
Appeal Decision

Site visit made on 26 September 2019

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 18 October 2019

Appeal Ref: APP/B1550/W/18/3214756

87 Canewdon View Road, Ashingdon SS4 3DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr D Wilson against Rochford District Council.
 - The application Ref 18/00031/NONDET, is dated 15 March 2018.
 - The development proposed is described as, 'demolish existing buildings on the site and build five new 3-bed bungalows'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The revised National Planning Policy Framework (Framework) was published since the application was determined and I have assessed the appeal on this basis. The policies relevant to this appeal have not changed substantially and I am satisfied that no parties have been prejudiced by my approach.

Main Issues

3. While there is no decision notice, from the evidence before me the appeal site is within the Green Belt and so the main issues are:
 - whether or not the proposal would be inappropriate development in the Green Belt, including its effect on openness;
 - the effect of the proposed development on the character and appearance of the area; and
 - if the proposal would be inappropriate development, 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 necessary to justify it.

Reasons

Inappropriateness and openness

4. The appeal site is situated in the Green Belt. Paragraphs 143 and 145 of the Framework indicates that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. The Framework states that inappropriate

development is harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of exceptions as set out in paragraph 145(g). One of the exceptions is limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.

5. I note the evidence relating to the previous use of the existing buildings on the site. However, from the evidence before me, there is no dispute between the main parties that the site is previously developed land. Since there is a large building with other outbuildings on the site which have been used for light industrial purposes, I have no reason to disagree. Consequently, the issue of whether the development would be inappropriate in the Green Belt will be determined by my conclusion on the effect on Green Belt openness.
6. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness in terms of the Green Belt has a visual aspect as well as a spatial aspect. The appeal scheme proposes the demolition of all building on the site and erection of five bungalows.
7. The existing buildings mostly comprise of a bungalow located near the highway to the west of the site and a large building located away from the highway near the eastern boundary of the site. More than half of the site to the north is largely void of built development and is open in nature. While there are trees and vegetation along the rear and side boundaries of the site, they offer glimpses to the open countryside beyond.
8. The existing bungalow would be demolished and the dwelling of plot 1 would be located to the rear of it. Therefore, while the openness at the front of the site would be increased, since it would be decreased by a proposed dwelling immediately to the rear, the openness would not be substantially changed in this particular part of the site.
9. The proposed dwellings would be located towards the south of the site. Plots 2 and 3 would be located further away from the eastern boundary than the existing large building. The building and front garden of plot 3 and rear gardens of both plots would replace most of this structure. This would increase openness along the eastern part of the site. However, the increase in openness to the rear of plots 2 and 3 would only be modest due to the size and location of the dwellings.
10. Plots 4 and 5 would be located on an area of the site where there is currently only one small existing outbuilding and undeveloped land beyond. The erection of two dwellings in this location would restrict visibility to the undeveloped land and open countryside beyond thereby having an adverse effect on the visual openness of the Green Belt. Furthermore, while the extent of the rear gardens of plots 4 and 5 is unclear on the block plan, the appellant confirmed during the appeal that the area up to the northern boundary of the site would be part of the residential planning unit associated with Plots 3,4 and 5. Therefore, the gardens and other domestic paraphernalia associated with these plots would urbanise the rear of the site that is currently largely undeveloped and would adversely affect the visual openness of the Green Belt.

11. On balance the adverse effects on visual openness that would result from plots 4 and 5 would be significantly greater than the increase in visual openness of the Green Belt that would result from plots 2 and 3 contrary to the aims of the Green Belt policy.
12. Given the evidence regarding the footprint and volume of the combined proposed dwellings compared with that of the existing buildings on the site, the proposal would not have a greater material impact on spatial openness than the existing buildings. However, this would not override the adverse effects of the development on the visual openness of the Green Belt as discussed above.
13. Consequently, the proposal would have an adverse effect on the openness of the Green Belt and would therefore be inappropriate development in the Green Belt in the terms of the Framework, specifically paragraph 145(g) and none of the other exception criteria apply. The proposal would also conflict with Policy DM10 of the Development Management Plan Adopted December 2014 (DMP) which relates to development of previously developed land in the Green Belt.

Character and appearance

14. Canewdon View Road is characterised by dwellings facing the highway with modest spacing and front gardens. The stretch of road near the appeal site has a distinct character with fewer dwellings with generous spacing that gives the vicinity near the appeal site a more open and semi-rural character that provides an attractive setting for Ashingdon.
15. The proposal would involve five dwellings set around a turning head that would be accessed via the existing drive. This would create a cluster of housing at the end of the road that would be visually introverted from the street in contrast to the frontage development along the rest of the highway. While I note the housing at Victory Lane, these properties are part of the denser layout of dwellings closer to the built-up area of Ashingdon and do not provide a direct comparison to the vicinity near the appeal site in terms of character and appearance. I acknowledge that the small copse of trees on the site would be retained, the evidence relating to permitted development and that the dwellings would be set away from the road and site boundaries compared with the existing buildings. However, the proposed cluster of dwellings would be a harmful departure from the prevailing pattern of development of the area that would be detrimental to the semi-rural character of the area.
16. While the proposed dwellings would be of similar design, their form and materials would be in keeping with other dwellings in the area. The proposal, therefore, would not harm the character and appearance of the area in this particular respect. However, the lack of harm in this regard does not override the harm identified above.
17. Consequently, the proposed development would harm the character and appearance of the area. Therefore, it would conflict with DMP Policy DM1 which seeks development that reflects the character of the locality.
18. While Policy H5 of the Core Strategy Adopted Version December 2011 (CS) states that new developments must contain a mix of dwelling types, the CS

also states that there is a high demand locally for three-bedroom properties and that it is important that a mix of house types is provided on larger sites. Since the proposal is for five three-bedroom dwellings on a modest site, it would not conflict with the aims of this policy.

Other considerations

19. I note the evidence relating to noise and disturbance. While the proposal would result in cessation of visits by large vehicles to the site in association with the industrial use of the existing buildings, there would be additional trips to and from the site that would result from the additional dwellings. There is no evidence before me to indicate that the proposal would result in less noise and disturbance to neighbouring properties. Therefore, I attribute this point limited weight.
20. I also note comments relating to accessibility of services and facilities. In this respect the development would be in a relatively sustainable location given its rural setting. Four additional dwellings would make a modest contribution to rural housing and support the viability of local facilities.

Conclusion

21. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations. The substantial weight to be given to Green Belt harm is not clearly outweighed by the other considerations sufficient to demonstrate very special circumstances given that those benefits are reasonably modest commensurate to the modest scale of the development proposed.
22. For the reasons given above the appeal is dismissed.

R Sabu

INSPECTOR