



Appeal Decision

Site visit made on 22 March 2023

by Anne Jordan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 March 2023

Appeal Ref: APP/M1520/D/22/3291756

Homeacre, Windermere Road, Benfleet, Essex, SS7 3HX

- 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 Stephen Upton against the decision of Castle Point Borough Council.
 - The application Ref 21/0903/FUL, dated 17 September 2021, was refused by notice dated 15 November 2021.
 - The development proposed is "proposed free standing gym with home office in roof space".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Castle Point Local Plan was withdrawn on the 15th of June 2022. I have therefore not had regard to the policies within it in this decision.

Main Issues

3. The main issues are:
 - Whether the proposal is inappropriate development for the purposes of the *National Planning Policy Framework* (the Framework);
 - The effect of the proposal on the openness of the Green Belt and the wooded character of the Great Burches Landscape Improvement Area (LIA);
 - 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

4. Homeacre is a detached dwelling located within the Metropolitan Green Belt, within the Great Burches Landscape Improvement Area (LIA) to the north of South Benfleet. The property has a large, detached garage to the rear, and the garden, which extends to some distance from the house, has a number of mature trees which partly screen the site from the adjoining Coniston Road. A small domestic shed currently sits on the site of the proposed outbuilding, adjacent to the site boundary.

5. Paragraph 89 of the Framework sets out the categories of buildings considered to be not inappropriate development in the Green Belt. These include the replacement of a building provided it is not materially larger than the one it replaces. It also allows for the extension of an existing building, provided it does not result in disproportionate additions over and above the size of the original building.
6. The proposed development comprises a large detached two storey outbuilding, intended to provide a home office and gym. The building would be located along the eastern boundary of the garden, around 14m from the dwelling. The appellant has calculated that the additional floorspace proposed would result in a 43.6% increase in footprint of the original house and a 42.4% increase in floorspace of the original house, which includes the detached garage. An increase of around 42% of the original floorspace would, to my mind, represent a very substantial enlargement of the original building. The building would measure 6m deep and 7.64m wide. An external staircase is proposed to the northern side of building which would be two storeys, measuring 5.7m in height. The building would have a 45.84m² footprint and over 2 storeys would have a floor area of 91.68m². It would be a substantial structure in its own right and having regard to the size of the original building would, if considered to be an extension, be a disproportionate addition.
7. The Council consider the structure to be a new building in the Green Belt, rather than an extension of an existing building. I am mindful that physical separation on its own does not prohibit a building being considered as a domestic adjunct¹. Nevertheless, in this case, although it is proposed for use in association with the main dwelling, the size of the structure, its self-contained design, and the extent to which it would be removed from the main dwelling, indicate to me that it would not reasonably be considered as an addition or alteration to the main dwelling, but rather a new building in the Green Belt. As the building would replace a modest 6m² shed it would, by any reasonable assessment, be substantially larger than the building that it would replace.
8. Accordingly, I find that, based on the evidence before me, I cannot conclude that the proposal falls within any of the stated exceptions in paragraph 89 of the Framework and so I must conclude that the proposal would comprise inappropriate development. The Framework is clear that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. This harm must carry substantial weight.

Openness and Character of the Green Belt

9. The proposal would be partly set in from the boundary with Coniston Road. Although this boundary is marked by trees, gaps in the tree cover provide open views into the appeal site. The building would also be visible through the gap in the frontage made by the vehicular access to the rear of the dwelling. Due to its size and position the building would be clearly visible and the additional built form would nonetheless cause a harmful reduction in openness within the Green Belt. I attribute moderate weight to the harm that would arise to openness of the Green Belt as a result of the proposal.
10. The Council consider that the proposal would lead to a loss of trees in or near the site boundary. I noted on site that 2 trees lay close to the footprint of the

¹ Sevenoaks District Council v SSE and Dawe [1997]

proposed dwelling. The tree to the south was semi mature and was, to my mind, far enough way from the building to be capable of being retained. The tree to the north lay closer to the building footprint and would overhang the stairs to the upper floor. I am conscious that even if the root protection area of this tree could be protected during construction, its close proximity would undoubtedly lead to future pressure for its removal.

11. The trees on site are not protected but they contribute to the verdant character of the Great Burches LIA. The appellant has commented that any trees at risk could be replaced and that this could be secured by condition. Although replacement planting would take a considerable length of time to become established it would, nonetheless, be sufficient to off-set the limited harm that would be caused by the removal of a single tree along the Coniston Road frontage. Accordingly, I find no conflict with EC20 and EC22 of the adopted Local Plan which together seek to resist proposals which would lead to the loss of trees or a deterioration of the landscape in this location.

Very Special Circumstances

12. The proposal would include the removal of the existing shed. This has a conventional domestic appearance and so its removal would not represent an improvement in the appearance of the area or a benefit of the scheme.
13. The proposal would provide enhanced accommodation for the appellant and his family, providing purpose-built exercise and office accommodation. This would lead to reduced car journeys and vehicular emissions from the residents of Homeacre which would be a limited benefit, commensurate with the scale of the development.
14. The Framework advises that the 'very special circumstances' necessary to justify development in the Green Belt will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. The identified benefits of the scheme would not be so extensive as to represent the very special circumstances necessary to justify the harm that the proposal would cause by way of inappropriateness, and to Green Belt openness.

Conclusion

15. Accordingly, whilst I find no conflict with policies EC20 and EC22 of the Local Plan, the proposal is contrary to Green Belt policy contained within the Framework. For the reasons given above, and having regard to all other matters before me, I dismiss the appeal.

Anne Jordan

INSPECTOR