
Appeal Decision

Site visit made on 6 June 2017

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

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

Decision date: 29 June 2017

Appeal Ref: APP/W1525/W/17/3169108

Land to the North side of 2 Ingatestone Road, Highwood, Chelmsford CM1 3QY

- 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 Ms E Moore against the decision of Chelmsford City Council.
 - The application Ref 16/01236/FUL, dated 6 July 2016, was refused by notice dated 26 October 2016.
 - The development proposed is stables, tack room, feed store, hardstanding and courtyard.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposal has been taken from the original application form. However, it is clear from the appeal documentation that both parties considered a hard surfaced access road and the appeal has been considered on the basis of a block plan showing this as well as a hard surfaced yard area around the stable.
3. Within the Appellant's statement of case, there is an Ecology Appraisal which has been submitted to address a Council reason for refusal based on biodiversity and protected species. Appeal procedures for the submission of representations have allowed the Council and third parties to respond to this. For these reasons, the appraisal has been taken into account in my decision.

Main Issues

4. The site is within the Green Belt and so the main issues are:
 - Whether the scheme would be inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and development plan;
 - Character and appearance of the area;
 - Protected species and biodiversity; and
 - If the scheme is inappropriate development, whether the harm caused 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 it.
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Reasons

Whether inappropriate development

5. The National Planning Policy Framework (the Framework) establishes that new buildings are inappropriate unless they fall within the exceptions listed in paragraphs 89 or 90. One such exception is 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.
6. Policy DC1 of the Council's Core Strategy and Development Control Policies Development Plan Document (DPD) 2008 (Focussed Review 2013) states that all development proposals must preserve the openness of the Green Belt and planning permission will be refused for development that does not fall into one of the exceptions listed. These exceptions broadly reflect those set out in paragraphs 89 and 90 of the Framework.
7. Turning to openness, this is an essential characteristic of the Green Belt which is commonly taken to mean the absence of built or otherwise urbanising form. The proposal would result in a new stable block for horses for recreational purposes and would represent a substantial building measuring approximately 11m in width, 5m in depth and 3m in height. The site has a former stable but it is in an advanced state of deterioration such that it cannot be considered a building. Indeed the Appellant refers to it as a remnant. However, even if the former stable building could be considered to be a permanent building, the size of the new stable building would be considerably larger and therefore, the proposal would not preserve openness.
8. There would be existing screening of the stable building limiting views of the development but openness is defined as the absence of built form rather than visual impact, which I shall consider under the heading of character and appearance.
9. Turning to the purposes of the Green Belt, my attention has been drawn to dwellings opposite the appeal site and nearby farms, with associated buildings, and it has been indicated that the rural feel of the stable development would blend in with the area. Nevertheless, the building would be a large development in terms of built form and would not assist in safeguarding the countryside from encroachment in conflict with an identified purpose of the Green Belt. Notwithstanding this, the proposal would not preserve openness for the reasons indicated.
10. There would be hard surfaced areas around the building and along the access to the site. These works could be considered as engineering works under the inappropriate development exception listed under paragraph 90 but this would not alter my conclusions above on the building and it being inappropriate development. Accordingly, the proposal would be inappropriate development contrary to DPD policy DC1 and the Framework, which is by definition, harmful to the Green Belt.

Character and appearance

11. The appeal is located opposite an existing row of dwellings and there are farms nearby. However, the context of the appeal site is distinctly rural with undeveloped countryside surrounding it and a hedgerow along its frontage.

The group of dwellings opposite are also somewhat isolated with undeveloped countryside surrounding them. The stable building would be constructed with weather boarding and tiled roof but there would be hard surfacing around the stable building and along the access. Together with the likely equestrian paraphernalia, such as fencing, vehicles and horseboxes, this would result in an urbanising impact.

12. There are hedgerows screening the site but there is a gap in the frontage, to allow for access, which would draw attention to the development which is located close to the highway. Furthermore, the hedgerow vegetation is largely deciduous which would allow greater visibility of the development during winter months. In any case, there can be no guarantee that the vegetation would remain in perpetuity. Over time, trees and vegetation die back for any number of reasons, such as disease, wind or accidental damage and replacement planting takes time to establish successfully. Therefore, there would be harm to the rural character and appearance of the area for all these reasons.

Protected species and biodiversity

13. The field is semi improved unmanaged grassland with 'tall herb', such as thistle and willow herb species, and is bounded by hedgerows, with some large trees. The Ecology Appraisal (EA) indicates that floral diversity would be low to medium due to the size of the site and the matrix of habitats, including hedgerows within it. The EA also indicates no reasonable likelihood of European protected species being present on site, with the exception of bats. I have no reason to take a different view to this or the EA's conclusions on the quality of supporting habitat, including floral diversity. With respect to bats, the site could be used for foraging and commuting but given the horse stable and paddock nature of the development, there would be a strong likelihood of no adverse impact in line with the conclusions of the EA.
14. The EA also indicates that the site is suitable for small mammals, including the priority species, hedgehog and brown hare, and reptiles and amphibians, and many of these are protected by national legislation. However, biodiversity enhancements are proposed, including log piles for small mammals, reptiles and amphibians, along with further hedgerow plantings, bird and bat boxes. The combined effects of grazing pressure and the development would change the nature of this largely unused site but with these biodiversity enhancements, there would be no adverse impact on nationally protected species. Furthermore, a precautionary method statement would be implemented to ensure appropriate construction activities, including site clearance, the timing of works and a pre-works check. Accordingly, the proposal would comply with policy DC13 of the DPD which amongst other matters, indicates that the Council will seek to restore, maintain, and enhance biodiversity.

Other considerations

15. I acknowledge that some neighbouring occupiers either support or have not objected to the proposal but the effects of the proposal need to be considered in the longer term interests of the area. The Appellant will no longer be able to keep horses in another stable located elsewhere but there is no evidence before me to indicate that this proposal is the only solution to this difficulty. Moreover, personal circumstances will seldom outweigh planning

considerations, such as Green Belts, as works of a permanent nature will remain long after the personal circumstances have ceased to be material.

Conclusion

16. The proposal would be inappropriate development in the Green Belt which is by definition harmful. There would also be an adverse loss in openness of the Green Belt. The Framework establishes substantial weight should be given to any harm to the Green Belt. Additionally, there would be harm to the character and appearance of the area. In favour of the proposal, there would be limited benefits for the reasons indicated. In this regard, any overall biodiversity enhancement would not be significant given the extent of proposed development and use of the field for horse grazing.
17. Therefore, very special circumstances will not exist because the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is not clearly outweighed by other considerations. The proposal would be contrary to policy DC1 of the DPD, and the Framework.
18. For the reasons given above and having regard to all other matters raised, including support, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR