



Appeal Decision

Site visit made on 25 June 2024

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd July 2024

Appeal Ref: APP/C1570/W/23/3328133

Moss Tan, Chelmsford Road, White Roding, Essex, CM6 1RG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Miss and Mr C and W Richards against the decision of Uttlesford District Council.
 - The application Ref is UTT/23/0076/FUL.
 - The development proposed is the erection of 4no. detached dwellings (existing buildings to be demolished).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments. References to paragraph numbers in this decision relate to the most recent version.

Main Issues

3. The main issues are:
 - a) whether the proposal would be inappropriate development in the Green Belt considering the effect of the proposal on the openness of the Green Belt, and having regard to the Framework and any relevant development plan policies, and
 - b) 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 inappropriate development and effect on openness

4. The appeal site is within the Green Belt wherein policy S6 of the Uttlesford Local Plan 2005 (ULP) applies. Although this policy contains limited detail on the approach to development in the Green Belt, the supporting text explains that within the Green Belt development will only be permitted if it accords with national planning policy on Green Belts. Despite the age of the ULP, I have taken this to mean Chapter 13 of the current Framework and related sections of the Planning Practice Guidance for the purposes of this appeal.

5. Paragraph 142 of the Framework identifies that the fundamental aim of the Green Belt is to prevent urban sprawl and keep land permanently open. Paragraph 154 establishes that new buildings would be inappropriate unless it meets a listed exception. The relevant exception here is (g), limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development; or, not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
6. The proposal relates to previously developed land. The land comprises a yard with areas of hardstanding and a further, largely undeveloped, grassed area towards the rear. Within the yard there is one, centrally located, barn together with a series of other outbuildings in both brick and timber construction in addition to mobile homes and shipping containers. It has been suggested that some of these may not be lawful. However, I have no detail on which structures are in question. Even so, it does not change my reasoning here, as, even assuming that all structures on site are lawful, the proposed development would be significantly in excess of the existing development on the site in terms of its built form and consequent impact on the openness of the Green Belt.
7. The largest existing structure on the site, the centrally located barn, is broadly comparable to one of the proposed four dwellings. The other remaining existing structures on the site are comparatively diminutive in their appearance. The size and scale of the proposed dwellings, together with the overall spread across the site, would have a substantially greater impact on the openness of the Green Belt than the existing development in both a spatial and visual dimension. In spatial terms the floorspace and volume of the buildings would clearly be well in excess of the existing development. In visual terms, the overall impression of the proposal would be one of four substantial detached houses which would be spread across much of the site and increase the built form in both height, overall mass and by extending it towards the open fields to the south, east and west.
8. The development must therefore be regarded as inappropriate as it would have a greater impact on the openness of the Green Belt than the existing development. The proposal therefore conflicts with policy S6 of the ULP and provisions of the Framework.

Other considerations

9. The Council cannot demonstrate a five year supply of housing land and this situation has persisted for many years. The appellant argues that this situation amounts to a reason for granting permission for this scheme. However, the site is located within the Green Belt and therefore the circumstances at paragraph 11(d)(i) of the Framework are engaged because I have found there to be clear conflict with the local and national policies which protect the Green Belt. Therefore the presumption in favour of granting planning permission does not apply.
10. I have had regard to the other examples of similar developments including that at Weston Yard at the opposing end of the village. From the limited evidence

provided, it appears to me that although there may be some similarities, the site-specific circumstances in terms of location and previous buildings on the site are different and therefore the two schemes are not directly comparable. In any event, and irrespective of decisions previously made by the Council, I must determine the appeal based on the scheme before me and my own judgement.

Other Matters

11. Although not expressed as a concern by the Council, I am aware of the proximity of the site to 1 and 2 Lower Cottages on the opposing side of Chelmsford Road which is a Grade II listed building. S66(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 places a duty on me to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In making this assessment I have had regard to paragraph 205 the Framework which places great weight on a historic asset's conservation. In this case, the distance of the proposed development from the heritage asset along with intervening development and landscaping, means the proposal would have a neutral effect on its setting and, therefore, would not cause harm to the heritage asset.

Green Belt Balance and Conclusion

12. Paragraphs 152 and 153 of the Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
13. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. Paragraph 153 of the Framework requires substantial weight to be given to any harm to the Green Belt.
14. The other considerations including a housing land supply shortage and examples of similar schemes do not amount to very special circumstances. I have taken account of the social and economic benefits of delivering four new homes, but the benefits of a these would be moderate and they are not sufficient to clearly outweigh the harm to the Green Belt. Therefore, the very special circumstances necessary to justify the development do not exist.
15. The proposal, therefore, conflicts with the development plan and the material considerations do not indicate a decision otherwise than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

Nick Bowden

INSPECTOR