



Appeal Decision

Site visit made on 22 August 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th September 2023

Appeal Ref: APP/B1550/W/22/3304663

Piggeries, Lincoln Road, Rochford, Essex SS4 3AF

- 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 T Hall against the decision of Rochford District Council.
 - The application Ref 22/00123/FUL, dated 2 February 2022, was refused by notice dated 30 June 2022.
 - The development proposed is to demolish all existing buildings to erect 2no four-bedroom bungalows with garages and stables.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are:
 - Whether or not 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; 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

Inappropriate development

3. The appeal site is located within the Metropolitan Green Belt (Green Belt). Paragraph 137 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
4. Paragraph 149 of the Framework states that the construction of new buildings within the Green Belt should be regarded as inappropriate subject to a number of identified exceptions. One such exception, at paragraph 149 (g)(i), allows for the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development.
5. The main parties agree that the site is previously developed land. Based on the information before me I have reached the same finding and, therefore, my

conclusions as to the effect on openness will determine whether the proposal is inappropriate development.

6. Openness has both spatial and visual aspects. The existing buildings are located across approximately half of the appeal site frontage and along much of one of the side boundaries. They are contained within the site by a tall fence along the front and hedge along the rear and part of the side boundaries. Consequently, such buildings are not readily visible from Lincoln Road thereby reducing their visual impact on openness.
7. In contrast, the proposed buildings would have a larger volume than the existing and would span across most of the site frontage, thus extending into an area of the site that is currently devoid of structures. Furthermore, the appeal proposal, unlike the existing buildings, would be highly visible from Lincoln Road. Overall, notwithstanding that the development on the site would be consolidated into a smaller number of buildings, the proposal would be perceived as a materially larger built mass in comparison to the existing.
8. Accordingly, the appeal proposal would have a greater spatial and visual impact on openness than the existing buildings within the site. Such an impact would not be sufficiently offset by a reduction in the overall floorspace of buildings on the site. In addition, given the lack of visual prominence in public views, the removal of buildings, an increase in green space through an overall reduction in the extent of hard surfaces, and a general tidy up of the site would not address the harm to openness. Therefore, the proposed development does not fall within the exception that is set out at paragraph 149(g)(i) of the Framework.
9. A further exception at paragraph 149(g)(ii) relates to proposals to re-use PDL to meet affordable housing needs in the area. That exception does not apply in that the appeal proposal does not relate to affordable housing.
10. The appellant has suggested that the proposed garages could be omitted to reduce the volume of the proposed development. The information before me, however, does not include a calculation of the proposed development excluding the garages and as such I cannot be certain its volume would not exceed that of the existing buildings. Furthermore, whilst the removal of the garages would create greater space, the proposed development would still span across much of the site frontage and would be highly visible from the road. In addition, vehicles would be parked in the open on the site and this, and the associated comings and goings, would intrude into the Green Belt openness.
11. Therefore, even if I were satisfied that the volume of the proposed development, excluding the garages, would be no greater than the existing, the extent to which the development would affect the visual openness of the Green Belt would not be materially reduced. Consequently, the proposed development, excluding the garages, would also not fall within the paragraph 149(g)(i) exception.
12. Accordingly, the proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would conflict with the Framework as it would fail to assist in safeguarding the countryside from encroachment and would not comply with the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open.

13. The proposal would also conflict with Local Development Framework Core Strategy (2011) (CS) Policies GB1 and GB2 which seek to direct development away from the Green Belt as far as is practical and maintain a restrictive approach to development within it. Such policies are, however, not fully consistent with the Framework which confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Whilst, in accordance with paragraph 219 of the Framework, such policies do not carry full weight, they, nonetheless reinforce the conflict with the Framework that I have identified.

Other Considerations

14. The appellant states that there is not an up to date 5-year housing land supply, which is not disputed by the Council. I have therefore considered the appeal against the general thrust of national policy that seeks to boost housing provision. However, the Framework indicates that the presumption in favour of sustainable development does not apply where the application of policies that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. The Green Belt is one such area, and, as set out above, the proposal is contrary to the relevant policies of the Framework in regard to the Green Belt.
15. Nonetheless, the proposed development would make more efficient use of land and would assist in boosting the housing supply in a location which has some accessibility to services and facilities by means other than the private vehicle. In addition, there would be economic and social benefits resulting from the construction and occupation of the dwellings. However, given the limited scale of the development, as there would only be a gain of 2 dwellings, these are only moderate benefits.
16. Proposals are to be determined against the development plan unless material considerations indicate otherwise. Whilst the Council, in this regard, has not referred to the proposal being contrary to development plan policies I have, nevertheless, identified conflict with CS Policies GB1 and GB2 as set out above. Moreover, even if I had not identified any such conflict the harm to the Green Belt and the provisions of the Framework are compelling material considerations.

Special Protection Areas and Special Areas for Conservation

17. The site falls within the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy Zone of Influence for one or more of the European designated sites. If the circumstances leading to the grant of planning permission had been present, I would have considered the implications further, in accordance with the Conservation of Habitats and Species Regulations 2017. However, as I am dismissing the appeal on the main issue above, I have not found it necessary to consider such matters any further as this would not alter the outcome of the appeal.

Green belt balance

18. I have concluded that the appeal scheme would be inappropriate development and is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I have also found harm to the openness of the Green Belt. The Framework, at paragraph 148, states that substantial

weight should be given to any harm to the Green Belt and very special circumstances will not exist unless that harm, and any other harm, are clearly outweighed by other considerations.

19. The other considerations I have identified are of limited to moderate weight in favour of the proposal. Consequently, these considerations, along with all other matters identified in the evidence, do not clearly outweigh the substantial weight to be given to the identified harm to the Green Belt, either individually or collectively, so as to amount to the very special circumstances necessary to justify the development.

Conclusion

20. The proposed development conflicts with the development plan and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
21. I therefore conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR