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# Appeal Decision

Site visit made on 15 July 2019

**by J L Cheesley BA(Hons) DIPTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18 July 2019**

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**Appeal Ref: APP/B1550/D/19/3229523**

**Wild Winds, The Drive, Rayleigh, Essex SS6 8XA**

- 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 Edward Overton against the decision of Rochford District Council.
  - The application Ref 18/00463/FUL was refused by notice dated 10 April 2019.
  - The development proposed is a secure storage shed for a collection of vintage and veteran motorcars and motorcycles.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. I consider the main issues to be:

whether the development amounts to inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies, and if so, 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;

the effect of the development on the openness of the Green Belt;

the effect of the development on the appearance of the Green Belt; and

the effect of the development on the living conditions of occupiers of Competa, with particular reference to visual impact.

## Reasons

3. The Framework explains that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. The construction of new buildings in the Green Belt is inappropriate unless in accordance with exceptions in the Framework. One exception is the replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces.
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4. Policy GB1 in the Rochford Core Strategy (2011) prioritises the protection of the Green Belt.
5. There was a previous building on the site which was destroyed in 2000 and the existing building was commenced in 2007 without the benefit of planning permission. The Inspector in her Appeal Decision Ref: APP/B1550/C/12/2173411 & 2173420 regarding an Enforcement Notice, concluded from the evidence presented to her that this amounted to a materially different building and stated that this *starts a new chapter in the planning history of the site*. From the evidence before me, I see no reason to reach a different conclusion.
6. The development is not in accordance with exceptions in the Framework. Thus, the development constitutes inappropriate development in the Green Belt.

#### *Openness*

7. Added to the harm of being inappropriate development is the impact that the development has in diminishing the sense of openness of this part of the Green Belt. The building is a large steel-framed building of gabled design, clad in profiled steel sheeting, which is used for storage. It is situated within the residential curtilage in a rural setting. From my observations, this adds further significant industrial built form in a rural domestic setting, which diminishes the sense of openness of this part of the Green Belt.

#### *Appearance and Living Conditions*

8. Core Strategy Policy CP1 and Policy DM1 in the Rochford Development Management Plan (2014) promote good high quality design and visual amenity. I consider these policies to be broadly consistent with the Framework where it seeks to ensure good design that is sympathetic to local character and where it seeks to protect residential amenity.
9. The building is screened to a significant extent by predominately conifer hedging, although it is partially visible from the neighbouring property 'Competa'. I consider the building, due to its industrial design, forward siting and scale, appears as an incongruous building in this domestic setting. It is not good planning to rely on hedgerow screening to hide development. If the conifer hedging were to be lost, which is a serious possibility if subject to disease, serious harm to the appearance of the Green Belt would result and the building would have a significantly overbearing visual impact on neighbours, to the detriment of their living conditions.
10. The appellant has suggested the imposition of a condition requiring the replacement of the conifers if they were to become diseased or be removed at some time in the future. A replacement tree screen would take time to establish and the building would be open to public views for a considerable time. Therefore, I do not consider the imposition of such a condition would overcome my concern regarding the adverse visual impact of the building. I conclude on this matter that should the hedging be lost, the development would have a significantly adverse effect on the appearance of the surrounding Green Belt and on the living conditions of neighbours.

### *Other Considerations*

11. The Appeal Decision Ref: APP/B1550/C/12/2173411 & 2173420 required either the demolition and removal of the building or the re-location and specified modification of the building to accord with permitted development rights. The relocation and modification of the building is a realistic fallback position. This is a material consideration. From my observations, whilst the industrial appearance of the building would remain, due to the re-location and specified modification of the building to accord with permitted development rights, it would have significantly less adverse impact on the openness of the Green Belt and on residential amenity. Thus, I have only attributed some weight to this matter in my determination of this appeal.
12. The increase in carbon footprint and the general disturbance that would be created by the provision of new concrete foundations and floor slab together with the effects of the adaptation of the building itself are felt by the appellant to be material considerations. These are considerations that are relevant to most forms of development. Thus, I have only attributed some weight to this matter in my determination of this appeal.
13. I note that there are industrial buildings opposite the site on the other side of The Drive within the curtilage of Limehouse Nursery Industrial Park. These buildings are also screened from the road. However, they differ from the development the subject of this appeal as they are industrial buildings in an industrial setting, rather than in a domestic setting. Therefore, I have attributed limited weight to this matter in my determination of this appeal.

### *Conclusion*

14. In reaching my conclusion, I have had regard to all matters raised. It is necessary to determine whether there are other considerations which clearly outweigh the harm to the Green Belt, and any other harm, hereby justifying the development on the basis of very special circumstances. For the reasons stated above, in my opinion the considerations advanced in support of the development do not clearly outweigh the harm it causes to the Green Belt and the realistic probability of it causing harm to the appearance of the Green Belt and to the living conditions of neighbours. In conclusion, I am of the opinion that there are no material factors that would amount to the very special circumstances needed to clearly outweigh the presumption against inappropriate development in the Green Belt. Thus, the development is contrary to policy outlined in the Framework and Core Strategy Policies GB1 and CP1 and Development Management Plan Policy DM1.

*J L Cheesley*

INSPECTOR