

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: 17th September 2019

Appeal Reference: APP/B1550/W/18/3211784

'Greenacre', Hyde Wood Lane, Canewdon, Essex SS4 3RR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr J Morley against the decision of Rochford District Council.
 - The application (reference 18/00209/OUT, dated 26 February 2018) was refused by notice dated 15 June 2018.
 - The development proposed is described in the application form as "dwellings to replace buildings with change of use consent to dwellings".
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The application is made in outline, with all matters reserved for subsequent approval. Notwithstanding that, a site layout plan has been submitted. However, as none of the detail shown on this plan is to be considered at the outline stage, I have treated the drawing as being indicative, to show a possible way of developing the site.
3. 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

4. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt, taking into account the effect of the proposal on the openness of the Green Belt;
 - the effect of the development on the character and appearance of the area;
 - and

- 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

5. The appeal site lies in a small hamlet, set apart from the village of Canewdon, in a rural landscape. The hamlet comprises a loose-knit and diverse group of buildings, including residential and agricultural buildings of various types and styles.
6. The appeal site consists of two connected buildings (with their access and an additional open area) that have the appearance of simple agricultural buildings, though the larger of the buildings is currently in use for industrial purposes (as was obvious at the site visit). The area that immediately surrounds the buildings on the appeal site provides access to them, suitable for larger vehicles, and is rather open in character.
7. It is pointed out in the representations that, in principle, the existing buildings benefit from permitted development rights that allow their change of use to dwellings and that formal approval notices have been issued by the local planning authority.
8. The proposal that is the subject of this appeal would involve the demolition of the existing buildings and the construction of three dwellings (and their garages), possibly laid out in a short terrace on the site of the existing buildings (according to the submitted plan). The application is made in outline, however, with little information regarding the scale and design of the buildings.

Inappropriateness

9. The 2019 Framework makes it plain, at paragraphs 144-145, that the construction of new buildings is not normally acceptable in the Green Belt and that they should only be permitted in "very special circumstances". Nevertheless, "the partial or complete redevelopment of previously developed land" (in certain circumstances) is a category of development that can qualify as an exception to the general policy. Such development should "not have a greater impact on the openness of the Green Belt than the existing development", for example.
10. Although the Policies in the Development Plan pre-date the 2019 Framework, they are consistent with it in respect of Green Belt policy. Notably, Policy GB1 of the 'Local Development Framework Core Strategy Adopted Version' (December 2011) sets out the need to protect the Green Belt. Policy DM21 of the 'Local Development Framework Development Management Plan' (December 2014) provides more detail in relation to replacement dwellings.
11. The proposed development would not replace existing residential buildings (since an approved conversion has not yet been carried out). The indicative layout shows the proposed dwellings to be similarly sited to the existing buildings but all matters are reserved in the planning application and a very different finished layout could emerge. Since the application was made in

outline, the finished scheme could, potentially, have a greater impact on the openness of the Green Belt than the existing buildings to be replaced.

12. In strict terms, then, the construction of three houses would amount to “inappropriate development” in terms of Green Belt policies. Of course, the existing buildings themselves have an impact on the openness of the Green Belt and it may be that a residential redevelopment could possibly produce a net benefit to this openness. Even so, it cannot positively be said at this outline stage that the project would not have a greater impact on the openness of the Green Belt than the existing development. Thus, the proposed development would be harmful by definition, by reason of its inappropriateness.

Character and appearance of the area

13. The existing buildings are obviously unattractive and they do not make a positive contribution to the appearance of the surroundings or the character of the countryside. By contrast, new dwellings on a well landscaped site might also have a positive visual impact without harming the residential amenities of near neighbours. As has been noted above, there is very limited information available at this stage regarding the details of the proposed new houses and it cannot be concluded that the outcome would be positive (in the circumstances of this appeal), even though it may also be concluded that an alternative, carefully designed, scheme might not harm its immediate surroundings.

Very special circumstances

14. In the context of those conclusions, it is necessary to consider whether there are any “very special circumstances” in this case that clearly outweigh the harm to the Green Belt by reason of inappropriateness.
15. It has been pointed out that prior approval applications have been submitted, for the change of use to residential purposes of the two existing buildings (to create a total of three dwellings), and that these have been approved by the Council. There is a lack of information regarding the details of the conversion schemes but there is no reason to suppose that it could not be achieved in some form. Notwithstanding the submissions made by the Council, it can be concluded that a conversion scheme would be realistic and viable. It therefore represents an important “fallback position” that must be taken into account in this case.
16. The proposed new buildings could represent a reduction in the bulk and volume of buildings on the site, which would reduce the impact on the surroundings. On the other hand, the residential use of the land would introduce a degree of domesticity (in terms of residential paraphernalia and the like) while the rural location would make new residents dependent on private transport to a large degree, giving rise to additional activity in the hamlet.
17. Notwithstanding the importance of the “fallback position”, the lack of detail in the appeal proposals makes it difficult to assess their precise effect on the surroundings. On the evidence presented, however, the proposed development would have an adverse effect on the openness of the Green Belt and on the character and appearance of the area. It can be stated that the new

development, of three separate dwellings, would have a marked impact on the surroundings that could be worse than the "fallback position".

18. In consequence the special circumstances in this case cannot be said to clearly outweigh the harm that would be caused to the Green Belt by reason of inappropriateness. Thus, the proposed development would conflict with the 2019 Framework and the Development Plan (specifically, Policy GB1 of the Core Strategy).

Conclusions

19. Green Belt policies impose a presumption against "inappropriate development" unless there are "very special circumstances" which justify it in a particular case. In this case, the benefits of the project, including the provision of three dwellings to contribute towards the general need for housing, have not been shown to clearly outweigh the harm by reason of inappropriateness. Very special circumstances do not apply, therefore. Hence, I have concluded that the scheme before me ought not to be allowed and, although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.

Roger C Shrimplin

INSPECTOR