
Appeal Decision

Site visit made on 7 February 2019

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 2nd August 2019

Appeal Reference: APP/W1525/W/18/3203484

Former Planthome Nursery, Woodham Lane, Rettendon, Chelmsford SS11 7QR

- 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 Penny Homes Limited against the decision of Chelmsford City Council.
 - The application reference 17/01867/FUL, dated 25 October 2017, was refused by notice dated 15 December 2017.
 - The development proposed is described in the application form as "removal of existing garages and polytunnel to construct new dwelling".
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Decision

1. The appeal is dismissed.

Procedural matters

2. Since the determination of the appeal application, the National Planning Policy Framework published in 2012 has been replaced, with the latest version being published in February 2019 (the 2019 Framework). Paragraph 212 of the 2019 Framework outlines that the policies contained within it are material considerations which should be taken into account in dealing with applications from the day of its publication. I have therefore determined the appeal with this in mind.

Main issues

3. The main issues are:
 - (i) whether the proposal is inappropriate development in the Green Belt;
and
 - (ii) 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 that are required to justify the development.

Reasons

4. The site of the former Planthome Nursery lies at the north-eastern end of a modest hamlet that extends along Woodham Lane, at Rettendon, within a wider landscape that is essentially rural in character. It lies at the junction of Woodham Lane and Rectory Lane and is prominent in the streetscene.
5. The former Planthome Nursery could be categorised as “previously developed” land and planning permission has been previously granted for its redevelopment by the Council. Indeed, at the time of my site visit, four new dwellings which had been granted planning permission were nearing completion. The houses have been designed in a striking contemporary style and the new development is attractive in its setting.
6. The appeal site itself is within the area of the former nursery, in the northern corner of the site, and is identified as Plot 5. A driveway runs through the former nursery site and gives access to a separate property to the north. Two garage buildings that stand on the appeal site face this drive. One of the buildings is larger than the other but both are solidly built of durable materials. Polytunnels have been referred to in the submissions but they have been removed from the site and only the merest vestiges of them remain.
7. Planning permission has been granted by the Council for the construction of a dwelling on the appeal site (under reference 18/00375/FUL), to replace the two existing garage buildings with a new dwelling.

Inappropriate development

8. The appeal site lies within the Metropolitan Green Belt and is subject to Green Belt Policies in the Development Plan, notably at Policy DC1 (and CP5) of the Borough Council’s ‘Core Strategy and Development Control Policies: Our Planning Strategy for the Future’ (adopted in 2008). Policy DC1, which is concerned with “Managing Development in the Metropolitan Green Belt” also recognises the role of “residential infilling in villages” and “limited infilling or the partial or complete redevelopment of previously developed sites”, in certain circumstances; in the latter case, specifically where the new development “would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development”.
9. The 2019 Framework underpins the policies in the Development Plan and makes it plain, at paragraphs 144-145, that the construction of new buildings is inappropriate development in the Green Belt and that they should not be approved except in “very special circumstances”. Essentially, the same exceptions apply, apart from that the previously developed land exception in the Framework is not concerned with purposes of the Green Belt.
10. The implemented scheme for the redevelopment of the site as a whole can have been considered to have fallen within the scope of Policy DC1. However, the current scheme, involving the construction of a new dwelling, at the edge of the village and set back from the road frontage, would not amount to “residential infilling in villages”.
11. Moreover, with regard to the previously developed land exception, the new dwelling would involve building on an area which has been designated as

garden land in the new development, set back from the road frontage, and it would significantly reduce the openness of the site.

12. Thus, the proposal is inappropriate development in the Green Belt and is in conflict with Policies DC1 and CP5 and the 2019 Framework.

Other considerations

13. The appellant has argued, in effect, that the particular circumstances of the site, including the previous existence of polytunnels and the continued existence of solid buildings on the plot, could be capable of justifying additional development in the Green Belt, in principle.
14. Such cases must be considered on their own merits and it must be recognised that the existing buildings on the appeal site are relatively small and unobtrusive. Although the site may be said to be previously developed land in a strict sense, a redevelopment scheme has already been permitted for a lesser scale of development and the remaining buildings on the appeal site have only a limited effect on the openness of the Green Belt and the low density character of the surroundings. The two existing garages are modest in scale and construction, while the polytunnels, which appear to have been insubstantial in appearance (from the descriptions that have been provided), have disappeared in any case. In these circumstances, the other cases referred to in the submissions, regarding the nature of polytunnels more generally, are of very limited relevance to this appeal.
15. The planning permission that has been granted for a smaller single storey dwelling, in place of the existing buildings, represents a clear fallback position. However, the current appeal proposal is for a significantly larger dwelling than that already permitted. In consequence, the appeal scheme would erode the openness of the Green Belt to a greater degree and the fallback does not justify the proposal.
16. The proposal would be inappropriate development in the Green Belt, while paragraph 144 of the 2019 Framework establishes that substantial weight should be given to any harm to the Green Belt. Other considerations which arise do not clearly outweigh the totality of the harm and, consequently, very special circumstances do not exist. The proposal would not comply with Policies DC1 and CP5 or with the 2019 Framework. Accordingly, I conclude that the appeal should be dismissed.

Roger C Shrimplin

INSPECTOR