



Appeal Decision

Site Visit made on 26 July 2021

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th August 2021

Appeal Ref: APP/W1525/W/21/3273135

New Barnes Cottages, Ingatestone Road, Highwood, Chelmsford, CM1 3QY

- 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 G O'Connor against the decision of Chelmsford City Council.
 - The application Ref 20/01636/FUL, dated 16 October 2020, was refused by notice dated 10 December 2020.
 - The development proposed is described as "construction of new stable building with tack room, hay storage room, foals rearing area".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The stable building was substantially complete, hardstanding had been laid on site and gates had been installed at the site entrance with close-boarded fencing to either side prior to my site visit. I have determined the appeal accordingly.
3. I have omitted the reference to the earlier application from the description of development, and to permission being sought retrospectively, as this does not describe the development the subject of this appeal. However, that previous permission Ref 19/01585/FUL is a material consideration because it can still be implemented as it was granted in November 2019 and the footprints of the two buildings do not overlap.
4. The Government released a revised National Planning Policy Framework in July 2021. The main parties were invited to comment on the revised document.

Main Issues

5. The site is in the Green Belt, and the main issues are therefore:
 - Whether the development proposed would constitute inappropriate development in the Green Belt, including any effect on openness, having regard to the National Planning Policy Framework and any relevant development plan policies,
 - The effect on the character and appearance of the area; and,
 - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

6. Policy DM6 of the Chelmsford Local Plan 2020 (the LP) states that new buildings will not be inappropriate development in the Green Belt where, among other criteria, they provide appropriate facilities for outdoor sport and outdoor recreation as long as it preserves the openness of the Green Belt. Policy S11 of the LP states that the openness and permanence of the Green Belt will be protected and opportunities for its beneficial use will be supported where consistent with the purposes of the Green Belt.
7. These policies are consistent with the fundamental aim of Green Belt policy set out in the National Planning Policy Framework (the Framework) to prevent urban sprawl by keeping land permanently open. The Framework also states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it, including engineering operations.
8. The stable building is a substantial structure that is visible from the road and is a prominent feature of the site. Given its size and siting, it does not preserve either the spatial or visual openness of the Green Belt in this location.
9. The stable building is deeper and taller than the approved building although slightly narrower. Due to the greater height and depth, which is only partially offset by the reduced width, it is materially larger than the approved building. The stable building therefore has a greater impact on both the visual and spatial openness of the Green Belt than the approved building would.
10. In addition to the impact of the building, there is a substantial expanse of hardstanding laid down within the site for access and vehicle manoeuvring. This reduces the extent of undeveloped land within the site, resulting in a loss of spatial openness.
11. Close-boarded fencing has been installed at and alongside the site entrance. This solid fencing substantially reduces the openness of the Green Belt in this location.
12. The development therefore fails to preserve the openness of the Green Belt and is inappropriate development contrary to Policies DM6 and S11 of the LP and of the Framework, the requirements of which are set out above.

Character and appearance

13. The appearance of the building itself is not unusual for a stable building in a rural location. However, when taken together with the extent of hardstanding and the erection of close-boarded fencing at the site entrance, the overall effect of the development is dominant and unsympathetic to the rural setting.
14. The development therefore conflicts with Policy DM23 of the LP, the requirements of which include that development be compatible with its surroundings having regard to scale, siting, form, materials, boundary treatments and landscape.

Other considerations

15. The Framework requires that substantial weight is given to any harm to the Green Belt. The appeal proposal is inappropriate development that results in a loss of Green Belt openness and is also harmful to the character and appearance of the area.
16. Set against this harm, the appellant has identified considerations that they contend weigh in favour of the appeal proposal. The site benefits from substantial screening along Ingatestone Road that largely conceals the building from view, and additional landscaping could be introduced to provide further screening and a biodiversity net gain at the site even allowing for the hardstanding created.
17. The appellant argues that the building is only slightly larger than that which was approved. However, due to the difference in their siting it would be possible to construct the approved building in addition to the existing, and there is no mechanism before me to prevent this occurring. Given that this possibility exists, the relative size of the approved and existing buildings does not weigh in favour of the appeal proposal.
18. The appellant argues that there would be sustainability harm from the demolition of the existing building, as the material could not be reused in implementing the approved permission. Even if it is the case that no material could be recycled, the existing building does not have permission and therefore this carries very little weight in the determination of this appeal.
19. These considerations carry modest weight overall in favour of the development, which does not clearly outweigh the substantial weight that must be given to the Green Belt harm resulting from it. Very special circumstances do not, therefore, exist in this instance.

Other Matters

20. There has been local support for the appeal proposal, given the earlier grant of permission on site. However, this support does not outweigh the harm arising from the development.

Conclusion

21. There are no material considerations to indicate that this appeal should be determined other than in accordance with the development plan.
22. Therefore, for the reasons set out above, the appeal fails.

M Chalk

INSPECTOR