



Appeal Decision

Site visit made on 3 July 2023

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2023

Appeal Ref: APP/B1550/W/22/3310015

Ashdene, Canewdon Road, Ashingdon, Essex SS4 3JJ

- 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 Sharp against the decision of Rochford District Council.
 - The application Ref 22/00430/FUL, dated 26 April 2022, was refused by notice dated 12 October 2022.
 - The development proposed is described as "Change of use of green belt land to garden use ancillary to main house and retention of existing outbuilding. This will provide private amenity space not visible in its location from the highway. The impact of the replacement outbuilding and its location has minimal impact on any neighbours. We have included neighbour support for the retention of this in its location. The size of the area to be used as garden space is not out of proportion with the size of the existing garden and is less than the double area of the existing garden as limited in the management plan policy 3.82. In reference to policy 3.83 it does not impinge on the openness of the green belt and will not cause any disturbance".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note that this is a retrospective application, and that the development has already been carried out as shown on the submitted plans. The description refers to a replacement outbuilding. However, the previous building has been removed and was positioned in a different location to the outbuilding now on the site. On this basis, I have dealt with the proposal as a new building.
3. The appellant has indicated that the area of land subject to the change of use can be changed to a more regular shape, but I must determine the appeal on the basis of the submitted plans considered by the Council.
4. The appellant was not made aware of my site visit in advance. However, I was still able to carry out the site visit and nobody was prejudiced by me doing this.

Main Issues

5. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect on the openness and purposes of the Green Belt; 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 required to justify the proposal.

Reasons

Inappropriate development

6. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. However, paragraphs 149 and 150 list certain forms of development that are not inappropriate in the Green Belt. Ashdene and the neighbouring dwellings are washed over by the Green Belt.
7. The appellant states that the outbuilding is used as a shed for agricultural and equestrian equipment associated with maintaining and keeping horses on land to the rear of the appeal site, has no utilities and is uninhabitable. The area behind the outbuilding is largely laid to grass and, although only a snapshot in time, there were no horses on it at the time of my site visit. There is limited evidence that it could be lawfully used for equestrian purposes. In any event, the location of the outbuilding within the extended garden means that it relates to the domestic use of the property.
8. In terms of new buildings which are not inappropriate development in the Green Belt set out in the Framework, the building does not relate to agricultural, forestry, outdoor sport, or outdoor recreation use. The development is not the extension, alteration or replacement of a building, limited infilling in a village, does not provide affordable housing and is not infilling or redevelopment of previously developed land. Therefore, the outbuilding is inappropriate development in the Green Belt.
9. There are circumstances where material changes in the use of land are not inappropriate in the Green Belt under the Framework, but this is subject to preserving its openness and not conflicting with its purposes, matters which are considered below.

Openness and Purposes

10. As set out in the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness has both spatial and visual dimensions. Policy DM22 of the Rochford Local Development Framework Development Management Plan 2014 (DMP) relates to extensions of domestic gardens in the Green Belt, requiring them to ensure a defensible and robust Green Belt boundary and to not impact on its openness or undeveloped character through the erection of additional buildings.
11. The area subject to this appeal lies predominantly within a large, grassed piece of land to the rear of the adjacent property "Alma". Close boarded fences define the rear garden boundaries of "Alma" to the east and the other neighbouring property "Santoy" to the west. Some land at the end of the garden of the host property, beyond the line of the neighbouring fences, is in use as an extension of the residential garden, and the Council has recently refused a Lawful Development Certificate for this use (ref 22/00431/LDC).
12. The outbuilding results in built development where previously there was none. The appellant states that the amount of land for the use is the minimum required, changing it to a more regular shape would increase its size and it has

not been enclosed by boundary treatments. However, the introduction of built development and the residential use of part of an open area beyond the existing residential boundaries causes harm to spatial openness. Its irregular L-shape, together with its projection into undeveloped land, also erode the existing strong and defensible residential curtilage boundaries formed by the rear garden fences on the adjacent properties.

13. There are limited views of the development from Hillsboro Road due to the boundary fence and hedge alongside the unmade track. However, it is visible from neighbouring land and, as such, there is harm to visual openness.
14. The purposes of the Green Belt include assisting in safeguarding the countryside from encroachment. The extension of the domestic use into an undeveloped area beyond the existing garden boundaries has resulted in encroachment into the countryside.
15. For the reasons above, I conclude that the outbuilding is inappropriate development in the Green Belt. As the garden use ancillary to the main house does not preserve the openness of the Green Belt and conflicts with the purposes of including land within it, this is also inappropriate development in the Green Belt. As such, the development conflicts with Policy DM22 of the DMP and the Framework.

Other considerations

16. There is some evidence of a caravan and outbuilding being previously sited on land nearby and the appellant states that the existing outbuilding replaces these with a smaller structure. As the previous buildings have been removed and there is little evidence that they were lawful, I give this matter very limited weight.
17. The appellant considers that the work that has taken place on the site, including the removal of the previous buildings in the Green Belt and their replacement with the shed, has improved the appearance of the area and not caused harm to neighbouring occupiers. There is also some support for the proposal from local residents. I accord these matters some weight.
18. There is no dispute that the land subject to this application is not out of proportion to the existing garden. The appellant also states that there is no need for boundary fences or the reopening of the access road. Nevertheless, compliance with the development plan in relation to these matters is a neutral factor.

Green Belt Balance and Conclusion

19. 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. Substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
20. I give very limited weight to the caravan and outbuilding previously sited on land nearby. I accord some weight to the improvement to the appearance of the area, the lack of harm to neighbouring occupiers and to the support for the proposal from local residents. Therefore, the substantial weight to be given to

Green Belt harm is not clearly outweighed by other considerations to demonstrate very special circumstances. As such, the development is contrary to Policy DM22 of the DMP and the Framework.

21. For the reasons set out above, I dismiss the appeal.

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INSPECTOR