The Planning Inspectorate

Appeal Decision

Site visit made on 7 April 2021

by R Bartlett PGDIP URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 May 2021

Appeal Ref: APP/C1570/W/20/3263792
Greylands Barn, Chelmsford Road, White Roding, Dunmow, CM6 1RF

- 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 Peter Moore against the decision of Uttlesford District Council.
- The application Ref UTT/20/0685/FUL, dated 25 March 2020, was refused by notice dated 5 June 2020.
- The development is a temporary work/live unit on the site whilst we develop the site under planning approval UTT18/2644/PAP3P. This unit will be demolished at the end of the development. Size: 12m x 7.3m. Wooden structure raised above ground on wooden posts.

Decision

1. The appeal is allowed and planning permission is granted for a temporary work/live unit at Greylands Barn, Chelmsford Road, White Roding, CM6 1RF in accordance with the terms of the application, Ref UTT/20/0685/FUL, dated 25 March 2020, subject to the following conditions:

   1) The temporary building hereby permitted, including any associated ground works and services, shall be removed from the site in their entirety, on or before 19 February 2022.

Main Issues

2. The main issues are as follows:

   - Whether the building is inappropriate development in the Green Belt;
   - The effect of the development on the openness of the Green Belt and the purposes for including land within it;
   - The effect of the 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

3. The building in question is a single storey timber structure, with a shallow pitched roof and a floor area of approximately 88 square metres. It is raised slightly above the ground on timber posts and is approximately 3 metres high. It is currently in use as a dwelling and site office. The building and its use are required temporarily whilst the appellant completes an adjacent residential conversion project.

4. Paragraph 145 of the National Planning Policy Framework (the Framework) states that new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions. It has not been demonstrated or claimed that the building in this case falls within any of these exceptions.

5. Policy S6 of the Uttlesford Local Plan (2005)(ULP) refers only to sites within village development boundaries and on major developed sites in the Green Belt. Accordingly it is not relevant to this site.

6. I therefore conclude that the building is inappropriate development in the Green Belt having regard to the Framework and the ULP. The Framework (paragraph 143) confirms that inappropriate development is by definition harmful to the Green Belt.

Openness and Green Belt purposes

7. Paragraph 133 of the Framework indicates that openness is an essential characteristic of the Green Belt. The concept of openness in the context of the Green Belt has a spatial element and goes beyond the visual effect of the development.

8. The building is sited in what appears to be a grass paddock, although the council's report describes the land as forming part of the curtilage of the building that is in the process of being converted. It is bound on two sides by existing mature hedges and is screened from the main road by existing built development. With the exception of the built development to the south of the site, the immediate surroundings comprise open fields. Public rights of way run alongside the side and rear of the site.

9. Paragraph 134 of the Framework sets out the purposes of the Green Belt. These include, amongst other things, to assist in safeguarding the countryside from encroachment.

10. Although the building is modest in scale and height, it extends the built form of the area into a previously undeveloped grass paddock, introducing development where there previously was none, thereby resulting in loss of openness and encroachment into the countryside.

11. Given the small scale of the building and its proximity to existing built development, the harm it causes to the openness of the Green Belt and the conflict with the purposes for including land within it, is limited. Nethertheless, in accordance with paragraph 144 of the Framework, substantial weight is given to this harm to the Green Belt.

Character and appearance

12. The building is a timber framed structure with black plaster board walls, a dark grey felt roof and white UPVC window and door frames. It has a very shallow pitched, almost flat, roof. Despite its modest scale and simplicity, it does not

reflect the standard of design and materials that are typical of the surrounding area and it does not blend into the landscape, despite the presence of existing boundary trees and hedges on two sides.

13. I therefore conclude that the design of the building conflicts with Policy GEN2 of the ULP, which seeks to ensure that development is compatible with the scale, form, layout, appearance and materials of surrounding buildings. This weighs against the development.

Other considerations

14. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The appellant has put forward a number of other considerations in favour of the development.

15. The council confirmed that prior approval was not required for the change of use of the adjacent Use Class B8 building to a dwelling on 19 November 2018. I observed at the time of my site visit that work has commenced on this development.

16. The appellant states that he and his wife were unaware that planning permission was required to for a temporary structure that would be used both to live in and as a site office and to provide site security, during the conversion of their new home on the adjacent land. From the information before me it is unclear how or why the council reached the view that planning permission was required. Schedule 2, Part 4, Class A, of The Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) does make provision for buildings, required temporarily in connection with and for the duration of operations being carried out on that land or adjoining land. However, the appeal before me does not seek to establish whether or permission is required and I have determined the appeal on the basis that it has been submitted.

17. The appellant has pointed out that living on site whilst the conversion works are going ahead enables him to carry out the project in a way that minimises the likelihood of crime, reduces waste and energy consumption, shows consideration to neighbours and minimises site traffic. I have no reason to doubt this.

18. The residential conversion on the site is required to be substantially complete by 19 November 2021. The appellant intends to remove this temporary building as soon as he and his wife are able to occupy the new dwelling. Given that the time scale imposed on the conversion is a completion date, as opposed to a commencement date, it is reasonable to assume that the temporary building will only be required for a very short period of time.

19. A condition is invited for the removal of the temporary structure following the completion of the barn conversion.

The Green Belt Balance and Conclusion

20. The building is inappropriate development in the Green Belt and results in limited harm to its openness. It also encroaches into the countryside conflicting with one of the purposes for including land within the Green Belt resulting in further limited harm and it detracts from the character and

appearance of the area. The Framework makes clear that substantial weight should be given to any harm to the Green Belt.

21. Against this it is normal practice for owners to live on site in a temporary structure whilst undertaking building works to create or renovate a new permanent dwelling and there are good reasons for doing so, such as those put forward by the appellant. The works to create the new dwelling were in progress at the time of my visit and are due to be substantially completed by late November 2021. Accordingly, the remaining period the temporary building is required for is very short.

22. I therefore find that the other considerations in this case clearly outweigh the harm that I have identified. Looking at the case as a whole, I consider that very special circumstances exist which justify the development.

23. For the reasons set out above the appeal is allowed subject to the condition set out in this decision.

Conditions

24. The council and the appellant have both suggested a time limit condition for the removal of the temporary building should the appeal be allowed. The appellant's suggestion was initially 2 years from the date of an amended planning permission. However, that application for permission has since been refused and dismissed at appeal. The council have suggested that the temporary dwelling should be removed on or before 19 November 2021, which is the date by which the residential conversion must be substantially complete.

25. I agree that the temporary building should be removed as soon as possible upon the completion of the residential conversion due to the harm it causes to the Green Belt and the character and appearance of the area. However, given that the appellant has until 19 November to complete these works, I consider that it would be reasonable to allow an additional short period of time for him and his wife to take up occupancy of the new dwelling, empty the temporary building and arrange for its dismantling and removal, including the removal of all associated ground works and services. I have therefore added 3 months from the completion deadline of the residential conversion, for the removal of the temporary building and associated works.

R Bartlett

INSPECTOR