



Appeal Decision

Site visit made on 21 January 2025

by **C Carpenter BA MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7th February 2025

Appeal Ref: APP/B1550/W/24/3345982

Land opposite 1-10 Disraeli Road, Rayleigh SS6 8XP

- 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 and Mrs Steve Mitchell against the decision of Rochford District Council.
 - The application Ref is 23/00748/FUL.
 - The development proposed is to convert existing building into a live/work unit.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Rochford District Council against Mr and Mrs Steve Mitchell. This application is the subject of a separate decision.

Preliminary Matters

3. The National Planning Policy Framework (the Framework) was updated in December 2024. I invited the parties to consider whether the revised Framework had relevance to this appeal and have taken account of their comments in my decision.

Main Issues

4. The main issues are:
 - i. whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies; and
 - ii. 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

5. Paragraph 154 states development in the Green Belt is inappropriate subject to several exceptions. These include at 154h(iv) the re-use of buildings provided they are of permanent and substantial construction and provided the development would preserve the openness of the Green Belt and not conflict with the purposes of including land within it.

6. Policy DM13 of the Rochford District Council Local Development Framework Development Management Plan 2014 (RDMP) is broadly consistent with this approach: it supports the reuse or adaptation of existing agricultural and rural buildings in the Green Belt provided they are of permanent and substantial construction and the proposed use would not adversely affect the openness of the Green Belt.
7. The existing structure comprises a rudimentary timber frame with no floor, corrugated iron covering the top and parts of the sides, and other parts of the sides open to the elements or partially enclosed by timber. I observed during my visit that several sections of the timber and corrugated iron were in poor condition, and the structure did not appear to have foundations. A local builder has stated the structure could be converted into a dwelling. However, this is unsubstantiated by detailed evidence about which elements of the structure could be retained. On the evidence before me, I am not persuaded residential use of the structure could be achieved without substantial demolition and reconstruction. Consequently, I find the proposal would not involve re-use of a building of permanent and substantial construction and hence does not satisfy the first test in Framework paragraph 154h(iv).
8. The exception at Framework paragraph 154g) has also been raised. This allows for the partial or complete redevelopment of previously developed land which would not cause substantial harm to the openness of the Green Belt. Having regard to Planning Practice Guidance¹, openness is capable of having both spatial and visual aspects, and the degree of activity can also be a consideration.
9. The current structure is set within paddocks that adjoin woodland and open countryside, at some distance from existing dwellings. The openness of this setting can be clearly appreciated from Disraeli Road. The appeal site is seen in this context as a modest, insubstantial and partly open structure associated with primarily equestrian use of the surrounding land.
10. The new building would be of solid construction and fully enclosed on all sides. Consequently, although the footprint of the proposed development would be broadly comparable to that of the existing structure, its physical presence would diminish spatial openness. In addition, the hipped roof-form, extensive glazing, residential comings and goings, and paraphernalia such as garden furniture and washing, would contrast markedly with the open paddocks and treed backdrop and detract from visual openness. Cumulatively, the harm to the openness of the Green Belt would be substantial. Therefore, even if I accept the site is previously developed land, the exception at paragraph 154g) is not satisfied.
11. The exception for grey belt land at Framework paragraph 155 has also been brought to my attention. However, there is no compelling evidence of an unmet need for the type of development proposed. As a result, whether or not the development would be in a sustainable location, the tests in paragraph 155 are not all met, so this exception does not apply.
12. For the above reasons, I conclude the proposal would be inappropriate development in the Green Belt, contrary to the Framework and RDMP Policy DM13.

¹ Paragraph: 001 Reference ID: 64-001-20190722

Other considerations

13. The development would provide one dwelling, which would support the Framework's objective to boost the supply of homes. It would also contribute to the local economy through construction, future occupiers' use of local services and facilities, and provision of space to work from home. However, as noted above, there is no pertinent evidence of a shortfall in housing land or unmet need in the area for 'live-work' accommodation of the type proposed. Moreover, the suggested contribution to rural diversification has not been substantiated. I therefore give the social and economic benefits of the proposal limited weight.
14. The building in the adjacent paddock, although similar in style to the proposed development, has no glazing or nearby residential paraphernalia and includes half-doors typical of a stable. It is also smaller and closer to the road than the appeal site. Consequently, its effect on visual openness is not directly comparable to that of the development proposed in this appeal. There is little to demonstrate comparability with other rural buildings in the area, or that the proposed development's visual effect could be mitigated by landscaping. Further, I am not persuaded on the evidence before me that the proposed development would be the only way to prevent unsightly deterioration of the appeal site owing to disuse. I therefore give these considerations minimal weight.
15. The Council has raised no concern with access, parking or drainage, subject to conditions were permission to be granted. On the evidence before me, I see no reason to disagree. However, an absence of harm in these regards is a neutral factor.

Other Matters

16. The appeal site is in the zone of influence of the Crouch and Roach Estuaries Special Protection Area, which is a protected European site. However, as I am dismissing the appeal for other reasons, it has not been necessary for me to consider this matter further.

Green Belt Balance

17. 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 by reason of inappropriateness is clearly outweighed by other considerations.
18. I am required by the Framework to give substantial weight to the harm to the Green Belt I have identified. Individually or cumulatively, the weights I have attached to the other considerations above do not clearly outweigh this harm. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

19. I have found the proposal conflicts with the development plan, read as a whole. No other material considerations, including the Framework, have been shown to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal should be dismissed.

C Carpenter INSPECTOR