



Appeal Decision

Site visits made on 3 and 23 September 2025

by **I A Dyer BSc (Eng) FCIHT**

an Inspector appointed by the Secretary of State

Decision date: 5th December 2025

Appeal Ref: APP/W1525/W/25/3365717

Land adjacent to 19 Church Hill, Little Waltham, Chelmsford, Essex, CM3 3LR

- 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 J Fitzwater and Stratstone Development London Ltd against the decision of Chelmsford City Council.
 - The application reference is 24/01373/FUL.
 - The development proposed is demolition of domestic storage building and replacement with single residential dwelling.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 27 October 2025.

Decision

1. The appeal is allowed and planning permission is granted for at Land adjacent to 19 Church Hill, Little Waltham, Chelmsford, Essex, CM3 3LR in accordance with the terms of the application, Ref 24/01373/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matter

2. Notwithstanding the site address set out in the Council's Decision Notice I have used the address stated in the planning application form accompanying the proposal as this accurately describes the land that is the subject of this appeal.

Main Issue

3. The main issue in this appeal is whether the site is a suitable location for a dwelling, having regard to local policies for the provision of housing.

Reasons

4. There is no dispute between the parties that the site lies outside the Defined Settlement of Little Waltham, as identified in the Chelmsford Local Plan (2020) (the Local Plan) and is, for planning purposes, within the Rural Area and the Green Wedge as designated in the Chelmsford Local Plan (Appendix CCC3). The Defined Settlement lies adjacent to the site on the opposite side of Sheepcotes Lane (the lane).
5. The Local Plan seeks to restrict development in the Rural Area and the Green Wedge unless it is able to satisfy one, or more exception policies that specifically support it. It is the contention of the appellants that the proposal satisfies the requirements of Policies DM7 and DM8 of the Local Plan. Specifically, the

appellants assert that the proposal satisfies part B of each of the policies cited, which relate to previously developed land. They have made no case that the proposal satisfies any other exception policy and so it is therefore with this in mind that I have considered the proposal before me.

6. Policy DM7 B) relates to the redevelopment of previously developed land (whether redundant or in continuing use but excluding temporary building/s) in the Green Wedge. It states that planning permission will only be granted where the role and function of the Green Wedge, in maintaining open land between built-up areas, protecting biodiversity and promoting recreation would not be materially harmed, and where the development would have no greater impact on the character and appearance of the area than the existing use and/or development.
7. It identifies that the Council will assess the development based on the following: -
 - i. the size, scale, massing and spread of the new development compared to the existing; and
 - ii. the visual impact of the development compared to the existing; and: -
 - iii. the impact of the activities/use of the new development compared to the existing.
8. Policy DM8 B) relates to the redevelopment of previously developed land (whether redundant or in continuing use and excluding temporary building/s) in the Rural; Area. It is similar to Policy DM7 B), however instead of protecting the role and function of the Green Wedge, it seeks to protect the identified intrinsic character, appearance and beauty of the area.
9. DM8 B) again sets out the criteria on which development proposals will be assessed, the first three of these are the same as those set out for Policy DM7 B), but, in addition, the policy requires that the location of the site is appropriate to the type of development proposed.
10. The site fronts onto the lane, which is a narrow metalled track accessing several residential properties and fields. The lane is also a Public Right of Way (PRoW) (Footpath 16 Little Waltham). The site is roughly rectangular, falling steeply away from the lane. It contains a Nissen hut and is somewhat overgrown, with hardstanding at the front for the parking of cars, accessed through a well-established laurel hedge.
11. A low fence separates the hardstanding from the rest of the plot, whilst the other boundaries are formed by dense, mature hedging. A gate provides access from the hardstanding to a track, leading to the garage of the neighbouring property, known as Brooklands. Brooklands has an additional access further along the lane. The site was formerly part of the garden of Brooklands.
12. Church Hill consists of residential development formed of detached, semi-detached and terraced housing fronting, but set back from, the road. The road itself is composed of a traditional carriageway, with a footway either side. Overall, the houses have a distinctly suburban character contrasting strongly with the more rural appearance of the lane, which has a narrow, shared space surface, bounded by hedging.

13. However, whilst more rural, there are, for the initial length of the lane, dwellings backing onto the lane. Their presence is noticeable and this, to a degree, undermines the rurality, with the land becoming notably more open and its sense of rurality more emphatic, beyond these. Similarly, to the rear of the site, lie allotments and open fields which field give the land a distinctly rural/agrarian character.
14. The verdancy of the appeal site and the land beyond contributes to the rural feel of the land accessed by the lane. However, the presence of the building, the hardstanding and the laurel hedging provide a short transition into the land beyond, where native planting dominates and the land is more open. Further, the site is well-enclosed and its contribution to the wider area is limited by this.
15. The site, and its neighbour at Brooklands thus provide a transitional strip between the distinctly urban form of Great Waltham and the bucolic hinterland within which it lies.
16. The site lies within Character Area A6 – Upper Chelmer River Valley (CA A6) , as identified in the Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessments (2006) (the LCA). The LCA indicates that CA A6 has a relatively high susceptibility to change. The skyline of the valley slopes is visually sensitive, with open and formed cross valley views and long views along the river corridor affected by new tall or non-screened new development.
17. The site forms part of Parcel CN3 (Land between Mill Lane and B1008) within the Green Wedges and Green Corridors: Defining Chelmsford's River Valley Review Report (2017). The study demonstrated the spatial and functional continuity of the River Valleys, of which the site form's part, as the basis for their recognition as Green Wedges and that the river valley is a locally distinctive and a relatively rare natural environment asset/natural landscape feature.
18. The site gained planning permission to be used as a residential garden in 2012¹, associated with 19 Church Hill (No 19). The appellants have provided a statutory declaration made by the previous occupants of No 19 to confirm that they used the Nissen hut as domestic storage and the associated land as garden between October 2008 and August 2022. Whilst the land is now in separate ownership from that property, the permission established its use as a domestic garden, and the building has, in the past, been used for domestic storage. This would, on the basis of the evidence before me be the last occupation of the land in terms of land use. The land is occupied by a building which has not blended into the landscape.
19. I note that the Officers Report noted that the site could be considered to meet the definition for previously developed land set out in the NPPF and, on the basis of the evidence before me I find that the site does constitute previously developed land.
20. The total building volume would be enlarged significantly, roughly doubling in size. However, the majority of this would be concealed below ground, and the increase in volume above ground would be modest. The principle part of the building, the front, that would be perceptible from the lane, would be very similar in scale and the perceived increased volume would be small. The greatest change to the scale of the building would be to the rear, where the new building would project above

¹ Council Ref: - 12/000346/FUL

the ground. The construction of the lower ground floor would result in an enlarged overall footprint, but, again, the majority of this would be below ground and imperceptible from the lane.

21. The design and form of the proposed dwelling seeks to imitate the appearance of the hut. Whilst introducing window openings, the appearance of the land to the front of the proposed dwelling would retain, to a very great extent, its current appearance. The modest bin and bike shed would be an additional, built intrusion into the land, however, its appearance could be controlled through a suitably worded planning condition and, as it would be viewed in context of the replacement building and nearby dwellings, it would not appear incongruous in its setting.
22. The western wall would have a new recessed door and a window, and three windows would be formed on the eastern elevation. The parking area would be hardened with a cell pave paving system to provide all-weather access and this is, of itself, an atypical urbanising feature. However, the impact of this could be mitigated through the use of a suitable condition securing appropriate landscaping materials.
23. Following development the presence of a permanent, separate household within the site would be likely to lead to the introduction of more domestic paraphernalia than at present.
24. The building has been used, in the past, for storage, and it is reasonable to assume that during such a use access would be occasional. However, the dwelling has an existing domestic use and could be used on a more intensive basis, such as a domestic workshop or hobby room. The existing access, which has served Brooklands, would be intensified. Light will be evident from new domestic windows. However, were the hut to be used for, say a workshop, or other domestic uses, such levels of access and lighting could easily occur, with similar effect.
25. The proposal would formalise parking within the site, in an area visible from the lane. At the time of my site visit this area, albeit that this only provides a snapshot in time, a vehicle was parked on this area, and there were signs of vehicle tracking. The area, from the evidence before me, has been used in the past for parking, and so there would be minimal change to this area following development other than to improve the surface with a grass grid.
26. The area is mainly grassed, but this is worn, in parts by vehicle overrun. The provision of a grass grid would be likely to protect the grass surface and, subject to a condition controlling details of the materials used, be likely to provide a grassed surface and so the visual change would be limited, or an improvement.
27. As an incidental use of the site, however, it is likely that domestic paraphernalia would not have spread around the site to the degree which would be likely to result from occupation by a new household. There would, thus, be a change to the sites character and appearance. These changes would, however, principally affect the land further into the site.
28. Planting is proposed, in the form of native hedging, to the front of the site, adjoining the lane and roughly in line with the existing low fence. The low fence is a more urbanising feature of the site and the planting would, in time, provide dense screening at a height to mitigate the effects of features on the rearmost parts of the

structure, such as new doors and windows, that would otherwise be visible from the lane

29. Whilst the site is visible from the lane, only the building and planting within and bounding the site is visible from this vantage point due to the lie of the land and visual obstructions in line with the front of the building.
30. From the rear, limited views into the site are afforded from the public open space and allotments. The intervening planting is dense and contains some evergreen growth, thus, what views there are are, even in winter, when the planting is more visually permeable, limited and principally available only from viewpoints close to the boundaries. Such locations would be visited infrequently. Furthermore, planting is proposed to reinforce the boundary, and so, over time, such glimpses would be further reduced.
31. Whilst there would be change, the appreciation of the changes to the character and appearance of the site would be limited to the site having a more planned landscape appearance and comings and goings on a more regular basis. As I have identified above the site could, given its previous use, be utilised in such a way as to have similar effects. The most intensive changes would be effectively screened by existing planting and the lie of the land, with potential for additional visual mitigation through landscaping of the site. Further, the hedging to the front of the site is composed of laurel, which is not a native hedging material and contrasts strongly with the more typical native hedging found generally along the lane. The replacement of the hedging would provide some improvement to the biodiversity of the Rural Area and the Green Wedge, where such features are identified as characteristic.
32. Perception of the harmful changes would thus be contained to limited areas, principally on the lane directly to the front of the site, with some limited visual harm in views from the allotments and public open space. However, these changes to those parts of the site most visible from the public realm could be mitigated through the imposition of conditions. They would not, however, be eliminated. Views from other vantage points are so limited that they do not result in material visual harm to the character and appearance of the site and the wider area.
33. Bringing these matters together, the proposal would be of a greater size, mass and spread than the existing modest building. However, the visual harm of this would, again be restricted to vantage points on the lane frontage, and, in any case, that harm would be limited. The dwelling would maintain a consistent visual effect with that of the existing Nissen hut when viewed from the lane.
34. The proposal would be contained in and around the immediate footprint of the existing building. Whilst the rear wall of the dwelling would be moved slightly beyond that of the Nissen hut's location, this would not result in any significant spread of above-ground built form across the site. The development would be entirely contained within the existing plot. Given the location, between two existing dwellings and roughly in line with them the proposal would not, therefore result in urban sprawl, or the coalescent of settlements. On balance, the proposal would result in the re-use of previously developed land which has become somewhat overgrown, providing a degree of visual and ecological improvement through sensitive landscaping.

35. I therefore find that, taken overall, in this case any residual visual effects would be very limited the proposal accords with the aims of Policies DM7 and DM8 of the Local Plan. It is, therefore, a suitable location for a dwelling.

Other Matters

36. Concerns have been raised by local residents that they may experience disturbance or disruption during the construction phase. This can be addressed through the imposition of a suitably worded planning condition to control construction operations and I have added such to the permission.
37. Fears have also been raised that the proposal may release pollutants or contamination into the watercourse that passes through the site. However, such concerns are unsubstantiated.
38. Concerns have also been raised concerning the method of disposal of sewage and possible release of pollutants. Such fears have not, however, been supported through substantiated evidence. In any case such matters are subject to other regulatory controls.
39. Further concerns have been raised about interference with legal access to property, however, this is a civil matter and is not before me in this appeal.

Conditions

40. The Council has suggested a number of conditions. I have considered them having regard to the advice provided in the Planning Practise Guidance and, where necessary, I have accordingly modified the wording or form of some of them without altering their fundamental aims.
41. I have imposed the standard time condition and a condition requiring the development to be carried out in accordance with the approved plans to achieve certainty in what is to be delivered (Conditions 1 and 2).
42. The building was constructed during the period of the Second World War and it is thus necessary to secure a record of the use of the building during this period before any artifacts or details are lost. I have therefore included conditions to secure appropriate investigation, recording and preservation of any important details or artifacts discovered in accordance with the aims of Policy DM15 of the Local Plan. As details and investigation are required before any disturbance of the site it is necessary that appropriate measures are secured and take place before commencement of any works on site and the appellants have agreed the necessity and wording of the conditions (Conditions 3 and 4).
43. The proposal has potential to affect ground and water levels and affect runoff. It is therefore important to establish finished ground levels and drainage measures before any parts of the building are constructed in accordance with the aims of Policies DM23 of the Local Plan and prevent surface water flooding (Condition 5). As the ground levels have potential to affect the design of the structures it is necessary that appropriate measures are secured and take place before commencement of any works on site and the appellants have agreed the necessity and wording of the condition (Conditions 5 and 13).

44. To control the final appearance of the building in accordance with Policy DM23 of the Local Plan, it is necessary to secure details of construction materials and I have imposed a condition to achieve this (Condition 6).
45. It is necessary, to safeguard local amenity, to secure appropriate levels of car parking, in accordance with Policy DM27 of the Local Plan, cycle parking and refuse storage. It is further necessary to ensure that, in the interests of sustainability, these have access to electric charging in accordance with Policy DM25 of the Local Plan. This is achieved through the imposition of suitably worded planning conditions (Conditions 7, 8 and 15).
46. In accordance with the aims of Policy DM25 of the Local Plan of ensuring appropriate levels of environmental sustainability it is necessary to impose a condition to ensure that the development is efficient in its use of water (Condition 9).
47. The site lies within the Green Wedge and Policies DM7 and DM8 of the Local Plan seek to protect its intrinsic character and beauty. Any additions to the building could undermine the aims of those policies and so it is necessary to safeguard against such an event by removing, though a planning condition, permitted development rights that would enlarge the building without consideration by the local planning authority (LPA) (Condition 10).
48. It is necessary to secure an appropriate scheme of hard and soft landscaping for the site and boundary treatments to ensure the development integrates appropriately into the character and appearance of the vicinity, protects neighbouring amenity and secures the planting of additional trees to address climate change in accordance with the aims of Policies DM16, DM23, DM29 and Policy S2, of the Local Plan. I have added conditions to achieve this (Conditions 11 and 12).
49. The site lies adjacent to existing residential properties and has potential to disturb neighbours and affect access for others. It is therefore necessary to secure, a Construction Management Plan to control the methods of working on site, including the hours during which noisy operations could take place. I have, therefore, added a condition to achieve this, but, as such measures must be in place to control all of the works, this needs to be secured before any take place, but I have amended the suggested wording to control the hours of working of the site. The appellants have agreed to the wording and necessity for this condition. (Condition 14)
50. Occupiers could overlook the private amenity areas of neighbouring properties from the roof of certain parts of the development, and adversely affect their privacy. It is therefore necessary to protect the amenity of those neighbours by restricting the use of those parts of the roof so as to protect the neighbours' amenity in accordance with the aims of Policy DM29 of the Chelmsford Plan (Condition 16).
51. To ensure the protection of biodiversity, in accordance with the aims of Policy DM16 of the Local Plan, I have included a condition to ensure that the development is delivered in accordance with the approved Preliminary Ecological Appraisal (Condition 17).

52. Similarly, a condition is necessary to ensure that lighting within the site is controlled to allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended) such that bats in the locality are not adversely effected (Condition 18).
53. Further conditions are needed to ensure the statutory biodiversity gain required by the Environment Act 2021 is met and to ensure the development accords with Policy DM16 of the Local Plan. It is necessary that this is achieved prior to commencement of works on site, before any harm to biodiversity occurs, and the appellants have agreed the wording and necessity for the conditions (Conditions 19 and 20).

Conclusion

54. For the reasons given above the appeal should be allowed.

I A Dyer

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans and conditions listed on this decision notice.
- 3)
 - i) No demolition, conversion or alterations shall commence until a programme of historic building recording has been secured in accordance with a Written Scheme of Investigation (WSI) to be submitted to and approved by the local planning authority.
 - ii) No demolition, conversion or alterations shall take place until the satisfactory completion of the recording in accordance with the WSI submitted.
 - iii) The applicant will submit a report detailing the results of the recording programme to the local planning authority for approval and confirm the deposition of the archive to an appropriate depository as identified and agreed in the WSI. This shall be done within 6 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance in writing by the local planning authority.
- 4)
 - i) No development or preliminary groundworks within any phase or sub-phase of the development shall commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has previously been submitted by the applicant and approved by the planning authority.
 - ii) A mitigation strategy detailing the excavation/preservation strategy for any archaeological deposits shall be submitted to the local planning authority following the completion of this work.
 - iii) No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been previously approved by the local planning authority in consultation with its historic environment advisors.
 - iv) The applicant shall submit to the local planning authority a post-excavation assessment (to be submitted within six months of the completion of fieldwork. This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.
- 5) Prior to any construction works, detailed drawings and sections showing the finished levels of all parts of the development in relation to the levels of the surrounding area and neighbouring buildings shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

- 6) Prior to their use, details of the 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.
- 7) No dwelling shall be occupied until space has been laid out within the site in accordance with the approved plans for cars to be parked and that space shall thereafter be kept available at all times for those purposes.
- 8) Prior to the first occupation of the dwellings hereby permitted, charging infrastructure for electric vehicles shall be installed and retained at a rate of 1 charging point per dwelling.
- 9) All new dwelling units as 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).
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), the dwelling hereby permitted shall not be enlarged or extended without the grant of an additional planning permission by the local planning authority.
- 11) 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) Hard surfacing including pathways and driveways, other hard landscape features and materials;
 - b) Existing trees, hedges or other soft features to be retained;
 - c) Planting plans including specifications of species, sizes, planting centres, number and percentage mix;
 - d) Details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife;
 - e) Details of the planting of 3 new trees required for this proposal within the site;
 - f) Management details and a five year maintenance plan.
- 12) a) Prior to first occupation of the development 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.

b) The development shall not be occupied until the boundary treatments have been provided in accordance with the approved details.

13) No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented prior to occupation.

14) 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 working hours during which demolition or construction works shall take place within and around the site.
- ii. The parking of vehicles of site operatives and visitors;
- iii. Loading and unloading of plant and materials;
- iv. Storage of plant and materials used in constructing the development,
- v. Wheel and underbody washing facilities.

15) Prior to first occupation of the development the cycle parking and refuse storage as shown in the Proposed Bin & Cycle Store drawing no. 252 Revision P1 shall be provided. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

16) The roof above the principal bedroom, dressing room, ensuite and study/playroom shown on approved drawing FRNT-22.503-250 Rev P6 shall at no time be used as an outdoor terrace or play area.

17) The development hereby permitted shall only be carried out in accordance with the details contained in the approved Preliminary Ecological Appraisal.

18) Prior to the first occupation of the development a lighting design strategy for biodiversity shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

- b) Show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places, and would not harm the mentioned heritage assets. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme

19) No development shall take place until a final written Biodiversity Net Gain Plan (The BNG Plan) in the form of the national BNG Plan template, for the provision of a minimum 10% biodiversity net gain, has been submitted to and approved in writing by the local planning authority. The BNG Plan shall relate to the development for which planning permission is granted, and include;

- i. Completed metric calculation tool;
- ii. Pre-development and post-development plans (showing the location of on-site habitat, the direction of north and drawn to an identified scale);
- iii. Biodiversity net gain register reference numbers (if purchasing off-site units); and
- iv. Proof of purchase if purchasing statutory biodiversity credits. The development shall not be begun until such time that The Biodiversity Net Gain Plan (BNG Plan) has been approved in writing by the local planning authority. The development shall subsequently be carried out in accordance with The BNG Plan.

20) No development shall take place on any part of the site until a written Habitat Management and Monitoring Plan (HMMP), in the form of the national Natural England and DEFRA template, for a minimum period of 30 years for the site has been submitted to and approved in writing by the local planning authority. The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain the following:

- i. Details setting out how the onsite or off-site gains will be managed;
- ii. Details of the persons responsible for the implementation, management and monitoring;
- iii. Details of how habitats will be monitored (including specific details for each type of habitat);
- iv. Details, including a schedule, of monitoring reports to be submitted to the local planning authority over at least a 30 year period;
- v. Details of how management will be reviewed;
- vi. Details of adaptive management to account for habitat restoration if the management plan is not working.

END OF CONDITIONS