The Planning Inspectorate

Appeal Decision

Site visit made on 5 July 2019

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH

an Inspector appointed by the Secretary of State

Decision date: 12 August 2019

Appeal Ref: APP/B1550/W/19/3222222
56 Lower Road, Hullbridge SS5 6DF

- 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 Paul Lestrange against the decision of Rochford District Council.
- The application Ref 18/00723/FUL, dated 25 July 2018, was refused by notice dated 21 November 2018.
- The development proposed is removal of an existing truck body and a summer house to create a shed.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:

   - whether the proposal would be inappropriate development in the Green Belt;
   - the effect of the proposal on the openness of the Green Belt;
   - would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal is inappropriate development

3. The proposal is for a wooden shed, to provide storage for a vintage lorry used in competitions by the appellant, within a parcel of land in use as an extended garden area and part of the curtilage of the host dwelling. An earlier planning permission ROC/611/80 had permitted the extension of the existing domestic garden at the time by enclosing open land within the Green Belt to its rear. To protect the Green Belt, that permission had imposed a condition which removed permitted development rights in in stipulating that no buildings or structures should be erected on the land without the prior consent in writing of the local planning authority. Despite this restriction, before the ownership of the appeal property by the appellant, a summer house and a metal lorry container have been unlawfully placed on the site without consent by the Council. The proposal would remove these structures while constructing the new shed, close to the position of the existing summer house.

4. Paragraph 145 of the National Planning Policy Framework (the Framework) says that the construction of new buildings is inappropriate in the Green Belt. The appellant has said that the new shed would qualify as one of the specified exemptions listed in d) and e) of that paragraph. However, in my judgement the development would not entail limited infilling in a village as the shed would not occupy a small gap between buildings. It would also not replace a building, in the same use and not materially larger than the one it replaces. Notwithstanding that the summer house and lorry container would be removed, neither of these structures are currently in use to house a vehicle. In addition, the proposed shed would be 4m to the ridge of its pitched roof producing a building which is materially larger than the existing structures. Therefore, the proposal would constitute inappropriate development in the Green Belt.

Openness of the Green Belt

5. With the exception of the unauthorised structures, the additional curtilage area is open and devoid of built form. I acknowledge that surrounding land has been developed to a moderate extent, with nearby land being under consideration by the Council for release from the Green Belt. However, the appeal site does contribute to a large extent to the permanency and openness of the rear plots in this area between Lower Road and Cranleigh Gardens, and the developments nearby serve to emphasises the importance of retaining the remaining areas of open land.

6. There would be limited visibility of the proposed shed due to its relatively sheltered location beside tall leylandii and a boundary fence next to the adjacent church car park. The vehicle shed would also occupy a smaller footprint than the 2 unauthorised structures in combination. However, it would be a taller, bulkier and materially larger building which would significantly reduce the spatial openness of the rear plot.

7. I also give significant weight to the fact that the existing structures to be removed are unlawful in any event, notwithstanding that the ability of the Council to enforce their removal may have passed.

Other considerations

8. It is a benefit of the proposal that the shed would enable the secure storage of a competition-level and rare lorry, owned by the appellant who is also a judge at the London to Brighton Commercial Vehicle Rally. I give this consideration moderate weight.

9. No hard surface is proposed for access to the vehicle shed, with it proposed that the vehicle would leave the shed on very limited occasions. I give this consideration moderate weight.

10. The appellant has submitted that the withdrawal of permitted development rights associated with ROC/611/80 was not revealed during a Local Land Charge Search when the appellant purchased the property. The Council has not challenged that submission directly, but even were this the case I have seen evidence that satisfies me that permitted development rights were indeed removed so that the Council could control use of the land. I therefore give this consideration limited weight.

Planning Balance and Conclusion

11. Paragraph 144 of the Framework indicates that in considering any planning application, substantial weight should be given to any harm to the Green Belt. Accordingly, as I have found harm to the Green Belt I apply substantial weight in respect to it. In totality, the harm is of a magnitude which weighs very heavily against the proposal.

12. Having considered all matters raised in support of the proposal I conclude that, collectively, they do not clearly outweigh the totality of the harm I have identified. Accordingly, very special circumstances do not exist and the proposal is contrary to the guidance in the Framework and Policy GB1 of the Rochford District Council Local Development Framework Core Strategy Adopted Version (2011) which together seek to protect the Green Belt. Accordingly, the appeal is dismissed.

Andrew Walker

INSPECTOR