



## 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: 29<sup>th</sup> November 2021**

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**Appeal Ref: APP/W1525/W/21/3269634**

**Maltings Road, Rettendon, Chelmsford, 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 20/00819/FUL, dated 25 May 2020, was refused by notice dated 26 August 2020.
  - The development proposed is erection of a stable building.
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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. I have also dealt with another appeal (APP/W1525/W/21/3269715) on this site. That appeal is the subject of a separate decision.
4. 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

5. 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;
  - its effect on the character and appearance of the area; 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

### *Inappropriate Development*

6. The appeal site is situated in the Metropolitan Green Belt where the Chelmsford City Council, Local Plan 2013-2036 (LP) policy DM6 states that inappropriate development will not be approved except in very special circumstances. It provides that planning permission will be granted for a number of exceptions, including for the provision of appropriate facilities for outdoor sport and recreation, provided that they would preserve openness.
7. Policy DM10 of the LP provides additional criteria relating to changes of use of existing land and states that the use of land in association with a building should not result in harm to the openness of the Green Belt.
8. These policies reflect the aims of the National Planning Policy Framework (the Framework) and therefore I have attributed weight to them. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
9. Paragraph 149 of the Framework establishes that buildings and other forms of development would be inappropriate unless they meet a listed number of exceptions. The proposed stable building would be a facility for outdoor sport and recreation and would therefore be subject to Paragraph 149(b).
10. This states that such development would not be inappropriate development provided that it 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 138 of the Framework. Of those, the Council maintains that the development would result in encroachment of development into the countryside.
11. The essential characteristics of Green Belts are their openness and their permanence. Having regard to whether openness would be preserved, it is acknowledged that the exceptions set out within paragraphs 149 are generally considered to be acceptable in principle. Any new development under these exceptions would erode openness to some degree, but this in itself would not always fail to preserve openness.
12. The appeal site is a field/paddock which is bordered by both landscaping and fencing and extends down towards the River Crouch. 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 and a number include a range of other buildings located within these plots.
13. The stables would be located with its shortest elevation parallel to Maltings Road. Whilst the proposed stable would be seen within the context of the existing buildings within Maltings Road and would be partially screened from the road by landscaping, it would be a substantial structure where currently no building exists. It would result in a significant increase in built form within the site. Therefore, it would result in moderate harm to the openness of the Green Belt.
14. In not complying with any of the listed exceptions, the scheme would be inappropriate development in the Green Belt, which paragraph 147 of the

Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It therefore conflicts with the purpose of the Green Belt in Framework paragraph 138 c), namely to assist in safeguarding the countryside from encroachment.

#### *Character and appearance*

15. Equestrian activities are evident on neighbouring sites and are therefore not uncommon within the surrounding area. However, any associated development needs to be carried out in a manner which does not detract from the landscape. The proposed stable would be located close to the entrance to the site and would lead to further development along Maltings Road, which is generally characterised by a mix of different buildings and uses.
16. The siting of the stable block, towards the front of the site, and its overall size and scale given its footprint, would result in a prominent structure which would harm the open nature of the countryside and detract from its rural nature. Whilst the stable would be sited along the side boundary of the site, which would go some way to reduce its prominence, the proposed use would lead to a more intensive use of the site, and it is likely to lead to the introduction of a range of equine related paraphernalia.
17. I have had regard to the appellants inclusion of part of the building for storage and it has been put to me that this would resolve the concerns raised relating to the visual impact associated with the proposed use of the site for the keeping of horses. However, whilst feed and bedding would need to be stored internally and any equipment required for the upkeep and maintenance of the grazing land, I am not persuaded that this would entirely remove all paraphernalia associated with the upkeep of the horses on the site. This would add further to the incongruity of the use against the rural character of the immediate area.
18. I have had regard to the other development in the vicinity of the site which include the presence of a stable block opposite the site. I do not have any details of the considerations in these cases, however, the characteristics of each site are different and the circumstances that applied to other cases may not be directly comparable to those before me. In any event, these examples confirm that such developments can be detrimental to the character and appearance of an area and therefore should not be used as a reason to allow a similar development such as that before me.
19. For these reasons, therefore, the proposed development would introduce a discordant built form to the locality, that would be harmful to the character and appearance of the surrounding area. It would be contrary to policy DM6 of the LP which considers the visual impact of the development compared to the existing.

#### **Other Considerations**

20. As set out above, the development constitutes inappropriate development in the Green Belt. I have found it to result in modest harm in terms of loss of openness to the Green Belt. Paragraph 148 of the Framework states substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt is clearly outweighed by other considerations.

21. It has been put to me that the sites subdivision and those of neighbouring plots leads to a physical context which amounts to special circumstances. However, I consider that this subdivision forms part of the character and context of the area but does not reduce the wider appreciation of openness of the Green Belt. I have also had regard to the screening that exists in the form of existing landscaping along Maltings Road within my reasoning above. However, I have not found that this outweighs the harm to the openness of the Green Belt. Therefore, I have given these suggestions limited weight.
22. The appellant considers that the site has no beneficial use, and as such does not contribute positively to the openness of the Green Belt. However, the lack of development on the site, arising from its existing use, contributes to the openness of the Green Belt and leads to a lack of encroachment.
23. I have taken into account the overall size of the site and the extent to which the proposed stable block would result in the development of the frontage of the site, allowing for the remainder of the site to remain open. However, for the reasons I have set out above, the development would fail to preserve the openness of the Green Belt and would conflict with the purposes of including land within it. Therefore, I have given these matters limited weight.
24. The appellant has purchased the land for the purposes of keeping horses, however this was done in the knowledge that the site did not benefit from any existing stable block and as the site was within the Green Belt that planning policies do restrict the scale and form of development permitted, albeit that it does allow for facilities in connection with outdoor recreation. Therefore, I have given this consideration moderate weight.
25. It has also been raised that as there are two proposals on the same site, that they should be considered together. However, the cumulative impact of the developments proposed would only add to my concerns regarding the effect on the Green Belt.

## **Conclusion**

26. In summary, the proposal is inappropriate development in the terms set out by the Framework and fails to preserve the openness of the Green Belt. Having taken into account the other considerations outlined above, they do not outweigh the substantial weight which must be given to Green Belt harm.
27. 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.
28. 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