



Appeal Decision

Site visit made on 4 November 2025

by A Phillips MPlan BA CertHE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 December 2025

Appeal Ref: APP/W1525/W/25/3371704

Horsfrith Park Farm, Old Barns Lane, Highwood, Chelmsford, Essex CM4 0LR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Peter & Sara Johnson against the decision of Chelmsford City Council.
 - The application Ref is 25/00644/OUT.
 - The development proposed is Proposed 1 No. bungalow with detached garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the site address from the application form. However, I do note that the site is not within the residential grounds of Horsfrith Park Farm and is adjacent to the A414.
3. The application is seeking outline permission for one self-build dwelling, with all matters reserved
4. The appellant was given opportunity to provide additional information regarding on potential mechanisms to control the proposal was developed as a self-build property. This also links to the requirements of biodiversity net gain (BNG), as if the property does not meet the requirements of a self-build then there is no exemption to BNG for this development.
5. The Council provided further information regarding nearby listed buildings, as requested.

Main Issues

6. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework 2024 (Framework) and relevant development plan policies.
 - The effect of the proposal on the openness and purposes of the Green Belt.
 - 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

Is the proposal inappropriate development?

7. The site is located within the Green Belt and is currently an open field that continues to the east. To the north and south of the site are additional open fields. Given that the site is an open field with no buildings, it does not constitute previously developed land.
8. Paragraph 153 of the Framework requires that substantial weight is given to any harm to the Green Belt, including its openness. It goes on to state 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'.
9. Paragraph 154 of the Framework defines that development is inappropriate development unless the proposal is defined as 'limited infilling in villages'.
10. With the proposal being for a single dwelling it could constitute consideration as Grey Belt, as the site does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143 of the Framework. The Council in its appeal statement confirms that it can now only demonstrate a 3.88 year supply of deliverable sites for housing. It, therefore, cannot now demonstrate a five year supply of deliverable housing sites. In line with paragraph 155 of the Framework, the proposal would comply with both parts a and b of this paragraph as the site is of very small scale and would not fundamentally undermine the remaining Green Belt.
11. In relation to part c of paragraph 155, there is a requirement for the site to be in a sustainable location. It is accepted that development is in the countryside and therefore there are limitations on how sustainable transport can be. Paragraph 110 of the Framework supports this by stating 'opportunities to maximise sustainable transport solutions will vary between urban and rural areas'. However, this part of the Framework is not seeking to prevent some sustainable options for development in rural areas. The Framework also makes it clear in paragraphs 115 and 117 that there should be safe access for all users and priority should be given to pedestrian and cycle movements.
12. While it is noted that the site is in proximity to bus stops, there are no services/facilities near the site and therefore public transport is the only likely sustainable option for people to travel. With the speed limit of 50mph it is less likely that people would be willing to cross the road, specifically during nighttime. Finally, I have not been provided with evidence to identify how regular the bus service is. On this basis, the site is not considered to be in a sustainable location and does not provide safe access for all users to reach services and facilities by sustainable transport options and causes moderate harm to the sustainability of the area. Therefore, the proposal does not meet all the requirements of paragraph 155 of the Framework.
13. On this side of the road there are a couple of dwellings directly to the west of the site and one dwelling located some distance to the east. While not directly opposite, it was noted that there were several dwellings on the other side of the road. However, given that the proposal is not infilling a small gap between built form and that directly opposite and behind are additional fields, the proposal is not infilling a gap in built form. Therefore, the proposal would be inappropriate development within the Green Belt and on this basis causes substantial harm.

Openness and purposes of the Green Belt

14. Paragraph 142 of the Framework states 'The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'.
15. The proposed development would infill a gap in open space and reduce a visual gap between the fields on this side of the road and the open fields on the opposite side of the road. While the proposal would not infill this gap in built form entirely, the loss of this openness would still cause moderate harm to the permanent openness of this part of the Green Belt.

Additional harm and do other considerations amount to Very Special Circumstances?

16. With the proposal being inappropriate development it should only be allowed if there is a very special circumstance as detailed under paragraph 153 of the Framework.
17. The Council has identified two other reasons for refusal, being unsustainable location due to reliance on private vehicles and highway safety in joining the A414/Ongar Road.
18. The site is located adjacent to unmaintained footpath that runs along the A414 to a bus stop in close proximity to Horsfrith Park Bungalow. On the opposite side of the A414 is another bus stop and a maintained footpath. It was noted during my site visit that the speed limit along this road is now 50mph, though remains an unlit stretch of highway.
19. The submitted drawings before me suggest a new access would link onto the A414. However, this is outside of the site boundary and therefore could not gain permission under this appeal. It is also noted that certificate A has been signed in the application form and while the entirety of land between the site and the highway carriage is likely owned/controlled by the Local Highway Authority, this is not certain. While it is possible to design a site layout that allows for cars to enter and leave in a forward gear there is significant unknowns on the proposed access that could cause significant harm to highway safety.
20. The Council has put forward a condition to control the self-build element, which the appellant accepted. However, it is my judgment that it does not meet all the six tests for conditions as set out in the Framework, with specific reference to enforceability, and I do not see any amendment that would lead me to a different view. With no legal agreement to ensure the proposal comes forward as a self-build plot, the potential benefit of this coming as a self-build plot and fulfilling a demand in the district only holds limited weight.
21. With the proposal not meeting the definition of a self-build dwelling, it is therefore not exempt from BNG. With no valid exemption, the proposal would be subject to the biodiversity gain condition and the minimum information requirements as detailed under Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The failure to provide the necessary information to satisfy the biodiversity condition substantially weighs against the application.
22. The first benefit of the proposal, as detailed above, is that it might be built as a self-build dwelling. In addition, there are likely limited benefits to the local economy

during construction and longer-term benefits to supporting services/facilities in nearby settlements. Finally, it is accepted that the dwelling could be built to a higher environmental standard than required by building regulations. I attribute each of these limited weight in favour of the proposal.

23. The other considerations do not clearly outweigh the harm to the Green Belt and other harm identified and therefore do not form a very special circumstance. I therefore conclude that the proposal would be a disproportionate extension in the Green Belt and there is no very special circumstance to justify allowing this development. On this basis, the proposal does not accord with Policy S11 of the Chelmsford Local Plan May 2020 (Local Plan) and chapter 13 of the Framework, which seek to preserve the openness of the Green Belt and only allow inappropriate development in very special circumstances.
24. In addition, the proposal also does not comply with Policies S1 and S7 of the Local Plan that seek to place development in the most sustainable locations and outside of the Green Belt. The proposal also does not comply with DM23 of the Local Plan that seeks to create safe and accessible developments.

Other Matters

25. I have had regard to the duties contained in the Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act). The Act contains duties whereby special regard should be given to the desirability of preserving listed buildings, their setting or any features of special architectural or historic interest which it possesses
26. From the evidence I have been presented with, the Grade II Listed Building of Horsfrith Park Farm is the closest listed building to the proposal and the only one that could be materially affected. It's significance comes from its architectural quality and that its oldest elements come from the 17th century. While it is accepted that there is visibility of this listed building from the A414, these views are not considered to materially add to listed building's historical or architectural significance. In addition, with the proposal adjacent to the property of Mount Stephen there would be no material loss of views toward Horsfrith Park Farm from the A414.
27. The proposal would not have any impact on the significance of Horsfrith Park Farm. On this basis, the proposal preserves the setting of the listed building and complies with the expectations of the Act and chapter 16 of the Framework.
28. The site is located within the Zone of Influence of one or more European designated sites comprising (RAMS). The appellant has provided a financial contribution to the RAMS, which seeks to mitigate the additional recreational pressure on the European Sites arising through the proposed development. If the appeal was to be allowed, it would be necessary to consider this matter within an appropriate assessment.
29. In accordance with paragraph 11d of the Framework, while the Council cannot demonstrate a five year supply of deliverable housing sites the Framework provides a strong reason for refusing the development proposed as the site is located within the Green Belt.

Conclusion

30. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

A Phillips

INSPECTOR