



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: 29 August 2023

Appeal Ref: APP/B1550/W/22/3310173

Land adjacent Ardleigh House, Hall Road, Rochford SS4 1PD

- 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 J Butcher against the decision of Rochford District Council.
 - The application Ref 22/00089/FUL, dated 20 January 2022, was refused by notice dated 20 July 2022.
 - The development proposed is described as “conversion of stable buildings currently under construction into a 2 bed dwelling”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There is a planning permission for stables to be erected on the appeal site (Appeal Ref: APP/B1550/W/15/3132108) and the evidence before me indicates that the construction of these has commenced. However, at my site visit I saw construction works on the plot limited to the insertion of wooden posts into the ground. I have taken account of the extant planning permission as well as the current stage of construction of the stables in my assessment.
3. The appellant’s general dissatisfaction with the Council’s approach and their interactions with the Council during the application process is a matter between those parties and it cannot have any bearing on my determination of this appeal.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the development on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area; and
 - whether any 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 the proposal would represent inappropriate development

5. The site is located within the Green Belt as identified in the Council's Allocations Plan 2014. Policy GB1 of the Council's Core Strategy 2011 (the Core Strategy) seeks to direct development away from the Green Belt and prioritises its protection having regard to the purposes of Green Belt.
6. Paragraph 149 of the Framework lists the types of new buildings that are not inappropriate in the Green Belt, subject to certain conditions. These include limited infilling in villages (paragraph 149(e)) and the redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development (paragraph 149(g)).
7. With previous appeal decision reference number APP/B1550/W/18/3202561 an Inspector found that the appeal site was not part of a village and so the proposed residential development was not limited infilling in a village. The appellant has not sought to dispute the Council's claims that the current proposal would also not be limited infilling in a village. Therefore, I find the proposal would not comply with the exception in paragraph 149(e) of the Framework.
8. The definition of previously developed land in the Framework refers to land which is or was occupied by a permanent structure, and it does not exclude equestrian development. However, the minor nature of the works that have been carried out in the construction of the approved stables as well as the overgrown nature of the majority of the site indicate that it does not properly meet the Framework's definition. Therefore, the proposal would not involve the redevelopment of previously developed land, and Policy DM10 of the Council's Local Development Framework Development Management Plan 2014 (DMP) does not apply. It also follows that the development would not constitute an exception as set out under paragraph 149(g) of the Framework.
9. There is no case made that the proposal would not constitute inappropriate development in the Green Belt for any other reasons. As such, I find the appeal proposal would be inappropriate development in the Green Belt.

Openness

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 is the absence of development and has both spatial and visual dimensions.
11. Currently, the site is largely overgrown with high hedges along the rear and west boundaries. Several timber posts have been installed in the rear part of the site but compared to the current situation the proposal would significantly increase the amount of development on it. The volume of the proposed building would inevitably lead to a loss of spatial openness. This would be appreciated from the street and so there would also be an erosion to the visual openness of the site.
12. The effect on openness is not only related to the size of the proposal but also its purpose and the intensity of its use. The introduction of a dwelling on the site would result in the creation of a garden with its associated domestic paraphernalia. Also, the proposed hardstanding would be used for the turning, manoeuvring, and parking of vehicles. Such features and activities would also reduce spatial and visual openness compared to the existing use of the site.

13. Development along the south side of Hall Road has a loose knit, open character. Whilst the site is relatively self-contained and there are limited views of the fields surrounding Stroud Green, it forms a green space in a gap between the neighbouring dwellings, Patricia Villas and Ardleigh House. The proposal would erode this gap, causing harm to the spacious character of the site. Overall, I find the development would cause moderate harm to the openness of the Green Belt.

Character and appearance

14. The site lies between Patricia Villas, a pair of semi-detached houses, and Ardleigh House, a detached dwelling set back from the road on a large plot. The existing properties in the vicinity are largely two-storey villas with white rendered walls but there are some lower buildings in the locality, including a single storey stable building to the rear, and smaller houses and agricultural buildings on the opposite side of the road.
15. The proposed house would be sited towards the rear of the site, in the same location as the stables which have extant planning permission. It would have the same single storey L shaped form, roof design and finishing materials as the previously approved building. The only difference in the proposed structure would be the installation of windows and a door instead of stable doors, and additional window openings on non-road facing elevations. The dwelling would not reflect the design and scale of the neighbouring properties but given the range of buildings in the wider area and its similarity to the stables previously approved, the proposed house would not be incongruous in the streetscene.
16. For these reasons, I conclude that the development would not harm the character and appearance of the area. It would comply with Policy DM1 of the DMP where it requires the scale and form of development to be appropriate to the locality. It would also accord with the Framework which requires development to be sympathetic to local character.

Other considerations

17. The extant planning permission for stables and a copy of the previously approved plans have been provided. Construction of the stables has commenced and there is a realistic prospect that these would be completed in the event of this appeal failing. The erection of the approved development to its full extent would itself reduce the openness of the site. However, compared to the approved stables, the appeal proposal would create a more residential environment, including the provision of domestic paraphernalia in the garden area. As such, the approved stables would not be as detrimental as the proposed dwelling to Green Belt openness. Therefore, I give limited weight to the extant permission for stables as a fall back position.
18. The appellant also considers that the site is close to the defined settlement of Rochford, accessible to facilities on foot and by bike and that it has good connections to the strategic road network. Whilst the site is near a public house and major roads, I have limited evidence before me to show that other facilities could be accessed other than by private car. Therefore, I afford this matter limited weight.
19. The Council raises no concerns in relation to several matters, including highways issues, effects on ecology, trees and heritage assets, contamination,

drainage, and impacts on living conditions. Acceptability in relation to these issues is a neutral factor.

Green Belt Balance and Conclusion

20. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. These will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations. Substantial weight should be given to the harm caused to the Green Belt. In addition, there would be adverse impacts on openness, particularly when assessed against the current position. I have found the proposal would not harm the character and appearance of the area. This factor is of neutral weight in my assessment.
21. I give limited weight to the extant permission for stables and to the proximity of the site to Rochford, facilities, and the strategic road network. Therefore, the identified harm to Green Belt and other harm is not clearly outweighed by other considerations. Consequently, very special circumstances do not exist. As such, the development would be contrary to Policy GB1 of the Core Strategy and the Framework.
22. For the reasons set out above, I dismiss the appeal.

A Wright BSc (Hons) MRTPI

INSPECTOR