



Appeal Decision

Site visit made on 13 August 2019

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 September 2019

Appeal Ref: APP/C1570/D/19/3228177

Old Rectory, Stortford Road, Leaden Roding CM6 1RE

- 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 Chapman against the decision of Uttlesford District Council.
 - The application Ref UTT/18/2987/HHF, dated 30 October 2018, was refused by notice dated 5 March 2019.
 - The development proposed is proposed detached outbuilding.
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Decision

1. This appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies.
 - The effect on the openness of the Green Belt.
 - The effect of the proposed development on the character and appearance of the area.
 - If the proposals are found to be 'inappropriate', whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

3. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and the essential characteristics of Green Belts are their openness and their permanence.
4. The Framework goes on to state that inappropriate development is harmful to the Green Belt. All proposals for development in the Green Belt should be treated as inappropriate, and thus should be approved only if very special circumstances exist, unless they come within one of the categories in the closed list of exceptions in either paragraph 145 or 146 of the Framework.
5. The exception that has been brought to my attention is that the proposed development would represent the extension or alteration of a building provided

that it does not result in disproportionate additions over and above the size of the original building. The proposed development is defined as a 'detached building' in the planning officers report and this is not disputed. This is neither an extension or an alteration to an original building. As such this exception would not apply.

6. From the information before me I have found no reason to believe that it would meet any of the other exception criteria identified in the Framework such that it would be inappropriate development within the Green Belt.

Openness

7. The effect of development as encroachment on the countryside may be in the form of loss of openness or visual intrusion.
8. Spatially, the proposed development would introduce built form into what is currently open land. As such they would have a greater spatial impact on the openness of the Green Belt than the existing development. Whilst it would be within an existing residential curtilage and close to the main house and barn, this does not affect the considerations above.
9. The site is well screened by vegetation which would limit views. However, the overall height of the proposed new building would be over 5m high, and this would be likely to be visible over the existing hedge. Consequently, there would be an effect upon people's perception of openness from beyond the boundary of the site. As such, in terms of visual intrusion, the proposed development would have a greater impact on the openness of the Green Belt than the existing development.
10. I therefore conclude that the proposal would be inappropriate development in the Green Belt in the terms of the Framework. I attach substantial weight to this harm as set out in Paragraph 144 of the Framework.

Character and Appearance

11. The land on which the proposed new building would be sited is part of the open land forming the generous garden to the Old Rectory. At the time of my site visit this part of the garden was closely mown with relatively formal planting and garden furniture. It is located forward of the main house and within the boundary hedge. As such its appearance is of a domestic garden albeit that the site is surrounded by open countryside.
12. The proposed building would be sited forward of the main house, however its design and size would mean that it would appear secondary to the main dwelling. The design includes garage bays at ground floor with relatively limited accommodation above and the proposed new building would not have the appearance of a dwelling.
13. I have been provided with another decision relating to development in the countryside (UTT/0103/12/FUL). I am provided with limited evidence in relation to this decision and therefore I afford these specific circumstances limited weight. Notwithstanding this, I note the comments that 'the proposed outbuilding would be ... subservient', and in this respect, my conclusions in this case are similar.

14. Consequently, the proposed development would not have a harmful effect on the character and appearance of the area. In this respect it would not be contrary to policy GEN2 (Design) of the Local Plan.
15. Policy S7 is stated to apply to all those parts of the plan area beyond the Green Belt which are not within the settlement or other site boundaries. The appeal site is within the Green Belt. Therefore, I find the policy listed above to be more relevant to this main issue.

Other considerations

16. The proposed development would provide additional living space for the existing occupiers and the principle of the use of this space ancillary to the dwellinghouse is not disputed. I have been provided with appeal decisions (APP/P1805/C/17/3174663 and APP/P1805/C/17/3174664) which do not find harm in this regard albeit that they are in respect of a scheme in a different local authority area which would be subject to different development plan policies. Nevertheless, in this respect, I do not disagree with these conclusions. However, the additional living space that would be provided would be a benefit mainly for the occupiers of this property.
17. The proposed development provides garages which would remove cars from the driveway. However, I conclude that the garage would be visible, and given its size and scale compared to cars parked on a driveway the proposed development would be more harmful than the existing situation. I have not been presented with alternative proposals involving changes to the listed barn, therefore I am not persuaded that the proposed development would be less harmful than a potential alternative scheme.
18. I note that the Council did not refuse the application on the grounds that it would have a harmful effect on the setting of a listed building and I am not presented with any substantive evidence which would lead me to conclude otherwise. Furthermore, the lack of objection to the scheme is a neutral factor which does not weigh strongly in favour of the development.
19. It is put to me that similar applications have been approved within Uttlesford's Green Belt including UTT/17/1385/HHF. However, I have been provided with limited information in terms of the evidence that was before the Council when it made its decision, and therefore I afford limited weight to these specific circumstances.
20. Although I do not find harm with regard to scale or size relating to the character and appearance of the area, this is a different consideration to the assessment of the effect on the openness of the Green Belt, and I do find harm in this respect.
21. The Framework indicates that inappropriate development is, by definition, harmful and should not be approved except in very special circumstances. Although I find that the considerations advanced by the appellant weigh in favour of the proposals, along with the other matters identified in the evidence either individually or collectively, they do not clearly outweigh the identified harm to the Green Belt so as to amount to the very special circumstances necessary to justify the development.
22. For these reasons, combined with those set out above regarding whether the appeal scheme would be inappropriate development, the proposals are contrary

to the relevant advice in the Framework and to Policy S6 of the Local Plan, which in specifying types and locations for development which may be permitted in the Green Belt, seeks to preserve the openness of the Green Belt, amongst other things.

Other Matters

23. I have been referred to pre-application advice received. However, such advice is not a formal determination and as set out above, this application has been decided on its own merits.

Conclusion

24. For the reasons above, this appeal is dismissed.

H Miles

INSPECTOR