
Appeal Decision

Site visit made on 29 June 2022

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2022

Appeal Ref: APP/B1550/W/21/3280883

Newlands Nursery, Chelmsford Road, Rawreth SS11 8SY

- 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 A Lodge of Newlands Nursery against the decision of Rochford District Council.
 - The application Ref 20/00873/FUL, dated 18 September 2020, was refused by notice dated 24 March 2021.
 - The development proposed is the erection of a new horticultural/agricultural workers dwelling – replacement of temporary dwelling
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt;
 - if the proposed development is inappropriate, the effect of the proposed development on the openness of the Green Belt; and
 - whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development

3. The appeal site comprises a parcel of land positioned to the east of the A1245. The site contains an existing dwelling. This is limited in size with a shallow pitched roof, set within a small garden plot. It was approved previously¹ to accommodate a horticultural/agricultural worker associated with the adjoining commercial nursery. The site is within the Green Belt.
4. Policy GB1 of the Rochford District Council Local Development Framework Core Strategy (2011) (CS) sets out that the Council will direct development away from the Green Belt whilst encouraging the continuation of existing rural businesses so long as such activities do not significantly undermine the objectives or character of the Green Belt. Policy DM18 of the Rochford District Council Local Development Framework Development Management Plan (2014)

¹ Ref 08/00268/COU

(LP) in summary, supports proposals for permanent dwellings for agricultural or forestry workers within the Green Belt, subject to a series of caveats.

Paragraph 147 of the National Planning Policy Framework (the Framework) sets out that inappropriate development is by definition harmful to the Green Belt and should not be approved 'except in very special circumstances'. In a similar manner to the CS and LP policies referenced above, one exception to that position is the development of buildings for agriculture and forestry.

5. The proposed development would comprise a permanent worker's dwelling, consisting of a single-storey structure with habitable roofspace. The dwelling would be faced in brick and timber cladding. It would be positioned forward of the existing single-storey structure and be larger in footprint and mass. An area of hardstanding is proposed to the front, forming car parking with areas retained for landscaped front and rear gardens.
6. Whilst new buildings for agriculture and forestry are listed as exceptions in the Framework, the proposed development is for residential use. Consequently, although the dwelling would support agricultural practices, the building would not, technically, be for agriculture or forestry in respect of the Framework.
7. Notwithstanding the above, LP Policy DM18 sets out that new permanent dwellings for agricultural or forestry workers within the Green Belt will be allowed subject to meeting certain requirements. These requirements include, amongst other things, that: (vi) the size of the dwelling is commensurate with the expected functional requirement of the unit, with a preference for bungalows or chalets not in excess of 175sqm of floorspace. This is generally reflective of Framework paragraph 80 that planning decisions should avoid the development of isolated homes in the countryside unless, amongst other things, there is an essential need for a rural worker.
8. The proposed dwelling could reasonably be described as a chalet in reference to (vi). However, the size of the chalet exceeds considerably the policy preference of LP Policy DM18 (vi) that such dwellings should not exceed 175sqm in floorspace. The proposed development would result in a total floorspace of approximately 219sqm.
9. I concur with the Council that the proposed internal standard of accommodation is far in excess of what could reasonably be regarded as 'necessary to meet the expected functional requirement of the unit'. The dwelling would provide three large double bedrooms, a playroom, formal lounge and office and laundry. The proposed office and laundry rooms are contended to be associated with the Newlands Nursery establishment.
10. I acknowledge that the standard of accommodation would be reasonable for future occupiers, having regard to the Technical Housing Standards - nationally described space standard (2015), and would provide accommodation for the rural worker's family. However, there is no substantive evidence before me to justify the need for the integrated office and laundry, claimed to be associated with the wider establishment. As the temporary dwelling has been in-situ since 2008, there is, in all likelihood, no essential requirement for this additional hybrid space.
11. The exceedance of the policy preference of 175sqm, with no substantive evidence to indicate that this is truly necessary, would undermine the policy objectives of LP Policy DM18.

12. I note the appellant's reference to Paragraph 149.d) of the Framework that the replacement of buildings in the Green Belt is not inappropriate development so long as replacement buildings are in the same use and not materially larger than that being replaced. However, as reasoned above and based on the evidence before me, the proposed development would be larger than the existing structure.
13. Consequently, the proposed development would not fall into any of the exceptions listed in paragraph 149 of the Framework. I therefore conclude that it would be inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to this harm. Furthermore, I cannot be confident that the size of the proposed dwelling is commensurate with the expected functional requirement of the unit. In the light of the above analysis, I conclude that the size of the dwelling would be too large to serve this enterprise. The proposed development would therefore be contrary to the relevant provisions of CS Policy GB1, LP Policy DM18, which in summary seek to protect the Green Belt from inappropriate development and to limit the size of agricultural or forestry workers dwellings.

Openness

14. The Framework indicates that openness is an essential characteristic of the Green Belt and a fundamental aim of Green Belt policy is to keep land permanently open. The openness of the Green Belt has both physical and visual dimensions. 'Open' can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible from the public realm.
15. Whilst I accept that the dwelling proposed has been designed with sensitivity to prevailing buildings forms, materials and detailing, and remains smaller in height and overall scale than some nearby buildings, it nonetheless introduces increased built form and massing to the site. The fact that the existing garden plot within which the dwelling is located is already in domestic use does not, in my view, change this effect on openness. Similarly, the overall scale of the proposed dwelling, as reasoned above, is not justified.
16. There are views of the site, all of them limited, from neighbouring properties, users of Chelmsford Road and the drive providing access to the nursery complex. These views are on account of the site's proximity to the main access to the nursery. The scheme would effectively draw development closer to the site access than it is presently. This, combined with the increased scale and massing of the replacement dwelling relative to the existing, would result in it having a greater prominence from these vantage points. It would inevitably be the case that the proposed development would be significantly more visually prominent than the relatively low-lying form of the existing property on site.
17. The appellant contends that the proposed development would result in limited change to the configuration of the site, and that consequently this would have a neutral effect on the openness of the Green Belt relative to the existing situation. I disagree for the reasons set out above. I also note comments in respect of the position of the highway changing over time, the A1245 forming a bypass which pulled the road away from the boundary of the site some time ago. I accept that the highway directly adjacent to the site entrance is now a

cul-de-sac. However, the road is still well used as witnessed during my site visit, allowing views into the site.

18. Accordingly, the proposed development would cause harm to the openness of the Green Belt. The adverse effects would be moderate.

Other Considerations

19. I note the points raised by the appellant in respect of the scheme's compliance with LP Policy DM1 and that the scheme achieves more than adequate car parking and amenity space. I also note the reference to compliance with LP Policy DM3 and that the scheme would not constitute backland or infill development. These matters are not in dispute and those in respect of Policy DM1 are private benefits. I therefore give this matter minimal weight.
20. I acknowledge the success of the business as a specialist plant supplier in the area and the economic benefits of this, supporting the employment of five permanent staff together with up to five seasonal staff. Nevertheless, issues relating to need, viability and horticultural justification are not in dispute between the main parties. I therefore give this matter limited weight.
21. I accept that CS and LP policies predate the latest Framework. However, I consider both CS and LP policies to be broadly consistent with the objectives of the Framework insofar as preserving the openness of the Green Belt is concerned. As reasoned above, I have found that the proposed development would not achieve this. I give this matter limited weight.

Green Belt Balance

22. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition, there are adverse impacts on openness here. Substantial weight should be given to the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
23. Cumulatively, I attach no more than limited weight to the benefits of the proposed development which make up the other considerations. As such, the other considerations do not clearly outweigh the harm to the Green Belt.
24. Consequently, the very special circumstances necessary to justify the development do not exist. The proposed development would not therefore accord with the Green Belt aims of CS Policy GB1, LP Policy DM18 or the Framework.

Conclusion

25. For the above reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal should be dismissed.

A Price

INSPECTOR