



Appeal Decision

Site visit made on 18 January 2021 by Thomas Courtney BA(Hons) MA

Decision by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 March 2021

Appeal Ref: APP/W1525/D/20/3260617

1 Greens Cottages, Ivy Barn Lane, Margaretting, Ingatestone, CM4 0EW

- 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 Ian Brownjohn against the decision of Chelmsford City Council.
 - The application Ref 20/00769/FUL, dated 21 May 2020, was refused by notice dated 15 July 2020.
 - The development proposed is a detached double garage with timber look cladding and pitched roof.
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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 are:
 - Whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (NPPF) and development plan policy;
 - the effect of the proposal on the openness of the Green Belt; and
 - if the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Whether the development would be inappropriate development

4. Paragraph 145 of the NPPF states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. Policy DM6 of the Chelmsford Local Plan 2013-2036 (the 'local plan') is consistent with this in that it gives a very similar list of forms of development that are not inappropriate. One exception is the extension or alteration of a building
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provided that it does not result in disproportionate additions over and above the size of the original building.

5. The proposal would comprise the erection of a detached double garage with pitched roof on a gravelled area currently used for parking to the east of 1 Greens Cottages. The Council consider that, as the garage would be detached from the house, it cannot constitute an extension.
6. Although the proposed garage would be sited within the site's curtilage, in close proximity to the eastern flank of the appeal property and would occupy an area of hardstanding currently used for parking, it would still be set away from the dwelling with a clear visual separation. Therefore due to this clear detachment from the dwelling, the proposal is not considered to be an extension.
7. On the basis that the proposed garage does not meet the exception in Paragraph 145 of the NPPF or Policy DM6 detailed above, or any of the other exceptions in those policies, I therefore find the proposal is inappropriate development in the Green Belt.

Openness

8. Openness is identified in the NPPF as one of the Green Belt's essential characteristics. The additional built form in an undeveloped part of the curtilage would materially impact on openness in a spatial aspect. Furthermore, the considerable height of the roof and overall bulk of the building, plus its position and orientation facing the road, means the proposal would also have a visual impact on the openness of the Green Belt when seen from Ivy Barn Lane and from the open countryside to the south of the site. The spatial and visual impact on openness would result in significant harm to the Green Belt.

Other considerations

9. The NPPF states that inappropriate development should not be approved except in very special circumstances, and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
10. In this regard, the appellant refers to a grant of a Lawful Development Certificate (LDC) in September 2020 for the erection of a single garage in roughly the same location as the proposal (ref 20/01319/CLOPUD). This would utilise the property's permitted development rights which were not removed when a previous planning permission was granted. The appellant reasons that the proposal would not have a significantly greater impact on openness than the single garage. However, by the appellant's own admission, the proposed development would have a larger footprint and a ridge height 0.5m higher than the approved single garage. Furthermore, the site is not well-screened and the proposed garage would comprise two conspicuous garage doors as opposed to a single door for the LDC scheme. Overall, in light of its larger footprint, height, width, bulk and prominence, the proposal's impact on openness would be more harmful than that resulting from the development subject of the LDC. Consequently, this factor does not lend positive weight to the proposal.

11. The Council raise no objection to the design of the extension or its impact on the character of the countryside, and I have no reason to disagree. However, the lack of harm in these regards carries only neutral weight in the balance.
12. The appellant notes that there were a number of outbuildings previously at the site. However, these are no longer present, so can have no bearing on the consideration of this proposal.

Planning Balance and Overall Conclusion

13. I consider that the development causes harm to the Green Belt by way of its inappropriateness and to its openness, and substantial weight should be given to these harms. There are no benefits which would clearly outweigh those harms.
14. I conclude therefore there are no very special circumstances to justify the development. Consequently, the development conflicts with the NPPF and Policies DM6 and S11 of the local plan which seek to protect the Green Belt from inappropriate development.

Recommendation

15. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

16. 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