly, it aligns with Policy LBNP01 of the Little Baddow Neighbourhood Plan (2022–2036), which aims to minimise urbanising

effects on rural lanes by encouraging development set back from the road and retaining gaps between properties.

12. However, notwithstanding my findings on character and appearance, the proposal would not constitute an appropriate form of infill development, which is contrary to CLP policies DM8 and DM9.

Integrity of the Habitat sites and Appropriate Assessment

13. The appeal site lies within the zone of influence (ZOI) of the Habitat sites. These sites provide habitat for important breeding and non-breeding bird species. It has been established that residential development within the ZOI would likely result in harm to the protected area through additional recreational disturbance. The proposal would create a net gain of one dwelling and, in combination with other developments permitted in the area, there would be a likely significant effect on the Habitat sites.
14. CLP Policy DM16 requires proposals to mitigate any recreational disturbance impacts, including securing contributions towards measures identified in the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document. This strategic mitigation approach seeks to pool tariff style financial contributions made per dwelling, towards reasonable avoidance measures (RAMS). These include the provision of information on the sensitive birds and their habitats, a visitor's coastal code, maps with routes of alternative footpaths and information on alternative recreational sites.
15. The appropriate tariff payment has already been made direct to the Council. Whilst there is no planning obligation to require that the monies are spent on the RAMS or within a particular timeframe, I am satisfied that the Council, as a trusted, responsible public body, will ensure the funds are used for the purposes intended.
16. Natural England has been consulted as part of this Appropriate Assessment and is content that the measures already secured by the direct payment, which align with the Council's adopted strategy, would mitigate the adverse effects associated with the proposed development, and thereby relieve pressure on the Habitat sites.
17. As competent authority, I am satisfied that the financial contribution would secure and ensure the delivery of mitigation sufficient to address the harm likely to be caused by the development. I therefore find that the proposal, subject to mitigation, would not have an adverse effect on the integrity of the Habitat sites. It follows that the proposal would not conflict with Policy DM16 or the Habitat Regulations.

Other Matters

18. The Council have confirmed that they have 3.88 years supply of deliverable housing sites, representing a sizeable shortfall to the necessary 5 year housing land supply (5YHLS) set out in the National Planning Policy Framework (the Framework). An inability to demonstrate a 5YHLS warrants the application of paragraph 11(d) of the Framework. In this case, the effect on the integrity of the Habitat sites does not provide a strong reason for refusal and so, in accordance with paragraph 11(d)(ii), this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations,

making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

19. I have not found conflict with the more recently made Neighbourhood Plan, although I have found that it is not an appropriate form of development, contrary to the CLP. However, in circumstances where the Council's housing delivery policies have acted to unduly restrict the supply of homes, I do not find that its inability to meet the restrictive definition of infill development embedded in those policies, to be decisive to the outcome of this appeal, particularly when the effect of the development would maintain the character and appearance of the area, which I have concluded would be the case here.
20. The small but important boost in housing supply, and the temporary construction jobs it would create, weighs considerably in favour of the scheme.
21. No other harm is identified, subject to conditions, and I find that the harm does not significantly and demonstrably outweigh the benefits identified, when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development applies. Consequently, I have found that there are other material considerations that outweigh the policy conflict identified such that it justifies allowing the development.
22. I note that two previous appeals, each for one dwelling on this site, were dismissed in 2005¹ and 2014². Limited information is before me, such as the extent of the site areas to enable a direct comparison. However, unlike the scheme before me, both schemes were for outline permission, and both were determined under previous development plans over a decade ago. Furthermore, from the evidence before me, neither were determined in a time when there was an undersupply of housing, as is the case here. Therefore, they do not alter my findings on this appeal.
23. The proposal is advanced as a self-build/custom build dwelling. However, there is no adequate mechanism to secure this as the suggested condition would not meet the necessary legal and policy tests, and no Planning Obligation is before me. Consequently, mandatory Biodiversity Net Gain (BNG) would apply. It is not for me to determine whether an exemption would apply, although I cannot be certain that it would. However, the minimum BNG information has been provided. The Council have confirmed this is satisfactory and I see no reason to disagree.

Conditions

24. The Council have suggested a number of conditions. I have considered these in relation to the necessary tests, made changes to some, included additional conditions and not imposed all those suggested for the reasons set out below.
25. In addition to the standard time condition (No.1), I have imposed a condition requiring that the development is carried out in accordance with the approved plans (No. 2) for the avoidance of doubt and in the interests of certainty.
26. In order to prevent loose materials and spoil being dragged onto the public highway and to prevent on-street parking during the construction period, a construction management plan is necessary, secured by condition no. 3.

¹ APP/W/1525/A/05/1178012

² APP/W1525/A/13/2209430

27. To afford trees on site protection during the construction period, a condition (No. 4) is necessary to require the submission of a suitable arboricultural method statement which must be first agreed with the Council, and protective measures should be put in place prior to the commencement of development.
28. As it is necessary to ensure that the ecological mitigation and reasonable avoidance measures set out in the submission are complied with, a condition (No. 5) is imposed. Due to a lack of precision, it is necessary to require that a scheme of ecological enhancements (condition No. 6) be submitted for approval that builds upon those suggestions contained in the submission. Details of external lighting are also necessary (condition No. 7) in the interests of ecology and to prevent unnecessary light pollution.
29. In order to ensure the proposed dwelling is finished in materials appropriate for its context, condition (No. 8) is required.
30. In the interests of highway safety, it is necessary to impose conditions requiring the provision of the new access for the existing house to be provided to an appropriate specification (No. 9) and with provision of adequate visibility splays (No. 10). Both need to be pre-commencement conditions as these elements of the proposal fall outside of the red line. For the same reasons, the parking for the existing dwelling also needs to be secured (No.11) before development commences.
31. Condition No.12 requires that no unbound surfaces are laid within 6m of the highway and condition No.13 requires that parking for the proposed dwelling is provided in a timely manner in the interests of highway safety. To prevent discharge of surface water onto the highway, a condition is imposed (No.14) to require the hard surface materials are permeable.
32. In order to secure a sustainable dwelling in accordance with CLP Policy DM25, condition No.15 is imposed to require the necessary water efficiencies. Likewise, to accord with CLP Policy DM26, condition No.16 is also necessary to secure appropriate storage for refuse and recycling.
33. In the interests of the character and appearance of the area, climate change and ecology, condition No.17 to secure appropriate soft landscaping and its establishment is necessary. Boundary treatments are secured for the same reason by condition No.18.
34. The Council have suggested a condition to secure BNG, which would be delivered off-site. However, this is not necessary as it would be secured by the deemed statutory pre-commencement biodiversity gain condition³ that applies to such a grant of planning permission. It would be for the Council to consider the Biodiversity Gain Plan and development may not begin until this is approved.
35. A condition is suggested to ensure that no planting is within 1m of the back edge of the highway boundary and any visibility splay. However, this would be obvious from the requirement to submit a landscaping scheme as part of condition No. 17 and the visibility splays must be free from obstruction as required by condition No. 10. Consequently, a separate condition is not necessary, and I have not imposed it.

³ as set out in Schedule 7A to the Town and Country Planning Act 1990 (as amended)

Conclusion

36. For the reasons set out above, the appeal should be allowed.

C Walker

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin no later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with drawing numbers:
Location Plan (PL-01)
Block Plan (PL-02)
Proposed Plans (PL-03)
Proposed Elevations (PL-04).
3. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:
 - i. the parking of vehicles of site operatives and visitors,
 - ii. loading and unloading of plant and materials,
 - iii. storage of plant and materials used in constructing the development,
 - iv. wheel and underbody washing facilities.
4. No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.
5. The development shall be carried out in accordance with the mitigation and reasonable avoidance measures set out at Section 7 of the Preliminary Ecological Appraisal Version 1: March 2025 by Hybrid Ecology Ltd.
6. Prior to first occupation of the dwelling hereby approved, a scheme of ecological enhancements shall be submitted to and approved in writing by the local planning authority. The approved ecological enhancement scheme shall be implemented on site in accordance with the timetable that shall be embedded in the approved scheme and shall be thereafter retained on site for the lifetime of the development.

7. Prior to their installation, details of any means of external lighting shall be submitted to and approved in writing by the local planning authority. The lighting shall then be installed in accordance with the approved details.
8. Prior to their installation, details of the external materials to be used in the construction of the development hereby permitted, shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.
9. No development shall be commenced until the proposed vehicular access for the existing house has been constructed as shown in principle on the Block Plan, drawing no. PL 02. The width of the access at its junction with the highway shall not exceed 5 metres and shall be provided with an appropriate vehicular crossing of the highway verge not exceeding 6 metres.
10. No development shall be commenced until the proposed vehicular access at its centre line has been provided with visibility splays with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the Ridge carriageway. Thereafter, the vehicular visibility splays shall be retained free of obstruction above 600mm at all times.
11. No development shall be commenced until the new vehicle driveway and parking areas for the existing house, as shown on drawing no. PL-02 (Block Plan), have been provided on site and are available for use. The driveway and parking areas shall be retained on site for parking and turning at all times, and shall not be used for any other purpose.
12. No unbound material shall be used in the surface treatment of the vehicular access hereby permitted within 6 metres of the highway boundary.
13. Prior to first occupation of the dwelling hereby approved, the parking areas for the proposed dwelling shall be provided on site and be available for use. The vehicle parking area/turning area shall be retained on site for parking and turning at all times and shall not be used for any other purpose.
14. The areas of hard surfacing hereby permitted shall be constructed using a permeable surface or shall include drainage to prevent discharge of surface water onto the public highway.
15. The new dwelling hereby approved shall be constructed to achieve increased water efficiency to a standard of no more than 110 litres of water per person per day in accordance with Building Regulations Approved Document Part G (2015 - as amended).
16. Prior to their installation, details of the facilities for the storage of refuse and recyclable materials shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until the facilities for the storage of refuse and recyclable materials have been provided in accordance with the approved details.

17. Prior to first occupation of the development hereby permitted, details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. The works shall be carried out as approved prior to the first occupation of any part of the development or in the first available planting season following such occupation. The landscaping details to be submitted shall include:
- a) planting plans including specifications of species, sizes, planting centres, number and percentage mix;
 - b) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife; and
 - c) details of the planting of 3 trees per net new dwelling within the site.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

18. Prior to first occupation, details of the proposed treatment of all boundaries including drawings of any gates, fences, walls, railings or piers, shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until the boundary treatments have been provided in accordance with the approved details.

End of Condition Schedule