
Appeal Decision

Site visit made on 26 November 2019 by Emma Worby BSC (Hons)

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 December 2019

Appeal Ref: APP/B1550/W/19/3235666

Bramblehurst Farm, Hyde Wood Lane, Canewdon, SS4 3RR

- 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 Mrs Christine Buckingham against the decision of Rochford District Council.
 - The application Ref 19/00215/FUL, dated 6 March 2019, was refused by notice dated 2 May 2019.
 - The development proposed is the revision of replacement dwelling approved under 18/00701/FUL.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The appellant has highlighted that the Council does not have an up to date adopted Local Plan and that the reason for refusal does not reference any Policies within the Development Plan. However, the Framework is cited and therefore the appeal has been considered against this.

Main Issues

4. The main issues in the appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the 'Framework');
 - The effect of the proposal on the openness of the Green Belt; and
 - Would the harm by reason of inappropriateness be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

Whether it Would be Inappropriate

5. Paragraph 145 of the Framework states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. One exception is the replacement of a building providing the new building is in the same use and not materially larger than the one it replaces.
6. The appeal site is occupied by a long driveway leading from Hyde Wood Lane to a modestly proportioned single storey detached dwelling and associated garden space. The Council consider the existing dwelling on site to be a temporary mobile home and therefore the proposal cannot constitute the replacement of a building. However the appellant argues that it is a permanent timber framed bungalow. There is currently an extant planning permission¹ to replace the existing dwelling with a permanent dwelling of a similar size and in the same location. In granting that planning permission, the Council established the principle that a new house on the site could be a replacement dwelling, which directly conflicts with, and so undermines, the Council's current argument.
7. However, the current proposal seeks to revise this permission to provide a somewhat larger replacement dwelling in a different position on the site. From the appellant's figures, the previously approved dwelling, and current dwelling, have a floorspace of 70.6m², whereas the proposed dwelling would have a larger floorspace of 120m². Although the appellant states this increase, of around 76%, would be minimal, I consider that the current proposal would clearly be materially larger than the existing building, and the previously approved development. Therefore, the proposal would constitute inappropriate development, which by definition is harmful to the Green Belt.

Openness

8. The proposal would be larger in floorspace than the existing building on the site. Due to this increase in size, there would be a clear spatial impact on the openness of the Green Belt. This would be exacerbated by the location of the proposed dwelling which would be positioned further forward on the site and rotated 90 degrees so the longest elevation would face the road. The proposed dwelling would therefore have greater visibility from the public realm, block current views through the site and so also have a greater visual impact on the openness of the Green Belt than the existing dwelling.
9. Substantial weight should be given to any harm to the Green Belt. Development should not be approved unless the harm to the Green Belt is clearly outweighed by other considerations.

Other Considerations

10. The extant permission for a replacement dwelling has been highlighted and the appellant has stated that the original decision made by the planning committee should be given weight as the principle of a replacement dwelling has been established. However the approved development is quite different from the proposal before me, in terms of size and location, and therefore this can only

¹ Ref 18/00701/FUL

be given limited weight. The appellant also states that a mobile home larger than the proposed replacement dwelling could be located on the appeal site without planning permission. Although no further details have been provided as to the legislative framework for doing this, or the likelihood of the appellant implementing this, a mobile home would be quite different in nature to the permanent dwelling proposed, regardless of the size, and therefore this matter could also only be given limited weight.

11. A number of reasons are given as to why the approved development requires revision including better, and a greater amount of, living accommodation, better views of the land and provision of a private garden area. It is also stated with the appellant's statement that the proposal would encourage the viability of Bramble Hurst Farm, would increase the quality of housing stock and would improve the character and appearance of the area. These factors would be benefits of the proposed scheme, but are relatively minor and would carry minimal weight.

Planning Balance, Conclusion and Recommendation

12. I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development in the Green Belt do not exist. Therefore the development would fail to accord with the Framework which seeks to protect the Green Belt from inappropriate development.
13. My attention was drawn to three other housing developments within close proximity to the appeal site, and within the Green Belt, which have been granted planning permission. However, as demonstrated in the appeal decision for Hyde Wood Farm and in the Council's Statement for Green Acres Farm and Heathercote, in each case the fallback position formed a very special circumstance and so allowed for the granting of planning permission. The judgement of this is a matter for the decision maker in each case and clearly, in order to be very special, the circumstances are very specific. In this case, I consider the fallback position, and other considerations, do not amount to very special circumstances.
14. As such for the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR