
Appeal Decision

Site visit made on 1 September 2020

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd October 2020

Appeal Ref: APP/C1570/D/20/3250161

Old Rectory, Stortford Road, Leaden Roding CM6 1RE

- 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 Chapman against the decision of Uttlesford District Council.
 - The application Ref UTT/19/2887/HHF, dated 21 November 2019, was refused by notice dated 16 January 2020.
 - The development proposed is detached garage.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Chapman against Uttlesford District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposed development on the character and appearance of the area; 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

Inappropriate development

4. 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 and should not be approved except in very special circumstances. In addition, the construction of new buildings should be

regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in paragraph 145.

5. In not complying with any of the listed exceptions, the scheme would be inappropriate development in the Green Belt, which paragraph 145 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the Framework states that in considering a planning application substantial weight should be given to any harm to the Green Belt.

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

6. 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. Although the proposed triple garage would be seen within the context of the existing buildings and would be screened from the road by landscaping, it would be a substantial structure where currently no building exists and would result in a significant increase in built form within the site. Therefore, it would result in moderate harm to the openness of the Green Belt.
7. The proposal would not comply with Policy S6 of the Uttlesford District Council Local Plan 2005 (LP) which restricts development to that which is compatible with the countryside setting and purposes of the Green Belt.

Character and appearance

8. The proposed garage would be sited in the area of garden to the front of Old Rectory, whilst it would be located forward of the main house the site is screened by extensive landscaping. As a result, the site does not contribute to the rural nature which is experienced beyond the appeal site, with open fields interspersed with native hedging.
9. I have had regard to the previous appeal decision on the site, APP/C1570/D/19/3228177, and the Inspector's findings on character and appearance of the area and the drawings provided by the appellant of this scheme. The Inspector concluded that the proposed building would be secondary to the main dwelling and not harmful to the character and appearance of the area.
10. The proposal before me has been reduced in overall size and scale and therefore my conclusions in this case are similar. I am satisfied that having regard to the size of the plot, that the scale of the garage would not be disproportionate to the host dwelling.
11. The proposed development is compatible with its surroundings and I do not consider there would be any material harm caused to the landscape. I conclude that the proposed dwelling would not result in harm to the character and appearance of the area and the development would comply with policy GEN2 of the LP which states that development should be compatible with the scale, form and appearance of surrounding buildings.

Other considerations

12. I note the appellants' comments in relation to permitted development rights and that these are not generally restricted within the Green Belt. However, the

development proposed, being sited forward of the dwelling would not be permitted development as set out by the appellant and the site does not benefit from permitted development rights as it is within the curtilage of a listed building. As such this consideration carries little weight in my deliberations.

13. I appreciate that the Framework seeks to ensure that, in general, a more positive approach should be taken to development. However, Green Belts are protected by the Framework.

Other Matters

14. As part of my assessment of the appeal development, in order to discharge my statutory responsibilities, I have also made an assessment of the proposals' effect on the setting of 'Barn approximately 30 metres south west of the Old Rectory' as a Grade II Listed Building (LB). In my view, the significance of the LB is derived from its architectural quality and due to the physical separation the proposed building would not lead to a diversion of attention from the LB. Therefore there would be no harm to the setting of this building.
15. I note the appellant's reference to other examples of garages located in similar frontage positions. However, I do not have full details of these cases and in any event, I am not bound by other decisions of the Council and I give these other cases minimal weight.

Green Belt Balance and Conclusion

16. 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 openness. It would, by definition, be harmful to the Green Belt, to which I must give substantial weight.
17. The lack of harm to the character and appearance of the area is a neutral factor. The other considerations would not cumulatively, outweigh the totality of harm the scheme would cause to the Green Belt.
18. Consequently, the 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