



Appeal Decision

Site visit made on 8 January 2018

by Chris Couper BA (Hons) DipTP MRTPI

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

Decision date: 16th January 2018

Appeal Ref: APP/B1550/W/17/3180911

Silverbraes, Brays Lane, Ashingdon SS4 3RP

- 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 N Holland against the decision of Rochford District Council.
 - The application Ref 17/00059/FUL, dated 19 January 2017, was refused by notice dated 17 March 2017.
 - The development proposed is the demolition of the existing building and the construction of one 3 bed bungalow.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing building and the construction of one 3 bed bungalow at Silverbraes, Brays Lane, Ashingdon SS4 3RP, in accordance with the terms of the application, Ref 17/00059/FUL, dated 19 January 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: OS site location plan at 1:1250 scale and block plan at 1:500 scale, existing building elevations, and drawing reference no. DMG/16/86 No. 1.
 - 3) Prior to the erection of the bungalow hereby permitted, details of the materials to be used in the construction of its external surfaces (including doors and windows) shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the dwelling hereby permitted shall not be enlarged in accordance with Schedule 2, Part 1, Classes A and B of that Order without the prior grant of planning permission.

Main Issue

2. The main issue is whether or not the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies.

Reasons

3. The National Planning Policy Framework ('Framework') sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and their permanence. At paragraph 80 it lists the five purposes of the Green Belt which include checking the unrestricted sprawl of large built-up areas, and safeguarding the countryside from encroachment.
4. The Framework regards the construction of new buildings as inappropriate unless, amongst other things, at paragraph 89 (bullet point 6) it is limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. At bullet point 5 it also allows limited infilling in villages.
5. The Council's reason for refusal does not state that the scheme would conflict with the development plan. Whilst its decision notice does refer to relevant development plan policies, cited Green Belt Policies GB1 and GB2 of the Rochford Core Strategy 2011 ('RCS') pre-date the Framework. Although they seek to protect the Green Belt, including its openness, and to direct development away from it, they do not reflect the Framework's listed exceptions at paragraph 89. In their detail they are therefore inconsistent with it.
6. RCS Policy CP1, and Policies DM1 and DM11 of the Rochford Development Management Plan 2014 address matters relating to design and businesses in the Green Belt. They are therefore of little relevance on this issue. For all those reasons, I have considered the scheme against the Framework's policies.
7. Planning permission for a three bed bungalow has been previously refused on the site and a subsequent appeal dismissed (Ref: APP/B1550/A/13/2197638) ('previous scheme'), with the Inspector concluding that the proposal was inappropriate development in the Green Belt and would diminish its sense of openness. However, I have no reason to disagree with that Inspector's finding that the stable block on the site is a permanent structure. Its footprint, and the surfaced driveway to its side, constitute previously developed land.
8. The stable block is about 40 metres long, but has a narrow width of about 3.85 metres. That small width, together with its low height, which is a maximum of approximately 3.2 metres, and its dark colour ensure that it is fairly unobtrusive in the streetscene. Nevertheless, it has a considerable footprint, and it extends some way to the rear of the site, well beyond most of the dwellings and associated outbuildings of the properties on this part of Brays Lane.

9. The proposed bungalow would be smaller than the previous scheme. According to the appellant's calculations, at just under 4 metres tall it would be over 1 metre lower in height, and it would be 0.25 metre narrower. In comparison to the stable block it would replace, it would be about 0.7 metre taller, but it would be very much shorter, and its footprint (measured by the appellant at 127sqm) would be significantly less than the approximately 154sqm of that structure.
10. Given the proposed bungalow's form, and its slightly greater height and width than the stable block, it would be more noticeable in the streetscene. However, it would be seen as part of a linear row of dwellings. A gap to the dwellings at Silverbraes and Shirley would remain. It would have a fairly low eaves height, which would limit its mass. Given its much shorter depth than the stable block, it would have less of an impact on the open land to the rear.
11. Whilst there would be parking, outdoor paraphernalia and activity associated with the proposed bungalow, that also goes for the site's existing use as stables, storage, workshop and garage. The Council also has concerns that the loss of the stable block could lead to the erection of outbuildings at Silverbraes (possibly using permitted development rights), or elsewhere in the district. However, the appellant refers to an existing shelter within the paddock that could be converted to stables. Additionally, some stables may need planning permission and, if so, an assessment of their impact on the Green Belt's openness and purposes could be made at that time.
12. Finally, although the appellant refers to material changes to the site's context since the previous scheme with the erection of an adjacent residential development, it is clear from paragraph 8 of the decision that the Inspector considered that matter.
13. Nevertheless, for the above reasons I find that, on this previously developed site, the proposal would not have a greater impact on the Green Belt's openness than the stable block it would replace. It would not conflict with the Framework's purposes including safeguarding the countryside from encroachment and checking the unrestricted sprawl of large built-up areas. Whether or not the proposal could be regarded as limited infilling within a village, as it would comply with Framework paragraph 89, bullet point 6, it would not be inappropriate development. There are therefore material differences between this proposal and the previous scheme, and the appeal will be allowed.
14. Turning to the matter of conditions, I have considered those suggested against the relevant tests in the Framework, making amendments where necessary to improve precision, clarity and enforceability. I have imposed the standard time limit condition, and, in the interests of certainty, a condition requiring that the development be carried out in accordance with the approved plans.
15. In the interests of the character and appearance of the area I have also imposed a condition requiring the submission and approval of details of the bungalow's external surfacing materials, including doors and windows. However, mindful of the advice in the Planning Practice Guidance ('PPG') I have changed that suggested pre-commencement condition to one requiring the submission and approval of those details prior to the erection of the bungalow.

16. The PPG states that permitted development rights should only be exceptionally withdrawn. However, having regard to this site's Green Belt location, and the potential for significant extensions to the proposed bungalow, I agree that, in the interests of protecting the area's openness, a condition is necessary removing permitted rights for extensions and roof enlargements ordinarily allowed by Schedule 2 Part 1 Classes A and B of the Town and Country Planning (General Permitted Development) (England) Order 2015.
17. For the above reasons, I conclude that the proposal would not be inappropriate development in the Green Belt. Consequently, having regard to all other matters raised, the appeal is allowed.

Chris Couper

INSPECTOR