
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/19/3235713

Newholme Farm, Lark Hill Road, Canewdon, SS4 3RX

- 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 GW Finch against the decision of Rochford District Council.
 - The application Ref 18/01041/FUL, dated 5 November 2018, was refused by notice dated 25 July 2019.
 - The development proposed is a replacement dwelling and new vehicle crossing.
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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.

Main Issues

3. 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 and relevant development plan policies;
 - 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

4. The appeal site, containing a detached chalet bungalow along with a swimming pool and a number of outbuildings, is located within the Green Belt. There is also a commercial premise located to the rear of the appeal site which owned by the appellant and currently shares the same vehicular entrance. The proposal would replace the existing dwelling with a new two-storey detached dwelling and a detached double garage, located to the west of the existing dwelling and set further back from the road with a new access from Lark Hill Road. The current proposal follows a previous application for a replacement

dwelling which was located significantly further back into the site than both the existing and the current proposal, along with various other design differences. This was refused planning permission (reference 17/00674/FUL) and also dismissed at appeal (reference APP/B1550/W/17/3191096) due to its impact upon the Green Belt.

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 buildings provided they are in the same use and not materially larger. It is not disputed by the parties that the proposal is materially larger than the existing building and so is inappropriate development. I have no reason to disagree.

Openness

6. As the proposed replacement dwelling would be larger than the existing building and would be accompanied by a garage outbuilding, there would be a significant spatial impact on the openness of the Green Belt due to the increase in floorspace that the building would occupy.
7. Also, although the dwelling would be re-positioned further back from the front of the site, thereby reducing the visual impact of the proposal when seen from the road, it would be visible along its new driveway and would be located within a currently open and undeveloped part of the site away from other existing outbuildings. Furthermore, even if the existing garages were demolished, other outbuildings and the rear wall of the existing dwelling (to provide privacy for users of the pool) would be retained, and so the development would create a sprawl of built form on the site which would have a significant impact upon the visual openness of the Green Belt.
8. 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

9. The appellant has provided details of a fallback position in the form of extensions to the existing dwelling. This consists of a single storey rear extension, which the Council have confirmed would fall under permitted development rights and would not require prior approval (Ref 16/01250/DPDP1), and a single storey side extension which the appellant claims is also compliant. Measurements provided by the appellant show that the proposed extensions would create a dwelling which would have a slightly larger volume, internal floor space and height than the proposed replacement dwelling. Plans have been provided to show the proposed development and the appellant states that these works will be carried out should the proposal not gain approval. Therefore, as concluded by the Inspector in the previous appeal, this should be afforded weight.
10. However, the proposed dwelling would not be positioned in the same location on the site as the existing dwelling and although it is noted that the proposed dwelling is closer to the road than the previous proposal, to reduce the amount of additional hardstanding required, some hardstanding would still be required, which it would not be if the existing house was extended. Furthermore, although the proposal would be somewhat smaller than the existing dwelling

with the proposed extensions, it would include an additional garage outbuilding. This garage has been included in the calculations, but its detached position adds to the greater visual sprawl created by the proposed replacement dwelling. The bulk of the proposed dwelling, particularly at first floor and roof levels, would also be significantly greater than the existing dwelling with the proposed extensions, as the extensions permissible under permitted development would only be single storey in height. Therefore the benefits of not implementing the fallback position would not be substantial.

11. The appellant has stated that the location of the replacement dwelling is for practical reasons and would move the dwelling away from the commercial business entrance and the main road, improving the visual impact. However, Policy DM21 of the Development Management Plan (2014) states that a replacement dwelling should be sited in the same location within the plot as the original dwelling, unless an alternative siting is proposed where it can be demonstrated that it would be more appropriate in terms of the impact on openness or amenity. As set out above, the proposed siting would have a greater effect on openness, and any amenity benefits would be minimal.

Planning Balance, Conclusion and Recommendation

12. I give limited weight to the fallback position, and to the benefits of repositioning the house, but substantial weight to the harm to the Green Belt arising from its inappropriateness and its effect on openness. Therefore, 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 Policy DM21 of the Development Management Plan (2014) which seeks to control the replacement of existing dwellings within the Green Belt, along with the Green Belt requirements within the National Planning Policy Framework which seek to resist inappropriate development in the Green Belt.
13. 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

14. 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