



Appeal Decision

Site visit made on 10 June 2020

by I A Dyer BSc (Eng) MIHT

an Inspector appointed by the Secretary of State

Decision date: 19 June 2020

Appeal Ref: APP/B1550/W/20/3246466

10 Disraeli Road, Rayleigh SS6 8XP

- 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 & Mrs Spicer against the decision of Rochford District Council.
 - The application Ref 19/00736/FUL, dated 25 July 2019, was refused by notice dated 1 November 2019.
 - The development proposed is to demolish existing stable block and workshop and construct new bungalow.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: -
 - Whether, or not, the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework -2019- (the Framework), and the effect on the openness of the Green Belt, and: -
 - If inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development/effect upon openness of the Green Belt

3. The appeal site lies at the end of a row of bungalows fronting Disraeli Road, set back behind modest gardens, often incorporating car parking. The site contains an existing bungalow, 10 Disraeli Road, and a stable block/workshop. Across Disraeli Road from the row of bungalows lie open fields with wooded land beyond. Behind the site lie mature trees and dense planting.
4. Disraeli Road is an unmade track linking Rayleigh Avenue with The Drive. It is open to vehicular traffic from Rayleigh Avenue. Towards its western end, beyond the row of bungalows, Disraeli Road is closed to motor traffic and runs through woodland. Between the site and Rayleigh Avenue it is fronted by fencing and dense planting. Although the site lies on the outskirts of the main built-up area, the overall character and appearance of the area is of a residential enclave within a rural setting.

5. The appeal site has planning permission for the change of use of the stable block/workshop to a three bedroom dwelling¹ (the 2018 permission), although the conversion has not yet been carried out.
6. The proposal would demolish the existing stable block/workshop and detached garage and build a detached bungalow towards the front of the plot, set back slightly behind the building line formed by the existing bungalows.
7. Both parties are in agreement that the site lies within the Metropolitan Green Belt as identified in The Rochford District Council Local Development Framework Allocations Plan -2014- (the Allocations Plan). Paragraph 145 of the Framework establishes that the construction of new buildings in the Green Belt is inappropriate subject to a number of exceptions. These exceptions include allowance, subject where appropriate to certain criteria being satisfied, for the replacement of a building, limited infilling in villages, and limited infilling or the partial or complete redevelopment of previously developed land (PDL).
8. Policies GB1 and GB2 of the Rochford District Council Local Development Framework Core Strategy -2011- (the Core Strategy) seeks to direct development away from the Green Belt as far as practicable and prioritise the protection of the Green Belt based on how well the land helps achieve the purposes of the Green Belt, whilst allowing rural diversification in appropriate circumstances. Both policies pre-date the Framework, but can still attract weight in proportion to their consistency with the Framework. These policies reflect the aims of those parts of the Framework which seek to protect the Green Belt from inappropriate development. However they do not reflect the exceptions listed within the Framework and are therefore inconsistent with it.
9. Policy DM10 of the Rochford District Council Local Development Framework Development Management Plan -2014- (the DMP) allows development of previously developed land in the Green Belt, including for residential purposes, under certain circumstances. However, whilst the policy does accord with the aims of those parts of the Framework which seek to support a thriving rural economy, it does not accord with those parts of the Framework which seek to protect the Green Belt from inappropriate development as, again, it does not reflect the exceptions listed within the Framework or their associated tests upon openness. I have, therefore accorded these policies limited weight and I have considered the proposal in regard to the policies contained within the Framework.
10. Whilst the Framework makes provision for the replacement of a building which is not materially larger than the one it replaces, the replacement building must be in the same use. Although there is an extant planning permission for change of use to residential of the stables/workshop, this development has not been carried out. As such the building remains a stables/workshop and the proposed building would be for a different use.
11. The appeal site is associated with a group of dwellings whose boundaries are contiguous with the built-up area of Rayleigh. Whilst there is no description within the Framework of a 'village', Rayleigh is a sizeable settlement and could not be described as 'a village'. The positioning of the proposed bungalow would fill the frontage of the plot. However, it would not complete an otherwise developed frontage, leaving a substantial length of undeveloped frontage to

¹ Council Ref: 18/00576/FUL

- the east. The positioning of the proposed dwelling would not, therefore, infill between development, but would, rather, extend the developed frontage. I do not, therefore, consider that this development constitutes infilling, whether in a village, or not.
12. The site provides part of the garden and a garage for No 10; and a stables/workshop and the vehicle manoeuvring associated with the use of that building. Paragraph 145 g) of the Framework provides scope for the partial or complete redevelopment of PDL, 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.
 13. The Framework identifies the fundamental aim of the Green Belt as “to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”. There is no dispute that the plot could accommodate a building of the scale proposed and that the proposed building is not materially larger than the existing stable block/workshop. Further, the building would be well screened from views approaching from the direction of Rayleigh Avenue. However, the proposal would be visible to anyone approaching from the direction of The Drive and would have an enclosing effect and be visually more intrusive on the street scene.
 14. The Green Belt has both a spatial and a visual dimension. For the above reasons, regardless of the presence of other existing buildings in the vicinity, in spatial terms the increased built form on the site would result in a loss of openness which is a separate issue from the character and appearance of the area. Therefore, even were I to consider that the development constitutes redevelopment of PDL, the site reduces the openness of the Green Belt. Therefore, even were I to consider that the development constitutes redevelopment of PDL, the site reduces the openness of the Green Belt.
 15. Green Belt serves five purposes: a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
 16. Given that the development would be contained within the existing plot boundary I find that it would not encroach further into the countryside and so would not be contrary to the purposes of the Green Belt.
 17. The appellant has stated their intent, should this appeal fail, to implement the 2018 permission. Whilst this would result in the change of use of the stables/workshop to a dwelling, the stables/workshop is situated well back within the plot and would not result in the reduction in openness of the Green Belt that I have identified above.
 18. The appellants have drawn my attention to a decision letter for an appeal at Silverbraes, Brays Lane, Ashingdon SS4 3RP², which they consider dealt with similar matters as are being considered in this case. However, that site does not form part of the immediate context of the appeal site and is therefore not

² Appeal Ref: APP/B1550/W/17/3180911

directly comparable contextually. In any case, I have determined this appeal on its own merits.

19. I conclude that, although the proposal would not conflict with the purposes of including land within the Green Belt, the proposal would amount to inappropriate development in the Green Belt having regard to the Framework, including any relevant effects on the openness of the Green Belt.

Other Considerations

20. There is dispute whether the Council is able to deliver a five year supply of housing land. Irrespective of this, I have found harm to the Green Belt and so, having regard to Paragraph 11 of the Framework, the presumption in favour of sustainable development does not apply in this case.
21. The development would, irrespective of the Council's ability to demonstrate a five year supply of housing land, provide benefits in terms of delivering an additional home to boost housing supply. Nevertheless, the addition of just a single home would still only have a limited benefit. There would be likely minor benefits to the local economy in terms of short term employment in the construction industry and longer term support to local shops and businesses.
22. The proposal would provide a larger garden for No 10, improving the living conditions of the occupiers of that property, and would provide a more conventional rear garden for the proposed dwelling, which the dwelling resultant from the 2018 permission would lack.
23. The proposal would replace an existing building with an extant permission for conversion to residential use with a purpose-built dwelling. The proposed dwelling would be positioned roughly in line with the existing bungalows on Disraeli Road and be of similar scale, more closely reflecting the character and appearance of the existing frontage development and present a more conventional relationship to No 10 and the other bungalows. However, this would affect the visual openness of the area. Taken together these benefits carry moderate weight.
24. It is asserted that the proposal would have a reduced effect upon an existing tree, which is subject to a Tree Protection Order, when compared to the 2018 permission. However I have little substantive evidence before me to support this view and I note that the Council were satisfied that the effect on the tree of the 2018 permission could be managed by an appropriate planning condition. I therefore consider that this matter would have a neutral effect.
25. The Framework establishes that substantial weight should be given to any harm to the Green Belt and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I have not identified any benefits which would clearly outweigh the harm to the Green Belt by reason of inappropriateness. Consequently, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist.

Conclusion

26. For the reasons given above, and having regard to all other matters raised, the appeal should be dismissed.

I Dyer

INSPECTOR