



Appeal Decision

Site visit made on 30 October 2024

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th January 2025

Appeal Ref: APP/B1550/W/24/3343059

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

- 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 Mr J Butcher against the decision of Rochford District Council.
 - The application reference is 23/00961/FUL.
 - The development was originally described as 'conversion of stable buildings under substantial construction into a 2 bed dwelling.'
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for an award of costs has been made by Mr J Butcher against Rochford District Council. This is the subject of a separate decision.

Preliminary Matter

3. On 12 December 2024, an updated National Planning Policy Framework (the Framework) was published. The main parties have been afforded the opportunity to comment on the revised Framework and I have taken the responses received into consideration. References hereafter in the decision to the Framework are to the December 2024 version, unless otherwise specified.

Main Issues

4. The appeal site lies within an area of Green Belt. Therefore, the main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to relevant development plan policies and the provisions of the Framework;
 - The effect on the openness of the Green Belt and the purposes of including land within it;
 - The design quality of the dwelling and its effect on the character and appearance of the area;
 - If the proposal would be inappropriate development, 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 necessary to justify it.

Reasons

Whether Inappropriate Development

5. The Government attaches great importance to Green Belts. Paragraph 154 of the Framework states that the development in the Green Belt is inappropriate unless one of the listed exceptions apply. In this case, the proposal is made on the basis that it would meet exception (g): limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
6. The application was originally described as a 'conversion' of a stable building described as 'under substantial construction.' A stable block was approved on the land under a 2016 permission¹ with a later decision by the Council in 2019² confirming that a technical start had been made to the permission. A subsequent application in 2022³ to convert the stables under construction to a two-bedroom dwelling was refused permission and later dismissed at appeal.
7. At the time of this appeal, the Inspector recorded that works on site were limited to 'the insertion of wooden posts into the ground.' Consequently, the Inspector concluded that '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 (of previously developed land).'
8. It is argued that the site circumstances have materially changed. The appellant points to the site no longer being overgrown and that the extent of works undertaken can no longer be described as 'minor.' However, on site I saw that works amounted to a partial, skeletal timber frame that did not appear structurally robust, as evidenced by the use of crude diagonal bracing timbers to support several of the vertical posts. There was a large gap to the rear corner of the structure where almost no timberwork existed forming walls or a roof. Elsewhere, roof work was intermittent, with timbers not cut to size and further, temporary looking braces in places. The structure was partially clad with sheets of black painted plywood on the front side, but the sides and rear remained open.
9. The extent of works I observed on site appears greater than that seen by the previous Inspector in July 2023. However, what I saw was still a partial and rudimentary structure with no floors, roof or proper walls that is not fit for use for any purpose. It is not within the scope of this appeal to determine whether the structure is lawful in planning terms, or if it is in fact development in accordance with the 2016 planning permission. However, what is clear to me is that there is not a building on site capable of 'conversion' in the normal sense of the word. In essence, the proposal is for a residential dwelling that may or may not be able to incorporate the existing structure in its construction.
10. Moreover, despite the additional work undertaken by the appellant, I am not persuaded that the threadbare structure as it exists properly meets the

¹ Council Ref 15/00211/FUL, allowed 22 March 2016 under Appeal Ref APP/B1550/W/15/3132108

² Council Ref RES/19/00004/RESEAR

³ Council Ref 22/00089/FUL, Appeal Ref APP/B1550/W/22/3310173

Framework definition of previously developed land. Therefore, I find that the proposal does not fall under exception (g) of Paragraph 145. Nor has it been argued that any other exception would apply. Therefore, I find that the proposal for residential development would amount to inappropriate development in the Green Belt.

Openness

11. 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. Openness in terms of the Green Belt has a spatial aspect and a visual aspect.
12. Apart from the aforementioned structure, the site is open and undeveloped, with no roadside boundary. The site was indicated to be overgrown at the time of the 2023 appeal and subsequently cleared, as evidenced by the photo on the cover of the appellant's statement of case. However, the site had returned to a somewhat natural, overgrown state at the time of my visit.
13. The proposal for a residential dwelling would introduce significant development on the site, and I concur with the previous Inspector that it would significantly exceed that which is presently on the land. Openness would be further reduced through typical domestic features including car parking and garden paraphernalia. Although the appellant states that no such paraphernalia is proposed, it is reasonable to expect some additions, such as outdoor seating, washing lines and bin storage, and that these would visibly extend the spread of development beyond the building itself, particularly as all external space would be to the front of the dwelling. This would result in a loss of openness in both spatial and visual terms.
14. I also concur with the previous assessment that development along Hall Road has a loose-knit nature with the site forming one of several prominent gaps that contribute to openness. Development of the site would create a more clustered, urban pattern of development to this side of Hall Road, contrary to the Green Belt purpose of safeguarding the countryside from encroachment.
15. However, I also recognise that the site is surrounded by development on three sides and makes a lesser contribution to Green Belt openness compared to other gaps which are contiguous with the wider countryside beyond the limited linear development along Hall Road. Therefore, overall, I find that the proposal would cause moderate harm to the openness of the Green Belt.

Character and Appearance

16. The proposed dwelling would have the same basic size and form as the single storey, L-shaped stable block approved in 2016, with the main differences being the insertion of various doors and windows to the elevations. In this respect, there is little material difference between the scheme before me and the 2023 appeal scheme, wherein the Inspector found that the proposal would not harm the character and appearance of the area, having regard to the variety of designs to surrounding development and the close resemblance of the dwelling to the previously approved stable block.
17. The Council's delegated report states that the 'design of the proposed dwellinghouse is quite unassuming and unpretentious in appearance but generally in keeping with the local vernacular.' It concludes that the proposed

design would comply with Policy DM1 in relation to design. However, the third reason for refusal on the decision notice nevertheless states that it would amount to 'a visually unattractive development introducing a discordant visual element within the street scene' and contrary to Policy DM1.

18. The Council has sustained its objection at appeal, referring to the design being based on a 'rudimentary stable building' and lacking in architectural quality and expression. It cites conflict with the updated expectations of the December 2023 version of the Framework and its own development plan policies relating to the creation of attractive and well-placed development which integrates within its setting.
19. However, the Council's reason for refusal is identical to the reason given in the previous scheme that went to appeal in 2023 and there is a clear disconnect between the analysis in the delegated report, where the design of the dwelling was accepted, and the subsequent reason for refusal and position at appeal. No explanation is given for this difference in approach.
20. While the Council is right to take into account local and national policies relating to design, it must also take into account material considerations, which in this case include an appeal decision for a near identical form of development. The Council makes no reference in its statement of case to the conclusions of the previous Inspector and consequently has not advanced substantive reasons why those conclusions should be disregarded. Rather, the Council's arguments appear to be a straight rehearsal of its position when it refused the previous application and it has ignored a subsequent, significant material consideration.
21. Having regard to the evidence before me, the design of the dwelling would be simple, but in deriving from a stable block, it would reflect a form of development appropriate to a countryside location. Moreover, I concur with the previous Inspector that the proposed dwelling, though more basic in form compared to the scale and grandeur of some adjoining properties, would not appear out of place given the variety of buildings in the immediate area, including large agricultural buildings on the opposite side of the road. The modest footprint of the dwelling relative to the overall site would also reflect the spacious character of neighbouring properties.
22. For these reasons, I conclude that the proposal would preserve the character and appearance of the area, in accordance with Policy DM1 of the Development Management Plan (December 2014) in terms of its requirement that the scale and form of development is appropriate to the locality.

Other Considerations

23. Planning permission remains extant for development of a stable block on the land. This represents a fall-back position for the appellant. The Council argues that a fall-back is where there is a realistic prospect that development *of the same character and description* as that subject of this application could be implemented (my emphasis). However, a fall-back can be for another form of development with similar or different impacts. It is a clear difference between the respective schemes that the extant permission is not for a dwelling, but it remains a potential alternative development of the site that could still be constructed. As such, it is a significant material consideration.

24. However, it is also relevant that it is the same fall-back position as considered by the previous Inspector, who found it would not have as great an impact on openness compared to the proposed dwelling, due to the aforementioned domestic paraphernalia that would accompany it. The appellant argues that the development would have no greater effect on openness than the fall-back position, referring to the likely placement of horse jumps and other paraphernalia within the external space that would have a similar if not greater effect on openness.
25. I acknowledge that the fall-back scheme may also involve similar levels of external paraphernalia, but it is also relevant that the use of the land permitted under the fall-back is one which is an exception to inappropriate development in the Green Belt, i.e. appropriate facilities for outdoor sport and recreation. In contrast, a residential use is not one supported in principle in the Green Belt. Therefore, when taking into account both the use and effect on openness, the fall-back scheme would cause less harm to the Green Belt overall. Consequently, I find that the fall-back position would not result in a similar or greater degree of harm, such that it should weigh in favour of the appeal scheme as a material consideration.
26. There would be economic benefits from the construction of the dwelling and future contributions of residents to the local economy. However, these would attract only limited weight given the small scale of the development.
27. The Council has not alleged harm in respect of neighbours' living conditions, highway safety, ecology, refuse and waste, flooding and drainage or archaeology. I have no evidence to lead me to conclude otherwise in these matters. An absence of harm means these are neutral considerations in the overall planning balance.
28. The appellant has belatedly made brief reference to the Council being unable to demonstrate a five year supply of deliverable housing sites. However, no evidence has been adduced to support this position, which was not previously argued or referred to by either main party. As such, I do not have sufficient information to make a finding on this matter. I nevertheless acknowledge that the proposal would make a modest contribution to the housing stock and is a matter attracting limited favourable weight.

Conclusion

29. The proposal would amount to inappropriate development in the Green Belt, which the Framework indicates 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 and the Green Belt purpose of safeguarding the countryside from encroachment. Substantial weight should be given to the harm to the Green Belt and very special circumstances will not exist unless this harm and any other harm are clearly outweighed by other considerations.
30. As explained above, I give limited weight to each of the material considerations in support of the proposal and conclude that, taken together, they do not clearly outweigh the harm the scheme would cause. Consequently, there are not the very special circumstances necessary to justify inappropriate development in the Green Belt.

31. Moreover, the 'tilted balance' of Paragraph 11 of the Framework is not engaged where the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. Land designated as Green Belt is one such area or asset of particular importance, as made clear by Footnote 7 of the Framework. In view of the harm to the Green Belt that I have identified, Paragraph 11 does not indicate a presumption in favour of development, even in the circumstance where the Council is unable to demonstrate a sufficient housing land supply, but rather points to the refusal of permission.
32. Overall, the proposal would result in conflict with Policy GB1 of the Core Strategy (December 2011) which seeks to direct development away from the Green Belt and prioritises its protection having regard to the purposes of the Green Belt. Material considerations in this case do not indicate that permission should nevertheless be forthcoming in spite of this conflict. Therefore, I conclude that the appeal should be dismissed.

K. Savage

INSPECTOR