
Appeal Decision

Site Visit made on 22 June 2021

by G Pannell BSc Hons MA RTPI

an Inspector appointed by the Secretary of State

Decision date: 9th August 2021

Appeal Ref: APP/B1550/W/20/3266526

Autumn Place, Ironwell Lane, Hawkwell, SS5 4JY

- 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 Bradley Beard against the decision of Rochford District Council.
 - The application Ref 20/00807/FUL, dated 28 August 2020, was refused by notice dated 9 December 2020.
 - The development proposed is demolish existing detached garage and existing storage outbuilding and erect 1 No. dwelling with detached garage. Extend driveway and construct detached garage to serve existing dwelling 'Autumn Place'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework was revised on 20 July 2021 and the Council and appellant have had an opportunity to comment on the implications of this.

Main Issues

3. The main issues are:
 - whether or not the proposal would be inappropriate development in the Green Belt;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the development on the character and appearance of the area,
 - 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

Whether the proposal would be inappropriate development in the Green Belt

4. The appeal site is situated in the Metropolitan Green Belt. The National Planning Policy Framework ('the Framework') indicates (para 149) that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt.

5. The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces, is one of the listed exceptions at paragraph 149(d). I accept that there is a building on the site, however it is not being replaced with a building in the same use and in any event the proposed dwelling is materially larger than the building to be replaced and therefore would not comply with paragraph 149(d).
6. Turning to paragraph 149(e) which permits limited infilling in a village. The characteristics of the area which would receive development are a material factor in considering whether the proposal would constitute such limited infilling. However, the wider built context of the site with the rear of the site being relatively open with glasshouses on either side, all lead me to conclude that the development would not constitute the limited infilling in villages which the Framework considers to be not inappropriate development.
7. Paragraph 149(g) of the Framework which allows for limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt than the existing development. However, the definition of previously developed land excludes land that is or was last occupied by agricultural or forestry buildings and land in built up areas such as residential gardens.
8. Section 336(1) of the TCP Act 1990 "agriculture" includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly;
9. The site previously contained buildings used in connection with horticulture and therefore would be excluded from the definition of previously developed land and therefore would not comply with paragraph 149(g).
10. In not complying with any of the listed exceptions, the scheme would be inappropriate development in the Green Belt, which para 147 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

11. Openness can be defined as the absence of built form. In the case before me the built form and footprint of development would increase above that which currently exists on site. The existing garage is single storey and of limited width and is located at the front of the site and the storage building is located centrally within the site. These ancillary buildings would be replaced with three buildings located to the rear of the existing dwelling, the built form and footprint of development would increase above that which currently exists on site. The development would therefore, in spatial terms, have a greater and harmful impact upon the openness of the Green Belt.
12. However, openness also has a visual aspect as well as a spatial one. I note that the proposed dwelling would be set back from the road and screened by the existing frontage development. The dwelling would be seen within the context

of existing neighbouring dwellings but would extend the residential form away from the existing frontage development.

13. In this instance the effect of the cumulative increased size of the built development would clearly be experienced both visually and spatially. For this reason, the proposed development would compromise the openness of the Green Belt, in that it would be reduced. Whilst the loss of openness would be limited, harm to the Green Belt would occur. This matter carries modest weight in this site-specific circumstance.

Character and appearance

14. The proposal relates to the subdivision of the plot and demolition of the existing outbuildings to enable the construction of a bungalow to the rear. Ironwell Lane is characterised by linear frontage housing which benefit from deep spacious rear gardens. A number of properties have glasshouses to the rear which form part of horticultural business or domestic outbuildings. I consider that the consistent and established pattern of development contributes positively to the character of the area.
15. The subdivision of the plot will result in a dwelling to the rear of the existing properties in Ironwell Lane, which is at odds with the prevailing pattern of development in the immediate area and would result in development that fails to demonstrate that it has been carefully considered in relation to the existing street pattern.
16. The location of the development would be in contrast with the prevailing pattern of development within the area. Its location directly behind the existing dwelling would create a development which would be divorced from the existing street scene. Although the dwelling would not be readily visible from the street, it would be visible from the windows of the existing residential properties and there would be glimpsed views possible between the existing dwellings and access road.
17. For these reasons, therefore, the proposed development would introduce a discordant built form to the locality that would be out of keeping with and harm the character and appearance of the surrounding area. Consequently, it would conflict with policies H1 and CP1 of the Rochford District Council, Local Development Framework Core Strategy 2011 (CS) which seek to promote good design whilst protecting the character of existing settlements and resist the intensification of small sites within residential areas. It would also fail to accord with policies DM1 and DM3 of the Rochford District Council, Local Development Framework Development Management Plan 2014 (DMP) which supports development which is designed to promote the character of the locality and has been designed to reflect the existing street pattern of the locality.

Other Considerations

18. I have taken into account the appellant's wish to provide more suitable accommodation for elderly disabled friends. However, the personal circumstances set out within the evidence before me are not sufficient to outweigh the harm I have identified and therefore I have given this limited weight.
19. I have also had regard to the modest benefits arising from the demolition of the existing workshop and removal of hard surfaces and the extensive tree

planting proposed to the rear of the site and I have given this moderate weight.

Green Belt Balance

20. In conclusion I have identified that the scheme would be inappropriate development in the Green Belt as defined by the Framework and result in harm to the openness of the area. It would, by definition, be harmful to the Green Belt, harm which the Framework indicates should be given substantial weight.
21. Having taken into account the other considerations outlined above, they do not outweigh the substantial weight which must be given to Green Belt harm, and therefore they are not sufficient to demonstrate very special circumstances. Consequently, very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist. The proposal would therefore fail to comply with policies GB1 of the CS which directs development away from the Green Belt as far as practicable and prioritises the protection of it.

Conclusion

22. The proposal would therefore conflict with the development plan and there are no other considerations that outweigh this conflict. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR