
Appeal Decision

Site visit made on 9 August 2022

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 September 2022

Appeal Ref: APP/W1525/D/21/3287052

2 Mill Hill Farm Cottages, Chalk Street, Rettendon, Chelmsford CM3 8DE

- 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 Mrs C Saunders against the decision of Chelmsford City Council.
 - The application Ref 21/01537/FUL, dated 19 July 2021, was refused by notice dated 8 October 2021.
 - The development is described as the retention of a timber outbuilding.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During my site visit I saw that the outbuilding had been erected. However, the submitted drawings show two doors providing access to the building which, at the time of the site visit, were not yet in place. I have assessed the appeal on the basis of the submitted drawings.
3. The description of the development above is taken from the application form. 'Retention' is not however an act of development and I have assessed the proposal as 'a timber outbuilding'.

Main Issues

4. The main issues are:
 - Whether the development would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the 'Framework') and relevant development plan policies;
 - the effect on the openness of the Green Belt;
 - the effect on the setting and significance of the grade II listed building at 2 Mill Hill Farm Cottages; 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 development.

Reasons

Whether inappropriate development

5. The appeal site, containing a two-storey semi-detached dwelling along with a number of smaller outbuildings including the appeal outbuilding, is located

within a rural area within the Green Belt. Paragraph 149 of the Framework indicates that the construction of new buildings in the Green Belt are inappropriate subject to a number of exceptions. Policy DM6 of the Chelmsford Local Plan (the CLP) 2020 also indicates that development within the Green Belt will not be permitted subject to a number of exceptions, which are broadly consistent with the Framework's approach.

6. The exceptions in both paragraph 149 of the Framework and Policy DM6 include buildings for agriculture and forestry. Whilst the outbuilding is to be used for the storage of equipment to maintain the adjacent land owned by the appellant, no evidence has been provided to suggest that this is agricultural land and on my site visit I saw no evidence to suggest as such. Therefore, the development would not fall under this exception.
7. The appellant also indicates that the development could fall under Policy DM6 (B) of the CLP, which states that the redevelopment of previously developed land would be an exception to inappropriate development where planning permission will be granted. However, the photograph submitted by the appellant showing a caravan in a similar location to the appeal development does not demonstrate the existence of hardstanding or previous development prior to the appeal development taking place. Accordingly, there is no substantive evidence to show the existence of a previously demolished structure in this location and the proposal does not fall within the exception set out in the CLP Policy DM6 (B), this cannot form part of my considerations.
8. Consequently, as the development does not fall under any of the exceptions within paragraph 149 of the Framework or Policy DM6 of the CLP it would be inappropriate development within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt which, in accordance with paragraph 148 of the Framework, should be given substantial weight.

Openness

9. The Framework establishes that the essential characteristics of Green Belts are their openness and their permanence. The Courts have confirmed that the openness of the Green Belt has a spatial aspect as well as a visual aspect. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result. But equally this does not mean that the openness of the Green Belt has no visual dimension.
10. The development has introduced a new outbuilding on an open and seemingly undeveloped part of the appeal site which is substantial in size. Due to the volume and bulk of this building, along with the gravel path providing access from the host dwelling, the development has a significant spatial impact on the openness of the Green Belt. In addition, although the building is partially screened by mature hedgerow and other outbuildings around it, it is visible from the road via the entrance to the field, thereby eroding the visual openness of the site. Given the above the development has had an adverse spatial and visual impact on the openness of the Green Belt, in that it is reduced, resulting in moderate harm to the Green Belt.

Setting of the Listed Building

11. The development is located close to the main dwelling on the appeal site, 2 Mill Hill Farm Cottages, which is a grade II listed building. The listing states that

that it is a farmhouse of seventeenth century origin, and I consider that the rural character of the land around the building currently provides a positive contribution to the setting of the listed building, whose significance is derived from its historic value and architectural details.

12. Whilst the appeal development has a low roof pitch and boxy form, the timber building has a rural form and usage which is in keeping with the character of the listed building, as a farmhouse, and the surrounding rural area. It therefore does not appear as a conspicuous addition to the appeal site, the locality or the setting of the listed building.
13. Moreover, between the listed farmhouse and the outbuilding, the subject of this appeal, are a number of outbuildings and hardstanding. The appeal development is located some distance from the main dwelling itself and is visually separate from the listed building, with limited views between the two, due to screening from the existing outbuildings. Therefore, it does not erode the existing character around the listed building.
14. Consequently, I conclude that the development has a neutral impact on the setting of the heritage asset and does not have a harmful impact on the setting or significance of the grade II listed building, 2 Mill Hill Farm Cottages, or the rural area. In this regard the proposal complies with Policy DM13 of the CLP, which seeks to preserve listed buildings and permitting proposals where development within the setting of a listed building would not adversely affect the significance of the listed building, including views to and from the building, landscape or townscape character, land use and historic associations. It also accords with the historic environment requirements of the National Planning Policy Framework.

Other Considerations

15. Substantial weight should be given to any harm to the Green Belt. Development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations, which will be considered below.
16. The appellant has highlighted that there is a new housing development opposite the appeal site and outbuildings at the neighbouring site, 1 Mill Hill Farm Cottages. Whilst noting these developments, the circumstances surrounding them are unknown, including those factors which may have made them acceptable. Furthermore, the outbuilding specifically highlighted by the appellant at 1 Mill Hill Farm Cottages is located much closer to the host dwelling than the appeal development before me and would therefore have a different impact on the Green Belt. Therefore, the appeal development and the neighbouring developments are not directly comparable and whilst they may have a larger impact on the openness of the Green Belt, this does not make the harm found, in this instance, acceptable.
17. It is noted that the proposal has been designed to appear as a typical field stable within a rural environment, with a low profile to lessen the impact on the surrounding area. However, an absence of harm in this regard is a neutral factor in my consideration of this appeal, which neither weighs in favour of or against the development.

18. The appellant has stated that the land is well-kept and has recently been used to grow flowers and fruits which will improve the local ecology in the area. Whilst I appreciate that the appeal development would support this endeavour, through the storage of equipment to maintain the land, alternative provision could be sought which would attract less harm to the Green Belt, such as the use of the existing outbuildings on the site. Therefore, this would attract only limited weight in support of the proposal.

Planning Balance and Conclusion

19. Although the development would not harm the setting or significance of the grade II listed building, I find that the other considerations in this case do not clearly outweigh the harm to the Green Belt, in terms of a loss to openness and inappropriateness that I have identified. Consequently, the very special circumstances necessary to justify the development in the Green Belt do not exist. Therefore, the development conflicts with Policy DM6 of the CLP which seeks to protect the Green Belt, and the Green Belt objectives of the Framework.
20. Therefore, for the reasons given above and having had regard to all other matters raised, the development conflicts with the development plan taken as a whole. There are no material considerations that indicate that a decision should be made, other than in accordance with the development plan. The appeal is therefore dismissed.

E Grierson

INSPECTOR