

Appeal Decision

Site visit made on 1 November 2016

by Alex Hutson MATP CMLI MArborA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9th December 2016

Appeal Ref: APP/M1595/W/16/3154660

**Malgraves Meadow, Lower Dunton Road, Horndon on the Hill, Thurrock
SS17 8QD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Adam Cheale against the decision of Thurrock Borough Council.
 - The application Ref 16/00232/FUL, dated 16 February 2016, was refused by notice dated 27 May 2016.
 - The development proposed is retrospective planning application for the retention of a biomass building containing biomass boiler with external flue and associated wood storage.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The proposal seeks retrospective planning permission for the retention of a biomass building containing a biomass boiler with external flue and associated wood storage. I observed that the development has been built as described and as shown on the submitted plans and I have determined the appeal on this basis.

Main issues

3. The main issues are:
 - Whether or not the development is inappropriate development in the Green Belt;
 - The effect of the development on the openness of the Green Belt;
 - The effect of the development on the character and appearance of the area; and
 - If the development is inappropriate development, whether or not there are material considerations which, together, clearly outweigh the harm to the Green Belt, and any other harm, and which amount to very special circumstances which would be necessary to justify the development.
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Reasons

Whether or not the development is inappropriate development in the Green Belt

4. The appeal site lies within the Green Belt. Paragraph 89 of the National Planning Policy Framework (the Framework) sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. Bullet Point 3 of this paragraph sets out that the extension of a building in the Green Belt is inappropriate, unless it does not result in disproportionate additions over and above the size of the original building. Paragraph 91 of the Framework also sets out that elements of many renewable energy projects will comprise inappropriate development. The Glossary within Annex 2 of the Framework identifies that the production of heating from biomass falls within the definition of renewable and low carbon energy.
5. The biomass building, constructed from timber, measures approximately 9.6 metres (m) in length and approximately 4.5m in width. The mono pitched roof is approximately 3.5m in height to the front, reducing to approximately 3m in height to the rear. A stainless steel flue rises approximately 2m in height from the centre of the biomass building.
6. I acknowledge that due to isolated nature of the host dwelling, the biomass building reasonably appears to be associated with it. In addition, the biomass boiler is connected, through underground services, to the host dwelling to provide its main source of heating. I also recognise that in some instances, such as in the case of a garage building, the physical separation of a building does not necessarily prevent it from being regarded as part of a dwelling. In addition, I acknowledge that the biomass building, given its dimensions, appears subordinate to its host dwelling.
7. Nevertheless, the biomass building is located approximately 20m from the host dwelling, which in my view is a considerable distance, and outside of its residential curtilage, within an agricultural field. Moreover, the biomass building appeared to me to be of an excessive size for its intended purpose, given that a considerable amount of space within it contained large household appliances and large boxes which housed live birds. For these reasons, I do not consider that it can reasonably be concluded that the biomass building constitutes an extension to the host dwelling and is not, in my judgement, within the spirit of such under Bullet Point 3 of Paragraph 89 of the Framework.
8. Consequently, the biomass building does not comply with the listed exceptions as set out in Paragraph 89 of the Framework, including in respect of extensions and alterations to dwellings in the Green Belt. Given its excessive size, the biomass building is an element that also constitutes inappropriate development in the context of Paragraph 91 of the Framework.
9. The development is therefore inappropriate development in the Green Belt, which Paragraph 87 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 of the Framework states that in considering a planning application substantial weight should be given to any harm to the Green Belt. I also find that the proposal would conflict with Policy PMD6- Development in the Green Belt, of the Thurrock Core Strategy and Policies for Management of Development- Focused Review 2015 (Focused Review). This Policy reflects the

requirements and objectives of the Framework with regard to development in the Green Belt.

Effect on the openness of the Green Belt

10. Paragraph 79 of the Framework indicates that openness is an essential characteristic of the Green Belt. The host dwelling occupies a location largely isolated from other buildings and is set within a landscape predominantly dominated by arable farmland and few other buildings. This provides a strong sense of space and openness in the surrounding area. Given that existing vegetation in the immediate vicinity of the biomass building is limited to a gappy hedgerow of a low height to its immediate west, it occupies an exposed position within the appeal site. The introduction of the excessively sized biomass building and the associated flue therefore inevitably affects the openness of the appeal site and surrounding area.
11. I observed that views, albeit glimpsed views, of the biomass building and the associated flue can be obtained from along Lower Dunton Road through a hedgerow that grows along the western side of this road. These views would likely be more pronounced during the later winter months when the vegetation within the hedgerow loses its leaves. Glimpsed views can also be obtained from the access point to the host dwelling when the associated gates are open. In addition, given the somewhat elevated position of the land it occupies, I observed that views of the biomass building and the associated flue can be obtained from vantage points along North Hill to the south of the appeal site when approaching Lower Dunton Road.
12. The presence of the biomass building and its associated flue therefore erodes the spatial qualities of the appeal site and area and consequently leads to a harmful loss of openness within the Green Belt, contrary to the aims of Paragraph 79 of the Framework.
13. It therefore conflicts with Policy PMD6, of the Focused Review, which aims to maintain, protect and enhance the open character of the Green Belt in accordance with the provisions of the Framework.

Effect on the character and appearance of the area

14. The overall appearance of the biomass building and the materials it is constructed from largely reflect its rural context. Indeed, the Council's Planning Officer sets out within the Committee Report that no conflict arises with Policies PMD2 and CSTP23, of the Focused Review; and Policy CSTP22, of the Thurrock Core Strategy and Policies for Management of Development Development Plan Document 2011. These policies require, amongst other things, for development to respect the character and appearance of the area. I note that this view is somewhat contradictory to the view of the Council's Landscape Advisor who considers the biomass building fails to respect local landscape character.
15. Nevertheless, given the rustic appearance of the biomass building and its farmland setting, I do not consider there to be any material harm to the character and appearance of the area and would concur with the appellant and the Council's Planning Officer on this matter.

Other considerations

16. I recognise that small scale renewable energy projects can provide a valuable contribution to cutting greenhouse emissions. However, given the biomass boiler only supplies heat to one dwelling, the wider environmental benefits that would arise from the retention of the biomass building and biomass boiler would be, in my opinion, modest. Moreover, whilst the appellant alleges the logs used for fuel are sustainably sourced from the local area, there is no substantive evidence before me to support this claim. Thus, I afford these matters limited weight.
17. I acknowledge that the removal of the biomass building and biomass boiler may come at a considerable cost to the appellant, were the Council to pursue enforcement action. Furthermore, I acknowledge that the appellant may have previously received incorrect advice in respect of whether or not planning permission was required in the first instance. Nevertheless, the source of this advice is not clear and there is no substantive evidence before me to support this claim. Whilst I have some sympathy for the appellant in regard to these matters, they are not material planning considerations to which I afford any significant weight.
18. The appellant infers that the location of the development is necessary to minimise the risk of injury to his children when the wood for fuel is delivered. Nevertheless, there is no indication as to how frequently wood is delivered. Given the considerable amount of wood the biomass building can store, it is likely to be fairly infrequent. In addition, it is likely that the appellant would pre-arrange dates and timings for delivery, and as such, could reasonably ensure that any children are kept safely indoors at such times if it were to occupy an alternative position. I therefore afford limited weight to this matter.
19. Whilst the appellant receives some payment through Ofgem's Domestic Rural Heat Incentive scheme and the biomass boiler may provide a more cost effective source of energy than from the national grid, I consider that the economic benefit of the development, in the wider scheme of things, is limited. Moreover, it is unclear whether or not the biomass boiler is the only available source of energy to heat the host dwelling and if not, what the extent of any cost savings to the appellant are. In addition, the contribution that one domestic biomass boiler is likely to make to the security of energy supply nationally is likely to be negligible. I therefore afford these matters limited weight.
20. I acknowledge that by staining the timber used in the construction of the biomass building a darker colour, this could assist with reducing its prominence. I also note the appellant's willingness to incorporate new landscaping to assist with screening it from wider views. Nevertheless, these matters would not, in my opinion, have any significant effect on mitigating the loss of openness within the Green Belt or mitigating the excessive size of the biomass building. Moreover, I have not been provided with any substantive details in respect of what form landscaping might take to consider this matter further. In addition, any landscaping would likely take a considerable time to mature before it offered any substantial screening effect. I therefore afford these matters limited weight.
21. The appellant makes reference to development permitted under the provisions of the Town and Country Planning (General Permitted Development) (England)

Order 2015. However, the issue of whether or not planning permission is required for any other development is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. Furthermore, I have no detailed plans before me to demonstrate exactly what form such development might take to allow me to make any informed comparisons. Moreover, without any such plans, there is no strong evidence before me to demonstrate that the appellant intends to implement any such development. I therefore afford limited weight to this matter.

Conclusion

22. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I have identified that the development would be inappropriate in the Green Belt as defined by the Framework. In addition, it would cause material harm to the openness of the Green Belt.
23. On the other hand, the appearance of the biomass building reflects its rural context and as such, no material harm arises to the character and appearance of the area. Nevertheless, as explained above, I only afford limited weight to each of the material considerations cited in support of the development and conclude that, taken together, they do not outweigh the harm that would arise as a result of the development. Consequently, no very special circumstances exist that would justify inappropriate development being allowed.
24. For the reasons set out above and having regard to all other matters, I conclude that the appeal should be dismissed.

Alex Hutson

INSPECTOR