
Appeal Decision

Site visit made on 20 June 2017

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 11 July 2017

Appeal Ref: APP/B1550/W/17/3171540

Land Adjacent St Theresa, Pudsey Hall Lane, Canewdon SS4 3RY

- 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 SC Thomas against the decision of Rochford District Council.
 - The application Ref 16/00966/FUL, dated 4 October 2016, was refused by notice dated 14 December 2016.
 - The development proposed is the erection of a two bedroom mobility accessible bungalow for independent living.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt;
 - Whether there are other considerations weighing in favour of the proposal; and
 - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development and openness

3. The proposal is for the construction of a dwelling in a paddock to the side of St Theresa, within the Green Belt. The National Planning Policy Framework (the Framework) confirms that new buildings should be considered inappropriate within the Green Belt. Whilst there are a number of exceptions to that, such as replacement dwellings or redevelopment of previously developed sites, none of these apply in this instance.
4. Paragraph 79 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Indeed,

openness is one of the essential characteristics of Green Belts. The proposal would introduce a modest dwelling where there is currently no development, other than a shed previously used to house livestock, albeit there is residential development along the lane to the proposed dwelling.

5. As a result, I conclude that the proposed development would comprise inappropriate development that would harm the openness of the Green Belt, contrary to policies within the Framework and Policy GB1 of the Rochford District Council Local Development Framework Core Strategy (CS) that seeks to direct development away from the Green Belt and prioritise the protection of Green Belt land.

Considerations in favour

6. The proposed site is located to the side of the existing dwelling at St Theresa on an open field, separated from the main dwelling by a number of outbuildings to the side of the house and with a substantial rear garden to the rear of the property. It is located at the end of a ribbon of development, replacing a small former agricultural building, such that it would reflect the layout of surrounding development. The design of the proposed dwelling would reflect the character and appearance of other dwellings in Pudsey Hall Lane.
7. The dwelling would meet the needs of a family member with particular health requirements set out in detail in the appellant's submissions, including a letter from Southend University Hospital. The dwelling has been designed to meet their present and future needs, with the size of the building being the minimum that could meet their specific needs in order to minimise any impacts on openness of the Green Belt and the visual impact of the development.
8. I understand that homes to meet specialist needs such as those in this instance are unusual in the surrounding area. Information supplied from estate agents suggest that there is limited availability within the open market, most suitable dwellings being converted to meet the needs of their occupants and converted back before they sell the properties, although I understand this option is prohibitively expensive in this instance.
9. Evidence provided in support of the appeal refers to the Essex County Council Independent Living Programme, although I note that this relates to provision for older people rather than disabled and it is not clear whether it includes units suitable to meet the identified needs in this instance. The Strategic Housing Market Assessment demonstrates a need for dwellings for residents under 74 with support needs. Council policies require dwellings to meet needs of those with disabilities be included within development, but they do not currently provide for those with more severe needs such as in this case, despite the Framework requiring development plan policies to provide for the needs of different groups in the community.

Conclusion

10. I have found that the proposed two bedroom mobility accessible bungalow for independent living would be inappropriate development that harms the openness of the Green Belt. It would be a modest dwelling that reflects the character and appearance of surrounding development, to which I attach modest weight. I note that it would provide for the specific needs of the proposed occupier and this provision, especially given the lack of suitable

specialist housing in the locality, can carry considerable weight. However, that needs to be balanced with the permanence of the proposed dwelling designed to meet the needs of a particular occupier, given that the Framework confirms that the fundamental aim of Green Belt policy includes keeping land permanently open.

11. Taking those factors into account, both individually and cumulatively, I conclude that the substantial weight to be given to Green Belt harm and any other harm is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances. As such, the proposed development is contrary to Policy GB1 of the CS and the Framework that seek to protect the Green Belt from inappropriate development.
12. For the above reasons and taking into account all other matters raised, I conclude that the appeal should be dismissed.

AJ Steen

INSPECTOR