
Appeal Decision

Site visit made on 16 June 2020

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th August 2020

Appeal Ref: APP/B1550/W/20/3245355
Canewdon Hall Farm, Canewdon, SS4 3QW

- 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 Robinson against the decision of Rochford District Council.
 - The application Ref 19/00203/FUL, dated 25 February 2019, was refused by notice dated 25 September 2019.
 - The development proposed is demolish existing chalet house and construct new dwelling.
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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;
 - the effect of the proposal on the openness of the Green Belt;
 - 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

Whether the proposal would be inappropriate development in the Green Belt

3. The appeal site is situated in the Metropolitan Green Belt. The National Planning Policy Framework ('the Framework') indicates (para 145) that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt.
4. The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces, is one of the listed exceptions at paragraph 145(d). Policy DM21(i) of the Rochford District Council, Local Development Framework Development Management Plan 2014 (LP) states that the replacement or rebuild of existing dwellings in the Green Belt will be permitted provided that the total size of the dwelling would result in no more than a 25% increase in floorspace of the original dwelling.

5. The site is currently occupied by a one and a half storey chalet style dwelling, within a large plot. The existing dwelling has a floor area of approximately 298 sqm, the proposed replacement dwelling would have a floor area of 324 sqm. This represents an increase of only 26 sqm. However, the dwelling on the site was constructed in 1959 and extended in 1969 and therefore is not in its original form as required by Policy DM21. The original dwelling has a floor area of approximately 170 sqm and the increase to 324 sqm would represent an increase greater than 25%, contrary to policy DM21(i) of the LP.
6. Policy DM21(iii) sets out that the visual mass and bulk should not be significantly larger than that of the existing dwelling. Whilst the proposed dwelling occupies a similar footprint, the increased height across the entire length and depth of the dwelling increases its overall massing and all these factors indicate that the proposed dwelling cannot reasonably be considered to be anything other than materially larger.
7. In not complying with any of the listed exceptions, the scheme would be inappropriate development in the Green Belt, which para 145 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Para 144 of the Framework states that in considering a planning application substantial weight should be given to any harm to the Green Belt. The proposal would not comply with Policy DM21 of the LP which seeks to restrict inappropriate forms of development in the Green Belt, which is consistent with the Framework.

The effect of the proposal on the openness of the Green Belt

8. Paragraph 133 of the Framework states that the Government attaches great importance to Green Belts. The essential characteristics of Green Belts are their openness and their permanence. Openness can be defined as the absence of built form. In the case before me the built form would not increase significantly from that which currently exists on site and the footprint of the development, in terms of its coverage of the overall site, is more compact than the original dwelling.
9. However, I have concluded that the development would be materially larger and its increase is fundamentally from the increased floor area as a result of the inclusion of a first floor. I note that the height of the proposed dwelling would be increased over the height of the original dwelling by around 350mm at the ridge line. The appellant considers this to be minimal and occupies a reduced length of built form when compared to the existing.
10. However, the proposed dwelling would have one continuous ridgeline, compared to the staggered height of the existing dwelling, which includes areas of lower flat roof sections. Therefore, the massing of the dwelling would be greater and therefore, in spatial terms, would have a harmful impact upon the openness of the Green Belt.
11. Openness also has a visual aspect as well as a spatial one. I note that the appeal site is located within a large plot, adjacent to a number of large agricultural buildings, which are accessed via a private drive. The site is largely screened by extensive landscaping, with some views at the rear of the site towards the River Crouch. I consider that any views of the proposed dwelling would be seen in the context of the larger agricultural buildings adjacent to the site. It follows that the proposed dwelling would not be visually intrusive.

Notwithstanding this however, it would nonetheless have a harmful impact on openness due to its spatial characteristics.

Other considerations

12. The appellant has indicated that there are material considerations such as the fallback positions, which comprise the lawful development certificate 18/00897/LDC and prior approval 18/00911/DPD1. These proposals permit the extension of the dwelling to 438 sq m and increase the volume to 1470 cubic metres. The appellant has also provided a drawing comparing the permitted scheme with the proposed dwelling and this demonstrates in particular how the fallback position has a much greater footprint than the proposed dwelling and would increase the coverage of the development across the site. This would be more harmful than the proposed scheme in terms of the spatial aspects of openness.
13. However, the fallback position would not increase the height of the existing dwelling, nor would it increase the massing of the existing gables. Therefore whilst the footprint would increase, the overall massing of the development would remain the same. I consider that the fallback position would not be significantly more harmful than the appeal scheme and therefore I have given it limited weight.
14. I have also taken into account the appellant's willingness to accept a condition which would restrict permitted development on the site, which would enable the Council to have control over future development on the site. However, the Planning Practice Guidance says that permitted development rights should only be withdrawn in exceptional circumstances and there is nothing within the Framework to indicate that these apply to development in the Green Belt. Therefore I have given this consideration limited weight.
15. It has also been put to me that the proposed development would be more aesthetically pleasing than the dwelling which it replaces, and this is recognised as a benefit within the supporting text to Policy DM21. The Council also recognises that the dwelling would adhere to principles of sustainable design. The existing dwelling is unremarkable in its design and appearance and given its age is unlikely to adhere to the principles of sustainable development. The proposed dwelling is well designed and incorporates large areas of glazing which will enable solar gain. The proposed dwelling is an improvement on that which currently exists in terms of design and will provide an improved standard of living in terms of sustainability for future occupiers. I have given considerable weight to this benefit, recognising the importance the Framework places on sustainable development.
16. Adjacent to the entrance to the site is the Grade II* listed St Nicholas Church and glimpsed views of the access road are possible from within the graveyard of the church. Views of the church tower are also possible from within the appeal site. Its setting is experienced from within the graveyard and more widely as you approach the site from Lark Hill. As a result of the degree of separation between the appeal site and the church and the level of screening provided by the existing landscaping, having regard to the statutory duty under S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I conclude that the development does not result in harm to the setting of the listed building. I note that this is also the view of the Council's Heritage Advisor. The lack of harm is a neutral in the balance.

17. My attention has also been drawn to a similar application, dealt with by Rochford District Council (17/00715/FUL), which was granted for the replacement of a bungalow with a dwelling. However, I do not have the precise details of this scheme or the determination process. In any event each case must be considered on its own merits, having regard to the planning context of the site including its planning history and landscape setting and any very special circumstances which may exist. Therefore I have not attributed any weight to this consideration.

Conclusion

18. In conclusion I have identified that the scheme would be inappropriate development in the Green Belt as defined by the Framework and result in harm to the openness of the area. It would, by definition, be harmful to the Green Belt, harm which the Framework indicates should be given substantial weight.
19. As explained above I have given considerable weight to the material consideration in respect of the improved sustainability of the replacement dwelling and limited weight to the other considerations cited in support of the proposal. However, I conclude these circumstances do not clearly outweigh the substantial weight I must give to the overall harm the scheme would cause.
20. Consequently, very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G. Pannell

INSPECTOR