



Appeal Decision

Site Visit made on 28 September 2021

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd November 2021

Appeal Ref: APP/W1525/W/21/3269715

Maltings Road, Rettendon, SS11 7RH

- 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 Cobbing against the decision of Chelmsford City Council.
 - The application Ref 20/00818/FUL, dated 25 May 2020, was refused by notice dated 26 August 2020.
 - The development proposed is creation of vehicular access and gates.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the appellants surname from the appeal form, although I note that different spellings have been used by the Council and within the application form. The appellant's agent has confirmed the correct spelling.
3. The vehicular access and gates are already in place. The reference to the proposal being retrospective is superfluous and I have left it out of my description of development within the banner heading.
4. The description of development has been taken from the application form and I have dealt with the appeal on this basis. The appellant has confirmed within their appeal statement that the boundary fencing does not form part of the proposal before me.
5. I have also dealt with another appeal (APP/W1525/W/21/3269364) on this site. That appeal is the subject of a separate decision.
6. 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 as part of their submissions.

Main Issues

7. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies, including its effects on the openness of the Green Belt and the purposes of including land in it; 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

8. The appeal site is situated in the Metropolitan Green Belt and comprises a rectangular shaped undeveloped parcel of land, which is enclosed by a mixture of hedgerows and fencing. A vehicular access has been constructed onto Maltings Road, and entrance gates have been installed. There are a number of similar plots along Maltings Road, with some used for grazing of horses and some containing a range of buildings.
9. The National Planning Policy Framework ('the Framework') states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy DM10 of the Chelmsford Local Plan 2020 (LP) refers to a change of use of land and buildings and engineering operations. It states that engineering operations will be permitted within the Green Belt where they preserve openness and do not conflict with the purposes of including land within the Green Belt. This is wholly consistent with paragraph 150 of the Framework.
10. Paragraphs 149 and 150 establish that buildings and other forms of development would be inappropriate unless they meet a listed number of exceptions, including paragraph 150(b) which considers engineering operations, such as the vehicular access and associated parking and turning area.
11. Such development would not be inappropriate development provided that they would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. The five purposes of including land within the Green Belt are identified at paragraph 136 of the Framework. Of those, the Council maintains that the development would result in encroachment of development into the countryside.
12. The gates and fencing extend to approximately 1.8m high and extend along the frontage of the site. It has been put to me that the appellant intends to keep horses on the site and therefore requires a vehicular access into the site in order to enable maintenance of the land and to create a secure boundary for security purposes.
13. The appeal site has been partially laid with hardstanding to enable the parking and turning of vehicles. The undeveloped area of the site is overgrown and free of any buildings, albeit a close boarded fence has been erected along one of the side boundaries. Green Belt openness has both a visual and spatial element, and while there would be no new buildings on site as part of this appeal the hardstanding would replace largely undeveloped land. There would therefore be a greater impact on the spatial openness of the Green Belt from the proposed development.
14. The hardstanding would be used for the parking of vehicles. While not fixed objects, the ongoing parking of cars on the site and the potential for the parking area to be required for parking of larger vehicles used in connection with the keeping of horses on the site, would amount to additional harm to

both the visual and spatial openness of the Green Belt. I also consider the proposal to amount to encroachment into the countryside, all-be-it to a limited degree. Therefore, the development conflicts with one of the purposes of the Green Belt.

15. Turning to the proposal for the entrance gates, this type of development is not within the exceptions list to inappropriate development in either the Framework or Local Plan. Thus, the gates would constitute inappropriate development in the Green Belt. 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. As a result of their overall height and solid appearance, I consider that they would have a significant impact on the sense of openness of this part of the Green Belt.
16. Beyond the appeal site, the rural area is characterised by grass verges and extensive hedgerows with sporadic gaps leading to further plots, some of which have gates across their entrances. In contrast, the gates, due to their height and solid appearance, introduce incongruous urbanising features into the established hedgerow. This is to the detriment of the character and appearance of the wider area.
17. The appellant considers that the development should be seen in the context of other various entrances to local properties for which photographs have been supplied. However, I have not been provided with details of the developments' respective planning positions, the relevant application references, specific details of the proposed developments, nor any analysis to show why parallels with the appeal scheme might be reasonably drawn. The example shown at Millview Farm might look similar but, in the absence of any such details or indication of context, I must afford these representations limited weight.
18. The appeal proposal would therefore be inappropriate development contrary to the requirements of policies DM6 and DM10 of the LP and of the Framework, which seek to resist inappropriate development in the Green Belt.

Other Considerations

19. The appellants have indicated that there are material considerations including a fallback position resulting from a reduction in the existing frontage gates to 1m in height. But I note that this has not been established by a lawful development certificate. In any event, I am not persuaded that this provides a realistic fallback as the appellant states that from a security point of view and to ensure the horses which are proposed to be on site remain within the site, the additional height is an essential part of the use of the land. These comments raise doubts as to whether it would be a probable alternative or represent a real prospect for development. Therefore, I have given this consideration limited weight.
20. I note the security concerns raised with regard to anti social behaviour by people including the risks of 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.
21. Although I am satisfied that the visibility splays are adequate and the development is not prejudicial to the free flow of traffic and highway safety in

general there is nothing to demonstrate that any alternative methods of security for the site have been considered nor that some other form of security would not achieve a similar benefit. Further, there is nothing to specifically demonstrate why the development needs to be at the height it is nor why the particular design and form of fencing was employed.

Green Belt Balance and Conclusion

22. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
23. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. I have also concluded that the appeal scheme would result in significant harm to the openness of the Green Belt. Paragraph 148 of the Framework requires substantial weight to be given to any harm to the Green Belt.
24. As explained above I give limited weight to the other material considerations cited in support of the proposal. However, I conclude these circumstances do not clearly outweigh the harm the scheme would cause.
25. Consequently, very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist. The proposal is therefore in conflict with policies DM6 and DM10 of the LP and the Framework.
26. 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

