
Appeal Decision

Site visit made on 13 July 2021

by J L Cheesley BA(Hons) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2021

Appeal Ref: APP/W1525/D/21/3271812

184 Galleywood Road, Great Baddow, Chelmsford CM2 8NB

- 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 Henry Cooper against the decision of Chelmsford City Council.
 - The application Ref 21/00220/FUL was refused by notice dated 24 March 2021.
 - The development proposed is a garage measuring 8m x 6m. This space is requested for hobby car use only, the building will be built with a 300mm wall (100mm blockwork 100mm cavity and 102,5 outer brick face). The garage will be built on a shallow dig raft foundation and will be 4m in height to the top of ridge (2.4 to the underside of soffit). This raft will ensure the preservation of the existing Pinophyta Conifers. The existing land has a 3mx2mx1800 deep crate soakaway system that the garage will connect to, In addition there will be a water collect barrel of 220l. The garage will have a front "up and over" door of 4.6m wide. The Garage will be situated 4442mm from the boundary edge at the rear and 4572mm from the side boundary edge.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues to be:

whether the proposal would amount to inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies, and if so, 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 proposal; and

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

Reasons

3. The Framework explains that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. The construction of new buildings in the Green Belt is inappropriate unless in accordance with exceptions in the Framework.
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4. Strategic Policy S11 in the Chelmsford Local Plan (2020) seeks to protect the openness and permanence of the Green Belt. Policy DM6 refers to new buildings within the Green Belt and states that planning permission will be granted for a list of exceptions to inappropriate development. This list does not include garages.
5. The proposal is for a detached garage in the front garden of an existing detached dwelling. Residential outbuildings including garages are not within the exceptions list to inappropriate development in either the Framework or Local Plan. Thus, the proposed garage would constitute inappropriate development in the Green Belt.
6. Added to the harm of being inappropriate development is the impact that the proposal would have in diminishing the sense of openness of this part of the Green Belt. The property lies in a rural area at the end of a sporadic group of dwellings. The proposal would add an intensification of urbanising domestic built form to this rural setting. Whilst significantly shielded from public view by mature trees, the introduction of the proposed built form would further diminish the sense of openness of this part of the Green Belt.

Other Considerations

7. The appellant has stated that the proposed garage would be used for part log storage and part hobby car restoration. In the context of exceptions to being inappropriate development as defined in the Framework, I do not consider such a domestic outbuilding of this scale to constitute a building for forestry or to be an engineering operation.

Conclusion

8. In reaching my conclusion, I have had regard to all matters raised. It is necessary to determine whether there are other considerations which clearly outweigh the harm to the Green Belt, and any other harm, hereby justifying the proposal on the basis of very special circumstances. The proposed garage, due to its size and location, would diminish the sense of openness of this part of the Green Belt. Thus, the considerations advanced in support of the proposal do not clearly outweigh the harm it would cause to the Green Belt. In conclusion, I am of the opinion that there are no material factors that would amount to the very special circumstances needed to clearly outweigh the presumption against inappropriate development in the Green Belt. Thus, the proposal would be contrary to policy outlined in the Framework and Local Plan Policies S11 and DM6.

J L Cheesley

INSPECTOR