



Appeal Decision

Site visit made on 7 October 2025

by **L Fern BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 November 2025

Appeal Ref: APP/W1525/W/25/3369947

Bridleway Cottage, Broomwood Lane, Stock, Billericay, Essex CM11 1JR

- 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 and Mrs Cable against the decision of Chelmsford City Council.
 - The application Ref is 24/01627/FUL.
 - The development proposed is demolition of existing dwelling and construction of replacement dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The matter of character and appearance has been introduced during the appeal process when considering the proposal against criteria C) iv) of Policy DM6 of the Chelmsford Local Plan (2020) (LP). Whilst this was not a reason for refusal on the Council's decision notice, both main parties have had the opportunity to comment, and I am therefore content that they would not be prejudiced by me including it as a main issue.

Main Issues

3. The main issues are:
 - whether or not the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies, and the effect of the proposed development on the openness of the Green Belt;
 - the effect of the proposed development on the character and appearance of the surrounding area; and
 - whether or not any harm by reason of inappropriateness, and any other identified harm, would be clearly outweighed by other considerations to amount to the very special circumstances required to justify the proposal.

Reasons

4. The appeal site is substantial in size but elongated in shape, extending away from Broomwood Lane, making it long and narrow. Bridleway Cottage is a chalet style property with first floor accommodation within the roof space. A public footpath (South Hanningfield 10) runs along one of the long site boundaries. The element of built development closest to the hedge boundary with the footpath is a single storey

conservatory, which is not obviously perceptible to passersby. However, the main taller part of the building is particularly visible over the hedge when travelling along the footpath in both directions.

5. The surrounding area, which is largely rural in character, includes a small cluster of residential properties set within substantial plots, which incorporates Bridleway Cottage. There are a variety of building designs in the area, but the majority are two-storey and benefit from pitched roofs, providing some sense of unity.

Whether inappropriate development, and openness

6. The Framework states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
7. LP Policies S11 and DM6 conform to the general thrust of national Green Belt policy, confirming that the openness and permanence of the Green Belt will be protected and inappropriate development will not be approved except in very special circumstances. Whilst I consider Policy DM6 to be broadly consistent with the Framework in setting out exceptions to inappropriate development, Part C) seeks to advise on other factors beyond those of size when considering replacement dwellings in the Green Belt, such as the effect of the proposal on the character and appearance of the surrounding area. This matter is addressed in my next main issue.
8. In this case, the main parties agree that the proposed development would constitute inappropriate development in the Green Belt. I find no reason to disagree.
9. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. Despite the presence of the substantial hedge boundary, a greater amount of built development would be visible from the public footpath than under current circumstances. Although the proposed dwelling would be set slightly further back from the boundary than the existing dwelling, the proposal would introduce a substantial increase in height (by approximately 2m) and significant additional massing at first floor (slightly less than double the amount of floorspace) and roof levels across the full width of the property. Furthermore, the proposed substantial chimneys would add additional vertical elements that would be particularly perceptible to passersby.
10. The evidence demonstrates that the proposal would introduce a substantial increase in floorspace (both ground floor and first floor), width, depth and height of built development above that of the existing dwelling. The substantial increase in built form would inevitably reduce the openness of the Green Belt from a spatial perspective.
11. The appellant suggests that existing landscaping could be enhanced to improve screening of the property from the public footpath. However, with respect to the visual aspect of openness, I have highlighted that the main considerations in this case are the increased height and massing at first floor level, and the boundary already benefits from a substantially tall and thick hedge. It is unlikely that enhancements would be substantial enough to screen the upper elements of the proposal from view. Furthermore, enhanced landscaping would not reduce the

effect on the openness of the Green Belt spatially given that an increase in built form would remain. I am therefore not convinced that any enhancement of the existing landscaped boundary would provide effective mitigation.

12. For these reasons, the appeal proposal would be inappropriate development in the Green Belt which is, by definition, harmful as set out at paragraph 153 of the Framework. The proposal would also cause unacceptable harm to the openness of the Green Belt. It would therefore conflict with LP Policies S11 and DM6, in so far as they concern inappropriate development in the Green Belt.

Character and appearance

13. The substantial two-storey property would be set within a large plot that would be capable of accommodating the larger dwelling without the perception of over development. The existing property has no particular architectural merit that would necessarily warrant retention. Furthermore, the proposal, by virtue of its design, would sit comfortably in an area that is largely characterised by two-storey pitched roofed properties.
14. For the above reasons, the proposed development would not be detrimental to the character and appearance of the surrounding area and would therefore accord with LP Policy DM6 Part C) iv), which, amongst other things, seeks to ensure new buildings would be in-keeping with their context and surroundings.

Other considerations

15. The appellant has presented a fallback position relating to the implementation of a planning permission¹ for alterations to the existing dwelling, including raising the roof and the addition of single storey front, rear and side extensions (the fallback scheme). The appellant's evidence indicates that there is a realistic prospect of this fallback position being implemented should this appeal fail, and this is not disputed by the Council. I find no reason to consider otherwise.
16. In considering whether the permitted scheme would be more or less harmful than the appeal proposal, the most important considerations are height and first floor / roof massing given that the proposal would be most visible from the adjacent public footpath, over the hedge.
17. Whilst the permitted scheme would result in a dwelling with a larger footprint than the appeal proposal, the ridge height would be lower (by approximately 1.1m) and the extent of floor space at first floor less (by approximately 22 sq.m), which are the characteristics of most importance in these site-specific circumstances. The resultant dwelling under the permitted scheme, despite being marginally closer to the hedge boundary, would inevitably appear smaller in terms of height and massing than the appeal proposal when viewed in close proximity from the adjacent footpath. The reduced massing and prominence would be emphasised by the omission of additional vertical elements, such as the substantial chimneys, which are present in the appeal proposal.
18. For the above reasons, the fallback scheme would have less harm on the openness of the Green Belt than the appeal proposal. I therefore attribute limited weight to it as a fallback position.

¹ Council Ref 24/01158/FUL.

19. The appellant has directed me to an appeal decision² in Chelmsford for a replacement dwelling within the Green Belt. In this case the Inspector concluded that the proposed development would not be materially larger than the existing dwelling and it was therefore not inappropriate development in the Green Belt. Whilst this scheme did propose a similar increase in ridge height to the appeal before me, the Inspector noted that the proposal had a slightly smaller footprint than the approved scheme that was before them as a fallback position, unlike the current appeal scheme. Furthermore, the contexts are notably different in respect of the proximity to public vantage points, topographical changes and the specific design features of the proposal. Therefore, this example is not directly comparable to the proposal before me and attracts limited weight in my consideration of this appeal.
20. The proposed development would provide a comprehensive upgrade to the existing living accommodation, which would support the appellant in creating a well-functioning and modern family home. However, these considerations relate largely to the private interests of the appellant and their family. The appellant also asserts that a new build would provide greater opportunities for the inclusion of energy and water saving technologies and the use of sustainable methods of construction, which could be secured by condition. The proposal would also create employment opportunities during the construction phase. However, the proposal is only for a single dwelling. Furthermore, the application form indicates that the proposal would be self-build, which is supported by the Framework. However, there is no legal mechanism before me to secure the status of the proposal as a self-build property, and a condition would not meet the tests in the Framework, which significantly limits the weight I could attach to this potential benefit.
21. For the reasons given above, the benefits of the proposed development collectively attract only limited positive weight.

Other Matters

22. The proposed development would be exempt from otherwise mandatory Biodiversity Net Gain (BNG) requirements due to being self-build. However, as discussed above, there is no legal mechanism before me to secure the self-build status. If I was minded to allow the appeal on all other matters, I could have requested the provision of either a Section 106 agreement or a Unilateral Undertaking. However, I have found conflict with regards to Green Belt policy, which is determinative in this case. I therefore do not need to consider the matter of BNG compliance any further.

Planning Balance and Conclusions

23. The proposal would constitute inappropriate development in the Green Belt and would harm its openness. As such, the Framework requires me to give this harm substantial negative weight. I have found no harm in relation to the effect of the proposed development on the character and appearance of the surrounding area. However, this is a neutral matter in my deliberations.
24. For the reasons set out above, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

² PINS Ref APP/W1525/W/20/3258695.

25. The proposal conflicts with the development plan taken as a whole, and material considerations do not indicate that the appeal should be decided other than in accordance with it. I therefore conclude that the appeal should be dismissed.

L Fern

INSPECTOR