
Appeal Decision

Site visit made on 8 February 2022

by Stephen Wilkinson BA BPI DIP LA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2022

Appeal Ref: APP/W1525/W/21/3281990

Silverwood, South Hanningfield Road, Rettendon Common, Chelmsford, Essex, CM3 8HE

- 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 S Collins against the decision of Chelmsford City Council.
 - The application Ref 21/00532/FUL, dated 12 March 2021, was refused by notice dated 10 May 2021.
 - The development proposed is construction of an outbuilding for the housing of plant and machinery for the equestrian facility.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has described the proposed development included on the application form, as being for retrospective planning permission. As this is not a description of proposed development, I have deleted this from the banner heading above.

Main Issues

3. The main issues are:
 - Whether the proposed development would be inappropriate development, in the Green Belt, and
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, amounting to very special circumstances necessary to justify the proposal.

Reasons

Whether the proposal is inappropriate development

4. The appeal site forms part of an equestrian centre. The centre includes stable blocks and storage buildings with paddocks. The appeal scheme is for a single storey storage barn located close to the entrance to the equestrian centre accessed from Marks Lane which is both a bridle way and road serving a small group of houses. The building has an area of around 64sm with a ridge height of about 4.2m.

5. The application form states that the purpose of the building is for the housing of plant and machinery for the equestrian centre. My site visit indicates that the building is used for this purpose with small scale agricultural machinery stored and a series of work benches.
6. Paragraph 149b) of the National Planning Policy Framework (the Framework) identifies that the construction of new buildings in the Green Belt are inappropriate. Exceptions to this include the provision of appropriate facilities for outdoor sport subject to them preserving the openness of the Green Belt.
7. Policy DM6 of the Chelmsford Local Plan 2013-2036 (the Local Plan) essentially re-iterates the Framework in respect of the need to preserve the permanence and openness of the Green Belt and identifies the range of exceptions. Policy S11 is broader in scope but again identifies the importance of preserving the openness and permanence of the Green Belt unless very special circumstances prevail.
8. Whilst I accept that the building is being used to support the equestrian centre, I do not accept that it preserves the openness of the Green Belt. Its height in this location close to the boundary of the equestrian centre is clearly visible from locations along Mark's Lane. In this respect it contrasts with other buildings set within the equestrian centre which are set well within the site and are less visible, being screened by the existing hedge.
9. For these reasons, I conclude that the location of the building is in conflict with Policies DM6 and S11 of the Local Plan and the Framework.

Other considerations

10. The appellants case rests on the need for a new storage building because the original building was of sub-standard construction with a poor level of security. It is unclear where this original storage building was located in the centre.
11. Whilst I acknowledge the importance of these issues they are outweighed by the harm which arises from the location and height of the building which is clearly visible and results in harm to the openness of the Green Belt in this location.
12. The Framework states that substantial weight is given to such harm. The other considerations are not, both individually or cumulatively, of such significance as to outweigh the harm that would be caused to the Green Belt by the appeal scheme.

Conclusions

13. Accordingly, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
14. The appeal scheme is in conflict with Policies DM6 and S11 of the Local Plan which seek to only allow development appropriate to its location within the Green Belt.

15. For these reasons the appeal is dismissed.

Stephen Wilkinson

INSPECTOR