
Appeal Decision

Site visit made on 18 December 2024

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 January 2025

Appeal Ref: APP/B1550/D/24/3346934

597 Ashingdon Road, Rochford, Essex SS4 3JF

- 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 Sean Graham against the decision of Rochford District Council.
 - The application reference is 23/00935/FUL.
 - The development proposed is the retention of an existing outbuilding labelled 'A' and the proposed alteration to an existing outbuilding labelled 'B' part retrospective.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

i) Whether the development represents inappropriate development within the Green Belt, having regard to having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;

ii) If the development does amount to inappropriate development, the effect on the openness of the Green Belt; and

iii) If the development does amount to inappropriate development in the Green Belt, whether the harm to the Green Belt and any other harm, is clearly outweighed by other material considerations, such that very special circumstances exist to warrant a grant of permission.

Reasons

Whether inappropriate development

3. The appeal site relates to a detached chalet bungalow on Ashingdon Road with an in-out driveway to the front. There is a gate to the side of the property that allows vehicular access to the rear garden. The dwelling is located in a row of other residences set in a wider area of fields and woodland.
 4. Development within the Green Belt is strictly controlled in line with local and national planning policy. Paragraph 154 of the Framework identifies that the construction of new buildings should be considered as inappropriate in the Green Belt unless they fall within a closed list of categories. The construction of outbuildings for personal and business use does not fall squarely into any of those exceptions.
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5. Under paragraph 154(c), the extension of a building is not inappropriate, providing it would not result in a disproportionate addition over and above the size of the original building. Case law has held that domestic outbuildings can, in some circumstances, be considered as 'extensions' to a building where they amount to a 'normal domestic adjunct'. However, the outbuildings in question have been used for both personal and business use and would not fall into that category.
6. Even if they were purely used for domestic purposes, I have concerns as to whether outbuildings of this scale could be considered normal domestic adjuncts, such that they would be considered as extensions to the original dwellinghouse. They are not similar to garden buildings that would normally be found with most dwellings, but are more unusual on account of their size and proportions.
7. Even, then, if I were to accept the development as domestic extensions, their cumulative scale is substantial. Moreover, there are other domestic outbuildings present in the rear garden; using the appellant's figures, the collective floorspace of around 173 square metres compares to the main dwelling and garage with a footprint of some 194 square metres. However, footprint alone is only one measure, and the overall bulk and volume of the outbuildings is substantial.
8. Consequently, the dwelling that is present on site is already considerably larger than the original dwellinghouse, which is the baseline against which any additions must be measured. The combined footprint of the outbuildings, in addition to the other outbuildings, is substantial when compared to the dwelling as originally constructed. They would be disproportionate in my view having regard to that cumulative impact and the sheer scale and footprint of the outbuildings. Consequently, by any measure, the scheme does not fall within the exception listed at paragraph 154(c) of the Framework.

Effect on openness

9. The essential characteristics of Green Belts are their openness and their permanence. Openness has both a spatial and visual quality; the effect of a building on openness will be dependent to an extent on how visible it is, but even where a building is not visible or prominent it may have a spatial impact by taking up space that was previously free from development.
10. In this case, the outbuildings are set across the entirety of the rear garden boundary of the site. Given their location, views from the public realm are limited. Nonetheless, their considerable extent and bulk is visible from neighbouring properties.
11. In spatial terms collectively the structures are large buildings, being comparable to the size of many of the detached dwellings in the area. I accept that outbuildings are not uncommon in the area but the scale of the outbuildings is significant even in that context. They occupy space that was free from development and consequently have reduced the sense of openness within the garden and viewed from neighbouring properties. Given that the impact is contained, the effect on openness of the Green Belt overall is modest, but nonetheless harmful to one of the essential characteristics of the designation.

Other Matters

12. The appellant considers that if required a much larger outbuilding could be constructed within the rear garden, which would comply with the criteria and limitations of Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, I have not been provided with any further details in this respect, and there is no indication that a lawful development certificate has been granted to demonstrate what could be achieved under permitted development rights. I therefore accrue such a fallback position minimal weight.
13. I recognise that no objections have been raised in respect of the living conditions of the occupants of neighbouring properties and the external materials used on the structures. I am also informed that previously the site comprised six separate outbuildings, including the garage, spread around the periphery of the site; the appeal scheme proposes to reduce this to four outbuildings positioned along the southeastern and southwestern boundaries. Nevertheless, the scale and extent of the proposals remains unacceptable for the reasons outlined previously.

Green Belt Balance

14. According to paragraph 153 of the Framework, inappropriate development in the Green Belt should not be approved except in very special circumstances. These will not exist unless the harm to the Green Belt, and any other harm resulting from the proposal, are clearly outweighed by other considerations.
15. I am required by the Framework to give substantial weight to the harm the development would cause to the Green Belt by virtue of its inappropriateness and to openness. Individually or cumulatively, the other considerations do not clearly outweigh this harm. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

16. Having regard to all matters raised and for the reasons given, the appeal is dismissed.

C Hall

INSPECTOR