
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: 26 July 2021

Appeal Ref: APP/W1525/W/21/3273071

33 Mill Lane, Stock, Ingatestone, Essex CM4 9RY

- 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 Paul May against the decision of Chelmsford City Council.
 - The application Ref 20/02022/FUL was refused by notice dated 26 March 2021.
 - The development proposed is 'a set of wooden gates erected on our land adjacent to our house, for security purposes, it was replacing barb-wire and rotten fence posts, where an existing gate hung many years ago. We would also like to erect another matching set of gates at the other end of our land, to enable us to get access to our land/garden with a ride on mower and hedge trimming machinery'.
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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;

the effect of the proposal on the openness of the Green Belt; and

the effect of the proposal on the character and appearance of the surrounding rural area.

Reasons

3. The Council did not raise concern regarding the location of the appeal site within the Green Belt. As I have a duty to determine this appeal against Green Belt policy, I sought the views of both parties on this matter. The Council acknowledged that the site is located within the Green Belt and that an assessment against Green Belt Policy should have followed in the Officer's

report. Given the stage reached in this appeal the City Council did not wish to make further comment.

4. 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.
5. Section 336 of the Town and Country Planning Act 1990 defines a building to include *any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building.*
6. The proposal is for two sets of wooden gates, some 1.8m high and 4.7m wide. One set is already erected with a further set of gates along the site boundary approximately 60m to the northeast. Gates are not within the exceptions list to inappropriate development in either the Framework or Local Plan. Thus, the existing and proposed gates would constitute inappropriate development in the Green Belt.
7. 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.
8. The gates are and will be positioned within an existing hedgerow containing an open field/paddock, which is occupied by an outbuilding located close to the road. Due to the small scale of the gates within an existing hedgerow, I consider that they would have limited impact on the sense of openness of this part of the Green Belt.
9. Beyond the row of dwellings that include the appeal dwelling, the rural area is characterised by grass verges and extensive hedgerows with sporadic residential development. The appearance of this area is of a rural verdant setting. In contrast, the existing and proposed gates, due to their height and solid appearance, introduce incongruous urbanising features into the established hedgerow. This is to the detriment of the verdant character and appearance of this rural area.

Other Considerations

10. I note security concerns and a history of unsocial behaviour by people including attempted break ins and fly tipping. I have great sympathy with this situation. However, gates of such design are not the only solution to such a problem. Therefore, I have attributed limited weight to this matter in my determination of this appeal.
11. The second set of gates are required for access to the land with a ride on mower and hedge trimming machinery. Whilst this may provide some convenience, internal alternative access from within the wider site could be made possible. Therefore, I have attributed limited weight to this matter in my determination of this appeal.

Conclusion

12. 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 gates, due to their size and location, would not significantly diminish the sense of openness of this part of the Green Belt. However, their height and solid appearance would be to the detriment of the character and appearance of the surrounding rural area. Thus, the considerations advanced in support of the proposal do not clearly outweigh the harm it would cause to the character and appearance of this part of 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.

13. The Council considered the proposal to be contrary to paragraph 130 in the Framework (2019). That paragraph sought to ensure that development proposals of poor design are refused. Since the Council made its decision, the 2021 Framework has been published. The proposal would be contrary to paragraph 134 in the Framework (2021) where it requires planning permission to be refused for development that is not well designed. In addition, the proposal would be contrary to Policy DM23 in the Chelmsford Local Plan (2020), where it seeks to ensure that development is compatible with its surroundings. This policy is broadly consistent with the Framework, especially where the Framework seeks to ensure good design.

J L Cheesley

INSPECTOR