The Planning Inspectorate

Appeal Decision

Site visit made on 28 November 2020

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2020

Appeal Ref: APP/B1550/W/20/3251765
Land adjoining 181 Greensward Lane, Hockley SS5 5JN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Craig Huber against the decision of Rochford District Council.
- The application Ref 20/00013/OUT, dated 7 January 2020, was refused by notice dated 3 March 2020.
- The development proposed is the erection of 2no new build dwellings.

Decision

1. The appeal is dismissed.

Procedural matters

2. The application is in outline with all matters reserved. I have assessed the proposal on that basis.

3. A Site Plan that includes street scenes accompanies the proposal. It shows two detached dwellings side-by-side on the site with a new, shared access from Greensward Lane and additional planting along this highway frontage. I have treated this plan as being for indicative purposes only.

Main issues

4. The site lies within the Green Belt. The main issues are whether the proposal would be inappropriate development in the Green Belt including an assessment of the effect on the openness of the Green Belt; and if it is inappropriate development, whether any 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 proposal.

Reasons

Whether the proposal is inappropriate development

5. The Government attaches great importance to Green Belts, the fundamental aim of which is to prevent urban sprawl by keeping land permanently open. Accordingly, the National Planning Policy Framework (the Framework) states that the construction of new buildings in the Green Belt should be regarded as inappropriate. Exceptions to this are given in paragraph 145 of the Framework, which include limited infilling in villages (criterion e).

6. An exception is also made in the same paragraph for limited infilling where it would not have a greater impact on the openness of the Green Belt and the

purposes of including land within it than the existing development (criterion g). Although the appellant's case does not rely on this particular exception it is potentially relevant and so my assessment also takes it into account.

7. Policy GB1 of the Rochford Local Development Framework Core Strategy (CS) similarly seeks to protect the Green Belt. The corresponding list of exceptions in paragraph 6.2 of the CS differs to that of the Framework. For the avoidance of doubt, I attach greater weight to the Framework in this particular regard because it reflects current national policy.

8. The term 'limited infilling' is not defined in the Framework or development plan policies. The term 'infilling' is, however, referred to paragraph 2.21 of the Council's Development Management Plan (DMP) as filling the small gaps between existing groups of dwellings with new development. With a collection of existing dwellings on two sides, the site would fall within a gap between them. The proposal is for two dwellings on a modest sized site and so the appeal scheme would be limited in scale. On that basis, the proposal could reasonably be described as limited infilling.

9. Whether a site falls within a village should not necessarily turn on its relationship to the settlement boundary as defined within a development plan because the circumstances 'on the ground' also need to be taken into account. From what I saw, the site belongs to a loose ribbon of existing development along Greensward Lane and Crouch View Crescent. It is some distance from the large village of Hockley and divorced from it by sporadic housing and an area of open space just beyond Crouch View Crescent. In the immediate vicinity of the site, there is a spacious semi-rural feel with limited visual connection to the main built up area of Hockley. This contrasts with the more suburban character of the area further along Greensward Lane, near to its junction with Pulpits Close, where there is greater cohesion to the layout of housing, bus stops and a clear visual link with the rest of the village. At the site visit, my strong impression is that the site relates to the countryside surrounding Hockley and does not fall within the village. As such, the proposal would not be an exception under criterion e) of paragraph 145.

10. With regard to criterion g), the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Openness has both a spatial and a visual aspect.

11. With nearby buildings and dense vegetation on site, the openness of this area has already been affected to some degree. Even so, a substantial new built form would be introduced onto undeveloped land. If the appeal scheme was to proceed, the site would be transformed from a small area of scrubland and overgrown greenery to one occupied by two dwellings, associated residential paraphernalia, and a hard surfaced area for parking and access. While the new buildings, parking and gardens could be screened to some extent by planting and be set back from the road, they are likely to be visible from the public realm or from nearby properties. From these vantage points, the loss of openness would be considerable in both a visual and a spatial sense.

12. Compared to the existing use, the appeal scheme would have a far greater impact on openness. On that basis, the proposal would fail the exception at criterion g) of paragraph 145. It would adversely affect the openness of the

Green Belt and undermine an essential characteristic of it. None of the other exceptions listed in the Framework would apply.

13. On the first main issue, I conclude that the proposal would be inappropriate development that is, by definition, harmful to the Green Belt. Accordingly, it conflicts with the Framework and CS Policy GB1 insofar as it aims to protect the Green Belt.

Other considerations

14. The site does not occupy an isolated position in the Green Belt nor would any of the purposes for including land within it be prejudiced as a result of the appeal scheme. The site's appearance is overgrown and unkempt with limited access given the dense vegetation within the parcel of land. The appellant also states that it has no community or economic value and that it does not contribute to the intrinsic character or beauty of the local area. Even so, the site has value in terms of the Green Belt because it contributes to openness. Therefore, I attach only modest weight to these considerations.

15. The new development could be arranged to reflect the street pattern and density of existing development to which paragraph 2.21 of the DMP refers. The scheme could also take advantage of the screening provided by existing and new planting to soften and subdue the visibility of the new buildings when seen in the local street scene. However, the most important attribute of the Green Belt is openness that would be eroded if the appeal scheme were to come forward. I therefore give the opportunity for screening and visibility of the development limited weight in favour of the appeal.

16. Once complete, the new dwellings would add to the local housing supply and the choice available to prospective occupiers. The scheme would contribute to meeting a key Government objective, which is to significantly boost the supply of new homes. However, while the site is in a fairly accessible location, the contribution of 2 dwellings would be a modest addition to land supply and the choice of residential accommodation. The new buildings could be designed to be energy efficient and developing the proposal would contribute to the local economy through the provision of jobs and the sale of construction materials. These considerations are particularly important given the uncertainties associated with the current economic climate. The appellant also states that neighbours support the proposal. These matters would provide some social, economic and environmental benefits, to which I attach moderate weight.

17. Reference is made to the residential development on land to be removed from the Green Belt elsewhere within the District. Such proposals are not directly comparable with the appeal scheme and are matters for the development plan process rather than a section 78 appeal. In any event, each proposal must be assessed on its own merits, which I have done. It is for this reason that I share the appellant's view that a decision in this case would not necessarily set a precedent. This consideration carries only limited weight.

18. The appellant considers that the scheme complies with DMP Policies DM1 and DM3, which deal with the design of new development and infilling respectively. Nevertheless, the DMP should be read as a whole and together with the CS and the Framework, which include policies that aim to protect the Green Belt.

19. There is national and local policy support for small housing developers and a Ministerial Statement made earlier this year welcomed the final report of the Building Better, Building Beautiful Commission and its central theme of championing beautiful homes that are rooted in local communities. As the dwellings could come forward in these ways, these considerations attract some weight in favour of the appeal.

20. The proposal would not harm the living conditions of others nor prejudice highway safety. However, the absence of harm is not positive or negative; these are of neutral weight.

Planning Balance and Conclusion

21. I have found the proposal to be inappropriate development within the Green Belt. The Framework states that inappropriate development should not be approved except in very special circumstances. It goes on to advise that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

22. The other considerations do not clearly outweigh the substantial weight that I give to the harm to the Green Belt, by reason of inappropriateness and harm to its openness. Consequently, the very special circumstances necessary to justify the proposed development do not exist.

23. The appellant considers there to be a shortage of housing land, which the Council contests and has provided detailed evidence in support that opinion. From the information provided, the housing land supply position is not clear-cut on way or the other. Even if the Council is unable to demonstrate a 5-year supply of deliverable housing land, the application of policies in the Framework that protect assets of particular importance (in this case land designated as Green Belt) provides a clear reason for refusing the development sought. As such, the presumption in favour of sustainable development identified at paragraph 11 of the Framework would not apply.

24. Overall, for the reasons set out above, the proposal would conflict with the development plan and the Framework, when read as a whole. Material considerations do not indicate that a decision should be taken otherwise. Therefore, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR