

Appeal Decision

Site visit made on 21 March 2017

by Michael Evans BA MA MPhil DipTP MRTPI

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

Decision date: 7 April 2017

Appeal Ref: APP/W1525/D/17/3168455
Ladygrove, Ongar Road, Writtle CM1 3NT

- 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 D Gane against the decision of Chelmsford City Council.
 - The application Ref 16/02145/FUL was refused by notice dated 27 January 2017.
 - The development proposed is a steel frame hobby workshop.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues in this appeal are:
 - Whether the proposed development amounts to inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (The Framework) and the development plan.
 - The effect on the character and appearance of the site and surrounding area.
 - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate development

3. The appeal concerns development that has already taken place and is located within the Green Belt, comprising a detached workshop, associated hardstanding and an earth bund. However, the proposal is to modify the workshop by reducing its height to 4m and applying timber cladding and there would be tree planting, with the area of hardstanding also being reduced in extent.
 4. Government policy in Paragraph 89 of the Framework indicates that the construction of new buildings in the Green Belt should be regarded as
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inappropriate unless it comprises one of the identified exceptions. These include the provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

5. The Appellant has also highlighted the exception concerning the extension and alteration of dwellings and suggested that the proposal might also comprise the replacement of an existing building. The Framework indicates that the extension or alteration of a building is not inappropriate provided that it does not result in disproportionate additions over and above the size of the original building. The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces would not be inappropriate.
6. Paragraph 90 indicates that certain other forms of development, such as engineering operations, are also not inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.
7. Inappropriate development should not be approved except in very special circumstances, which will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.
8. Core Strategy and Development Control Policies Policy DC1 concerns development in the Green Belt and reflects the broad thrust of the Framework with which it is consistent.
9. The new building was built to accommodate vehicles used in connection with the drag racing hobby of the Appellant's son, which include a coach, van and racing cars. The Council has therefore considered it as a facility for outdoor sport and recreation.
10. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and the essential characteristics of Green Belts are their openness and permanence. While openness is not defined within the Framework it can be taken to mean the absence of development. The effect of a development on the openness of the Green Belt is primarily a matter of its nature, scale, bulk and site coverage. That is to say its quantum and its physical effect on the appeal site rather than any visual or other impact on its surroundings.
11. Within the overall site at Ladygrove there is a detached dwelling, detached garage and annexe, all broadly located in the south-western part of the overall site. There is also a 'U' shaped arrangement of storage containers to the east of the workshop. There is a caravan park further to the south but this is separated from the appeal site by woodland. The wider locality is characterised by open countryside.
12. The height of the lowered workshop would be less than that of the detached dwelling but about the same as the garage. In any event, the workshop would constitute a fairly substantial structure, given the length of 18.2m and depth of 12.2m, with its footprint significantly exceeding that of the detached dwelling.
13. The Appellant suggests that the three containers to the east could be removed with this being secured by a condition. However, these have a height of just

2.4m and their combined footprint is only about 94 sq m. As a result, it is clear that the altered workshop would be appreciably taller with a substantially greater volume than the block of containers. There would, in consequence, still be a material reduction in the openness of the Green Belt, due to the scale and bulk of the workshop, even if the containers were removed.

14. The earth bund is an artificial manmade feature which has a height of 2 to 2.4m. It also extends along the southern boundary of the site for an appreciable distance. Due to its significant physical presence it has materially reduced the openness of the Green Belt.
15. These adverse effects are a consequence of the size of the building and bund and would occur despite the proximity of the buildings to the north and the presence of the caravan park to the south. It would also happen regardless of visibility from public viewpoints or elsewhere. If this were not the case much development could take place in screened locations that would undermine the fundamental aim of keeping land open. Due to the above factors, it is concluded that the openness of the Green Belt would not be preserved by the workshop or bund.
16. The hardstanding next to the building was created by covering the ground in road planings and there is no significant volume. As a result this engineering operation has preserved the openness of the Green Belt.
17. The Appellant contends that there has been no encroachment into the countryside, arguing that the development has taken place within the curtilage of the dwelling. It is also suggested that this area was included within the curtilage of the dwelling on the drawings relating to the planning permission for the existing garage. However, the presence of a line around an area on a plan is not evidence that this land had a domestic character. Moreover, there is no detailed drawing or survey plan of this land prior to the development taking place. However, the Appellant has submitted aerial photographs dating from 2005 and 2015 which do provide some evidence of the prior nature of this land.
18. These show the presence of the 'U' shaped containers to the south-east. Located towards the south-west corner of the site is what the Appellant suggests is a small container. These are said to have been used for domestic storage purposes and are in parts of the land where there are no trees. Nevertheless, the relatively modest footprint of the containers in relation to the extent of the area between the buildings to the north and site boundary significantly limits their impact on the character of this land.
19. In the 2015 aerial photo, the land immediately to the west of the garage and extending to the south is dominated by what appears to me to comprise a reasonably extensive undeveloped area of woodland, which links to that beyond the site boundary. The caravan park is significantly further away, beyond this overall wooded area that also links to an even larger area, as shown on the aerial photos of the wider locality. Despite the containers, it therefore seems to me that in 2015 the land within the site, where the development would be constructed, had the character and appearance of countryside.
20. The position of the application site boundary and development the subject of the appeal have not been indicated on these photos. Nevertheless, it is clear that the workshop, bund and hardstanding have been constructed in the area to the south of the group of buildings described above. The cluster of buildings

has been extended almost to the site boundary. Due to the intrusive size, scale and bulk of the altered building, the height and length of the obviously manmade bund and the extent of the hardstanding to the front, the development would constitute an urbanising encroachment into the countryside.

21. It appears to be suggested by the Appellant that the hardstanding merely comprised a replacement of what was there previously. However, there is no clear evidence that this is the case and the aerial photos suggest that a significant area has been created on land that does not appear to have previously been developed.
22. The workshop would not therefore fall within the outside sports exception, even if it would be an appropriate facility, which is disputed by the Council. Despite not compromising the openness of the Green Belt, the hardstanding would fail to satisfy the exception regarding engineering operations due to encroachment. The bund would also fall outside this exception due to failing to preserve openness and encroachment.
23. Even if somehow considered as an extension of the facilities available in relation to the existing dwelling, factors such as the appreciably greater length and footprint leave no doubt that the workshop would be disproportionately larger than the original property. It is suggested that replacement buildings can be acceptable and that the workshop would replace the three containers. However, the containers comprise outside storage rather than 'buildings' and the workshop would, in any event, be materially larger. The workshop would not therefore comply with either of these exceptions.
24. For the above reasons, it is concluded that the workshop, earth bund and hardstanding would all constitute inappropriate development in the Green Belt.

Character and appearance

25. In some viewpoints from Ongar Road at the front of the site, the workshop would be screened by existing buildings, while additional tree planting is also intended to further limit visibility. However, the new planting would be likely to take significant time to mature and have any meaningful effect. I also saw at my site visit that the lowered building would be clearly visible above the fence to the front in views from the western end of the site frontage in Ongar Road. From here, the workshop, even when lowered, would diminish attractive views of the woodland to the rear of the site. I also consider that its significant horizontal mass would be visually intrusive. Rather than resulting in a suitable grouping of buildings and structures, it would unacceptably consolidate the existing built development at the site, despite the use of timber cladding.
26. The three 'U' shaped containers are further from the other buildings than the workshop and therefore result in a greater spread across the site. However, the altered workshop would be appreciably taller and larger than the containers. As a result their removal would not be visually beneficial, despite their location.
27. It is acknowledged that parts of the hardstanding to either side of the new building would be removed and soft landscaping could take place. Nevertheless, there would still be a particularly extensive area of hardstanding to the front of the building. Although it comprises loose plantings, I still consider it a somewhat harsh and urbanising feature that has been created at the undue expense of the attractive verdant character of the site. The bund along the southern boundary of the site has a somewhat unnatural and contrived

appearance due to its height and relatively steep profile, unduly at odds with the more natural and gentle contours of the site.

28. The need for tree protection measures, which the Appellant suggests could be required by a condition, are a consequence of the construction of the building. They cannot therefore weigh positively in favour of the development.

29. For the above reasons, it is concluded that the character and appearance of the site and surrounding area would be harmed.

Other considerations

30. It is indicated that the building is necessary for security purposes and to provide a dry place to work on the cars. It is also claimed that illegal activities and trespassing have taken place at the site. Nevertheless, there is no evidence from any other party, such as the police, to confirm security issues and concerns, or to indicate that the building is an appropriate solution rather than any other measures, such as CCTV. I also note that no explanation has been offered as to why the existing garage could not meet the need, even if it had to be enlarged.

31. The Appellant suggests that the building would fall within the scope of permitted development but this is disputed by the Council. It is also said that 'there is the potential for a large number of structure to collectively be regarded as permitted development structures'. However, there is no Certificate of Lawfulness concerning either the workshop or any other buildings and no evidence of any clear fallback position indicating what would happen in the event of the appeal failing.

32. For these reasons the above considerations can be afforded relatively little weight in favour of the appeal.

Conclusion

33. Harm would be caused to the Green Belt as a result of inappropriate development, encroachment and a loss of openness. In accordance with Paragraph 88 of the Framework substantial weight should be afforded to this harm. There would also be harm to the character and appearance of the site and surrounding area to which significant weight should also be attached.

34. Due to the limited weight accorded to them for the above reasons, it is concluded that the other considerations raised do not clearly outweigh the harmful effect of the development. There can, in consequence, be no very special circumstances and there would be conflict with the Framework policies concerning development in the Green Belt. The proposal would not therefore comprise sustainable development in the terms of the Framework. There would also be conflict with the development plan. It is therefore determined that the appeal fails.

M Evans

INSPECTOR