



Appeal Decision

Site visit made on 11 September 2019

by Stephen Wilkinson BA BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2019

Appeal Ref: APP/W1525/W/19/3226724

Smithfield, Hawkswood Road, Downham, Billericay, Essex CM11 1JZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with a planning condition.
 - The appeal is made by Mr A Wright against the decision of Chelmsford City Council.
 - The application Ref 18/00044/MAT/1, dated 30 October 2018, was refused by notice dated 21 December 2018.
 - The application sought planning permission to vary condition 2 of planning permission 18/00044/FUL, dated 10 August 2018.
 - The condition in dispute is No 2 which states that: The development hereby permitted shall not be carried out other than in complete accordance with the approved plans and conditions listed on the decision notice.
 - The reason for the condition is: In order to achieve satisfactory development of the site.
-

Decision

1. The appeal is dismissed.

Main Issue

2. As the site is located in the Green Belt the main issues are:
 - Whether the proposal is inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy
 - The effect of the development on the openness of the Green Belt, 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 necessary to justify the development.

Reasons

Background

3. The appeal site, Smithfield, comprises a former paddock on the south side of Hawkswood Road and includes a range of outbuildings accessed via an asphalt track. The surrounding area comprises some large detached residential properties, an equestrian centre to the west and areas of paddocks and open fields. The site lies in the Metropolitan Green Belt.

4. The original permission in 2018 (ref. 18/00044/FUL) was for the change of use of building C, the largest building on the site and building B an old barn to create a 1 x 3 bed dwelling with a glazed link between, elevational changes and the use of outbuilding E for garaging and domestic storage and the demolition of 4 other buildings, A,D, F and H. Condition 2 of this permission required that the development should be completed in accordance with the approved plans. The reason cited for this was to achieve a satisfactory development of the site.
5. The effect of the application for variation would be to allow revisions to the elevations of building C altering the pattern of fenestration with the introduction of bi-fold doors and the raising its roof height by 0.5m. For building B the changes involve alterations to the fenestration. The Appellant states that the proposed changes in height are due to the personal circumstance of the applicant. The changes would make living conditions in the dwelling more comfortable.

Policy Framework

6. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open. It 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 therefore should only be approved if very special circumstances can be demonstrated. Unless development is included within one of the categories in the closed list of exceptions in paragraph 146 of the Framework it will be 'not inappropriate' providing that it preserves openness. This general approach to Green Belt is reflected in the Council's policy DC1 of its Core Strategy and Development Control Policies document (2008).
7. Although the Local Plan predates the Framework, Policies DC1 and DC 57 are broadly consistent with it in seeking to control development in the Green Belt and having controls over the re-use of buildings. The emerging policies, CO1 and CO6 included in Pre-Submission Draft of the Local Plan (2018) are also consistent with the Framework. Given the stage of preparation of this plan I accord these policies considerable weight.

Whether the development is inappropriate

8. In permitting the original scheme (ref.18/00044/FUL) the local planning authority (LPA) identified that whilst the development was inappropriate, 'openness' would be preserved. In contrast the Council in refusing the application for a variation to condition 2 involving changes to the permitted scheme, (ref. 18/00044/MAT1) consider the proposed scheme does not preserve 'openness' and question whether in the absence of a full structural survey a completely different building on the site of building C could result from the implementation of the scheme.
9. Of the proposed changes the most important is the raising of the roof of building C by 0.5m. The current scheme, which maintains the roof profile of the original building would ensure that it still appears as a single storey 'outbuilding' with limited impact on 'openness'. By raising its height the building's profile would be markedly different in appearance. This change together with those proposed for the fenestration of both buildings would result

in a marked change in appearance for the proposed dwelling. For this reason I regard the proposed development as inappropriate.

The effect on openness

10. The original scheme would have involved the conversion being wholly contained within the envelope of the two buildings apart from the small glazed extension which would have been a subservient part. The current proposal would, however, involve a significant change from this with the raising of the eaves height of building C by 0.5m. Given the existing size of this building together with its location towards the edge of the site this proposed amendment would result in harm to openness.
11. The other suggested changes to the elevation of building C and alterations to the fenestration of building B would alter the appearance of the whole scheme but would not impact on openness.

Other considerations

12. The Appellant has indicated that the changes to the scheme are required because of the height of the applicant. I do not consider that, alone, this is a sufficiently strong consideration to warrant the very special circumstances, as defined by the Framework, which could result in a permanent building which would impact adversely on openness.

Conclusions

13. The appeal proposal would not be in accordance with policies DC1 and DC57 of the Core Strategy and Development Management document and the emerging policies CO1 and CO6 of the Pre-submission Draft Local Plan. It would amount to inappropriate development as identified in the Framework and would lead to a loss of openness to the Green Belt. These considerations are not outweighed by the considerations advanced by the Appellant as to amount to very special circumstances.
14. For the reasons given above I conclude that the appeal should be dismissed.

Stephen Wilkinson

INSPECTOR