



Appeal Decision

Site visit made on 22 October 2019

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th November 2019

Appeal Ref: APP/W1525/W/19/3231415

Byways, Smallgains Lane, Stock, Ingatestone CM4 9PP

- 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 D Duffield against the decision of Chelmsford City Council.
 - The application Ref 19/00350/FUL, dated 8 February 2019, was refused by notice dated 18 April 2019.
 - The development proposed is described as '*Application for retrospective planning application to retain the portable garage, the hard standing and the implement store*'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. It is clear from the evidence submitted and my site visit that the development applied for has been carried out. I have determined the appeal on this basis.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development within the Green Belt.
 - The effect on the openness and purposes of the Green Belt.
 - The effect on the character and appearance of the area.
 - If the development is inappropriate, whether the 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 necessary to justify the proposal.

Reasons

Whether inappropriate development

4. The proposal relates to a timber outbuilding referred to as an implement store, a portable garage structure and associated formation of hard standing to facilitate access. The appeal site is part of a larger residential property and associated land which appeared to include 2 large parcels of grassland and detached outbuildings and other structures to the rear and side of the main dwelling, including a substantial stable and garage block.

5. The appellant contends that in determining whether the proposal is inappropriate the proposal should be considered as extensions and alterations and refers to them as being 'ancillary' and required to improve the 'amenity' of the site. To my mind such buildings are not strictly extensions and the buildings are also located a considerable distance from the dwelling on land which does not appear to have a residential garden use¹. At the time of my visit the store contained no implements, tools or other equipment that could reasonably assist in the maintenance of the property. The property also benefitted from an array of extensive outbuildings in the form of a large garage and other structures where such equipment would be normally kept, in proximity of the dwelling. Other than the appellant's personal choice there is also nothing substantive before me as to why these buildings are not suitable for such storage.
6. Taking everything together, the structures should not be regarded as normal domestic adjuncts or ultimately, extensions to another building that is some distance from the house. Accordingly, the proposal results in new buildings within the Green Belt that are not covered by any of the exceptions within paragraph 145 of the National Planning Policy Framework ('the Framework'). On the evidence before me, no other exceptions would apply and the proposal would be inappropriate development in the Green Belt albeit I return to the hardstanding below. The proposal conflicts with Policy DC1 of the Core Strategy and Development Control Policies Development Plan Document 2008 ('the CS') which seeks to manage development in the Green Belt in accordance with national policy and in accordance with paragraph 144 of the Framework, I attach substantial weight to the harm, by reason of inappropriateness.

Effect on openness and purposes

7. Consideration of openness can include both spatial and visual aspects. The encroachment of built form into a previously undeveloped and open part of the appeal site would reduce openness in spatial terms. Stretching for the entire width of the field there is harm to openness from the permanent physical works to create the hardstanding and from its use, in particular from vehicle movements along it. I also observed that the overspill of associated storage including trailers and materials was conspicuous and in combination with the hardstanding has urbanised what once appears to have been a treed part of an open field².
8. The appellant states the buildings are discreet and whilst that could partly be said of the garage, being screened by existing soft landscaping, the store is sited up against the boundary and is located on grassland some distance from the garage and hardstanding. It appears physically isolated and painted black with a red tiled roof, it is not entirely discreet or sympathetic to its immediate surroundings. However, due to the distance from surrounding public vantage points, and the presence of planting, albeit a recently planted row of Conifer trees, views from Smallgains Lane of the structures and hardstanding are limited.
9. The effect of development as encroachment on the countryside may be in the form of loss of openness or intrusion and through the loss of openness, there can be an intrusion or encroachment into the countryside. Individually and

¹ Paragraphs 21 – 24 and 45 of Council's statement of case.

² Council's Appendix CCC6.

together the structures cause some moderate harm to the openness of the Green Belt and result in an encroachment into the countryside, conflicting with one of the 5 purposes of including land within it. Insofar as openness would not be preserved the proposal conflicts with Policy DC1 of the CS.

Character and appearance

10. The site is located within a rural area partly characterised by open fields bordered by native hedges along the boundaries and mature trees interspersed within. In such a rural context and despite being set back within the site and partially screened by soft landscaping the garage structure is not sympathetic of the traditional rural vernacular, with its sheet covering and temporary appearance. The spill over of the storage of materials onto the hardstanding that I saw is also not in keeping with the appearance of what was essentially an open grassed field, eroding the positive contribution it makes to the intrinsic rurality of the immediate surroundings.
11. The store may be of a sympathetic design and relatively modest size but its siting and detachment from the other structures, in combination with its appearance, results in an incongruous and visually dominant standalone structure. Whilst accepting views are limited, nonetheless, the proposal does cause some visual harm to the appearance of the appeal site and area and therefore fails to recognise the intrinsic character and beauty of the countryside at this point, conflicting with the Framework.

Other considerations

12. The appellant contends the proposal ensures that the larger site can be maintained in order to enhance appearance but the buildings, individually and cumulatively cause harm. Further, the shed did not appear to contain any useful maintenance equipment or items of value. It has also not been demonstrated that there is an alternative less harmful siting or that another existing outbuilding could not be utilised for what I observed being stored. Overall, I am not convinced the works are essential to the proper maintenance of the site and on the evidence before me attach this consideration only a small amount of weight.
13. There is nothing substantive to indicate local or site specific crime incidences or that a temporary, open fronted store with materials and equipment still being visible, would be any sort of realistic deterrent from crime or that there is a particularly specific justification for the structures in this location. However, acknowledging the fear of crime this consideration carries a small amount of weight in favour. I give no weight, in this particular case, to compliance with the normal development management highway safety and amenity objectives of the development plan and the Framework given its Green Belt location.

Other Matters

14. For the avoidance of doubt my attention has been drawn to a contention that the buildings relate to the provision of appropriate facilities for outdoor recreation and I am also mindful that the laying of a hardstanding normally constitutes an engineering operation. However, I have found that openness is not preserved and there is conflict with one of the 5 purposes. Accordingly, and even if I agreed with the appellant in such terms the proposal would not fall

within the exceptions under paragraph 145 b) or those under 146 of the Framework and would be inappropriate.

Planning balance and conclusion

15. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to advise that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
16. I have considered the applicant's request for a split decision but have some reservations that given the appellant's case, that the buildings are required for the maintenance of the land overall, that the different elements are clearly severable in functional terms. In any event such an approach is not appropriate in this case because even when taken separately, the other considerations do not clearly outweigh the substantial weight that I give to the harm to the Green Belt, by reason of inappropriateness, harm to openness, purpose and character and appearance. Consequently, the very special circumstances necessary to justify the development(s) do not exist.
17. For the reasons set out above, the proposal conflicts with the development plan, when read as a whole and the Framework. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR