
Appeal Decision

Site visit made on 26 June 2017

by D J Board BSc (Hons) MA MRTPI

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

Decision date: 25 July 2017

Appeal Ref: APP/W1525/W/17/3172057

Brock Hill Farm, Brock Hill, Runwell, Wickford, SS11 7NY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr J Pearce against the decision of Chelmsford City Council.
 - The application Ref 16/01385/OUT, dated 28 July 2016, was refused by notice dated 21 October 2016.
 - The development proposed is erection of dwelling, garage and new access as an infill plot.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with all matters reserved. I have dealt with the appeal on that basis.

Background and Main Issues

3. The Council's decision notice contains four reasons. It also contains a note to the applicant which states that *'You are advised that it is likely that reason for refusal No. 4 may be able to be overcome by obtaining a Phase one/ Phase two Ecological survey'*. The appeal is accompanied by a Phase one ecological survey dated April 2017. This identifies that the site buildings would be negligible as habitat and that the boundary hedges are most likely to provide a suitable habitat for bats and nesting birds. It concludes that these issues can be dealt with through mitigation and enhancement. The appeal is considered on this basis and therefore the main issues are:
 - Whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (The Framework) and development plan policy;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the countryside; and
 - 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 within the Green Belt.

Reasons

4. The Framework contains National Green Belt policy. At paragraph 89 of the Framework the construction of new buildings is defined as inappropriate development except for those exceptions listed. This list includes '*limited infilling in villages*'. The terms of *villages* and *limited infilling* are not further defined in the Framework.
5. Policy DC1 of the Core Strategy and Development Control Policies Development Plan Document (DPD) states that planning permission will be refused for development in the area shown as Green Belt unless it is within one of the categories listed in the policy. DC1A (iv) lists '*residential infilling in villages in accordance with policy DC12*'. Policy DC1 does not define the term villages used in part (iv). Policy DC1A (iv) sets out that for development to meet this exception it has to accord with policy DC12, which sets clear parameters for infilling. These are that it is a small site in an otherwise built up frontage, it would not detract from the intrinsic character and beauty of the surrounding countryside and would not consolidate existing development in remote areas or served by unsatisfactory roads.
6. The appeal site would be situated on Brock Hill between the existing dwelling at Brock Hill Farm and No 115 Brock Hill. It is located immediately north of the defined settlement boundary. There is no dispute that given the sites position and relationship with the nearby defined settlement that the site can be considered as located within a village. Therefore the next point to consider is whether the site would represent infilling.
7. DC12 is clear the infilling is defined as filling the small gaps in an otherwise built up frontage. Within the settlement boundary the detached dwelling are positioned closer together and with narrower plot frontages. In contrast the properties to the north are more spaced out. Overall plot frontages and sizes do increase with a more dispersed arrangement with the spaces between dwellings adding to the open and spacious character. The site is contained in other directions by large agricultural buildings and opposite long Brock Hill there are also dwellings.
8. Whilst the plans are indicative they show the site area. The new dwelling would be located within the plot between the existing dwelling and No 115. The site would be between two existing dwellings but the width and spacing of the existing plots are such that at this point along Brock Hill they do not form a built frontage. Therefore the site cannot be regarded as a small site in an otherwise built up frontage. I understand that the appellant refers to other sites nearby where planning permission has been granted for a dwelling. However, I have judged the scheme before me on its merits.
9. I conclude therefore that the development would not be limited infilling in a village but, on the contrary, would be outside the village in the countryside and would be inappropriate development as described in paragraph 89 of the NPPF. Paragraph 87 of the Framework confirms that inappropriate development is, by definition, harmful to the Green Belt and advises should not be approved except in very special circumstances.

Openness

10. Paragraph 79 of the Framework advises that one of the essential characteristics of a Green Belt is its openness. DPD Policy DC1 identifies the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open. It goes on to state that all development proposals must preserve the openness of the Green Belt. This is a matter of its physical presence rather than its visual qualities. The site does not contain any buildings. The indicative layout shows that the dwelling could follow the form and siting of the properties either side. There could be space around the dwelling on either side.
11. The site currently has hedging to its boundaries. Viewed from Brock Hill a dwelling would be glimpsed. However, because openness is the result of absence of built development, the provision of a new dwelling would inevitably reduce and harm the openness of the Green Belt to a degree by reason of its bulk and its siting on land which is currently free from buildings. Having seen the site from near and distant viewpoints I consider that a new dwelling in this location would have a moderate harmful impact on the openness of the Green Belt.

Character and appearance

12. The existing pattern of dwellings in the countryside is distinct from those within the core settlement area where the pattern is closer knit with a more suburban character. The appeal site adds to this open and spacious character in its undeveloped state. The addition of a further dwelling would increase the amount of built development and would erode the rural character of the area.
13. I therefore conclude that the proposal would have a moderate adverse effect on the character and appearance of the area. It would conflict with policy DC12 of the DPD in so far as it requires infill development to be within an otherwise built frontage and it would detract from the character of the surrounding countryside. The proposal would also conflict the Framework which identifies that planning should recognise the intrinsic beauty and character of the countryside. The harm identified to the character of the area adds to the weight I have identified by reason of inappropriateness.

Other Considerations

14. Paragraph 87 of the Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 goes on to state that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' 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.
15. The appellant highlights that there would not be harm to the living conditions of the occupiers of existing dwellings and would maintain the site frontage and hedgerow.

Conclusion

16. The proposed development would be inappropriate development. The Framework establishes that substantial weight should be given to any harm to the Green Belt by reason of inappropriateness. Policy DC1 identifies the

fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open and that all development proposals must preserve the openness of the Green Belt. There would be a moderate harmful impact on openness. In addition there would be a moderate adverse effect on the character and appearance of the area.

17. On the other hand the proposal would provide an additional dwelling and there would be no adverse neighbour impacts and ecological impacts could be mitigated. The dwelling could be well sited and of an appropriate scale on the plot and the views of the proposal in the wider landscape would be limited. However, these other considerations do not outweigh the totality of harm which is the test they have to meet and do not amount to very special circumstances. Therefore the harm by reason of inappropriateness and the other harm identified is not clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development within the Green Belt.
18. For the reasons given and having regard to all other matters raised the appeal is dismissed.

D J Board

INSPECTOR