
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

Appeal Ref: APP/B1550/D/19/3228631

Downswood, Hooley Drive, Rayleigh, Essex SS6 9RA

- 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 John Miller against the decision of Rochford District Council.
 - The application Ref 18/01047/FUL was refused by notice dated 10 April 2019.
 - The development proposed is to use building as annexe.
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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; and

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

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.
 4. Policy GB1 in the Rochford Core Strategy (2011) prioritises the protection of the Green Belt.
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5. The annexe has been built. I have been provided with a photograph showing a former outbuilding in approximately the same location. There has been no suggestion that this previous building was used as residential accommodation.
6. The current building was constructed in 2017. Whilst the appellant has stated that this was for a store/workshop and was converted into temporary residential accommodation, the Council's findings have established that this building was purposely built to be used for primary accommodation. From the evidence before me, I see no reason to reach a different conclusion.
7. It is clear that the new building is not in the same use as the one it replaced. The development comprises two self-contained residential units with sleeping and living accommodation, together with cooking facilities and shower rooms.
8. Whether the development is an annexe or two independent dwellings is a matter of fact and degree. The distinctive characteristic of a dwelling house is its ability to afford to those who use it the facilities required for day-to-day private domestic existence. From my observations, the development is more than an annexe to the main house and both residential units are capable of being used independently with no functional or practical linkage to the main house. Therefore, I consider that the annexe is tantamount to being two dwellings, the development of which is not in accordance with exceptions in the Framework. Thus, the development constitutes inappropriate development in the Green Belt.
9. Due to the scale and siting of the annexe in relation to the building it replaced, I do not consider that it diminishes the sense of openness of this part of the Green Belt. Nevertheless, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Other Considerations

10. I note that the residential units are required for family accommodation. Whilst I have sympathy with the situation, this argument could be repeated too often throughout the Green Belt. Thus, I have attributed limited weight to the accommodation needs in my determination of this appeal.
11. The appellant has stated that the kitchenettes could be removed. However, the imposition of a condition requiring their permanent removal would be difficult to enforce. Thus, I have attributed limited weight to this matter in my determination of this appeal.
12. There is a suggestion that a condition be imposed restricting occupation to direct family and the next generation. However, as this could be such a long term arrangement, I have attributed limited weight to this matter in my determination of this appeal.
13. I have been referred to an example of a recent development of a two-storey garage with dormer windows, Ref 18/00449/FUL. Whilst the Council considered that development to be acceptable, that development is not identical to the development the subject of this appeal, which I have determined on its individual merits. I have attributed some 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. 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 Policy GB1.

J L Cheesley

INSPECTOR