The Planning Inspectorate

Appeal Decision

Site visit made on 10 September 2019

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2019

Appeal Ref: APP/W1525/W/19/3232719
Overstrand, Woodham Road, Rettendon, Chelmsford SS11 7QL

- 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 Denis O'Callaghan against the decision of Chelmsford City Council.
- The application Ref 18/01877/FUL, dated 5 November 2018, was refused by notice dated 7 January 2019.
- The development proposed is retention of building to the rear of 'Southview'.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the site address and description of the proposed development from the planning application form, although I note that these are expressed differently on other documents.

3. A building has been erected at the appeal site and I was able to view it in place at the time of my site visit. Whilst the planning application form indicates the proposed development to be retrospective, I cannot be certain that what has been erected at the site is exactly as shown on the plan before me. For the purposes of clarity, I have considered the proposal as per that development illustrated on drawing number H309/01 and as a stand-alone development that has yet to take place.

4. A revised version of the National Planning Policy Framework ('the Framework') has been published since the planning application was determined by the Council. I have had regard to the revised Framework in reaching my decision.

Main Issues

5. The main issues raised by the appeal are:

   (a) Whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies;

   (b) The effect of the proposal on the openness of the Green Belt; and

   (c) Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this

amount to the very special circumstances required to justify the proposal?

Reasons

6. The revised Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy DC1 of the Council's Core Strategy and Development Control Policies Development Plan Document 2008 (the Core Strategy) reflects this fundamental objective of the Framework.

7. The revised Framework states that the local authority should regard the construction of new buildings as inappropriate in the Green Belt unless it is for one of seven specific exceptions (paragraph 145 of the Framework). One of the exceptions is 'buildings for agriculture and forestry'. Policy DC1 reflects this indicating that planning permission will be refused for development within the Metropolitan Green Belt except where the proposed development, amongst other exceptions, relates to a new building for purposes directly related to agriculture or forestry. Although the Council's Core Strategy was adopted prior to the Framework, the objectives of the Core Strategy are in line with the revised Framework and therefore I give it full weight.

8. The planning application form indicates the existing use of the site to be agriculture. The appellant's supporting statements indicate that the building is required for the storage of machinery, equipment, tools and materials in connection with agricultural holdings elsewhere, as well as the land to the north west of the appeal site that is said to have previously been in agricultural use.

9. The parcel of land in which the appeal building would be situated sits within land that is laid as grass and, as the appellant confirms, is being maintained as grass. This land also hosts a tennis court. I also saw at my visit that whilst this parcel of land has its own access leading from Woodham Road it can also be accessed from two adjoining residential properties, one of which is the appellant's residential property 'Overstrand'.

10. From the information before me and what I observed at my visit, which correlates to those observations made by the Council, there is no clear indication that the parcel of land in which the proposal would relate is in agricultural use. Whilst the appellant says that it is his intention to put the land to agricultural use in the future, I have no substantive evidence before me that would clearly persuade me that this would be the case. Despite my observations that the building contained machinery that could be used for agricultural purposes, it does not appear to me that the building would relate to an agricultural land use/holding or to agricultural activity within the immediate environs of the appeal site.

11. The appellant indicates that the other holdings at Mount Pleasant Farm and Brook House Farm are grass at present but require cutting and maintenance and that the machinery stored at Woodham Road will be used in connection with this activity. The Council points out that the two holdings referred to by the appellant are approximately 20 and 9 miles respectively from the appeal site. The Council has also directed me to a 2017 planning application relating to

Mount Pleasant Farm and highlights that the planning application related to a proposal to remove industrial buildings to allow for residential development. On the available evidence I cannot conclude with any degree of certainty that the other holdings are in active agricultural use.

12. Consequently, I do not consider that the proposal would constitute a credible agricultural development that could be considered as one of those exceptions set out within paragraph 145 of the Framework.

13. In not complying with the exceptions, the proposal would be inappropriate development in the Green Belt, which paragraph 143 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the Framework states that in considering a planning application substantial weight should be given to any harm to the Green Belt. I also find that the proposal would not comply with Policy DM1 of the Core strategy.

14. I note that the Council has referred to emerging Local Plan Policy CO2 and indicates that the draft local plan is at the main modifications consultation stage. Nonetheless, the Council has also indicated that Policy CO2 should be given limited weight. As a consequence, I give little weight to the emerging policy cited.

15. The appellant has suggested the imposition of a condition restricting the use of the building to 'storage of agricultural machinery, equipment, tools and materials'. Paragraph 55 of the Framework indicates that planning conditions should be relevant and reasonable. I have found that the proposal would not relate to a credible agricultural development. As such, I do not consider such a condition limiting the use of building to agricultural storage would be relevant and reasonable in planning terms in this case, given my above findings.

Openness

16. Policy DC1 of the Core Strategy indicates that all development proposals must preserve the openness of the Green Belt and not conflict with the purposes of including land within it. This reflects the requirements of the revised Framework.

17. The proposal would result in a building of substantial size in a location within the Green Belt where no development had existed before. The proposed development would reduce the openness of the Green Belt by virtue of placing built development within the Green Belt. As a result, this would have a negative effect on the openness of the Green Belt. Paragraph 133 of the Framework indicates that openness is an essential characteristic of the Green Belt. For this reason, there would be a degree of harm arising from this development, in addition to that arising from the inappropriate nature of the development.

18. Consequently, I find that the proposal does not comply with Policy DC1 of the Core Strategy and paragraph 133 of the Framework as it would not preserve the openness of the Green Belt.

Other Considerations

19. The building would be situated to the rear of existing linear housing development along the northern side of Woodham Road and would not be readily visible in views from Woodham Road. Furthermore, it would not have any impact upon the living conditions of existing adjoining occupiers noting that no objection has been raised to the proposal by local residents or the Parish Council. These merits of the scheme are modest and hold little weight in favour of the proposal.

20. The appellant suggests that it is more efficient to store machinery adjacent to his property. This is a personal benefit to the appellant and holds little weight in favour of the proposal.

Conclusion

21. In conclusion, I have identified that the development would be inappropriate development in the Green Belt as defined by the Framework and Policy DC1 of the Core Strategy. The proposal would also harm the openness of the Green Belt. I find that the other considerations advanced in support of the proposal in this case do not clearly outweigh the harm that I have identified which is the test that they have to meet. The proposed development would by definition, be harmful to the Green Belt, harm which the Framework indicates should be given substantial weight.

22. Consequently, the very special circumstances necessary to justify the development do not exist. The proposed development conflicts with Policy DC1 of the Core Strategy and the advice in the Framework as the proposal would not maintain and/or protect the Green Belt. Therefore, for the reasons given I conclude that this appeal should fail.

Nicola Davies
INSPECTOR