



Appeal Decision

Site visit made on 2 September 2025

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th September 2025

Appeal Ref: APP/B1550/W/25/3364667

Land between Merryfields and Edgewood, Lark Hill Road, Canewdon, Essex

- 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 Louise Hasted against the decision of Rochford District Council.
 - The application Ref is 24/00616/FUL.
 - The development is the construction of outbuilding (shed) for storage of gardening tools used to maintain the land at the site.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was submitted retrospectively, and the application form indicates that the building was complete on 29 January 2024. I have therefore considered the appeal on a retrospective basis.

Main Issues

3. The main issues are:
 - whether the development would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the 'Framework') and relevant development plan policies;
 - the effect on the openness of the Green Belt; and
 - would the harm by reason of inappropriateness and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether it is inappropriate development

4. The appeal site is a parcel of land situated between two residential properties and adjacent to Lark Hill Road. Apart from the appeal development, the site is unoccupied, comprised of grassland and a number of trees, shrubs and hedging. Although there are a number of residential plots surrounding the appeal site, it is located within a semi-rural area which is within the Green Belt. The appeal development is a small wooden shed located to the rear, used to store tools to facilitate the maintenance of the site.

5. Paragraph 154 of the Framework indicates that the construction of new buildings in the Green Belt is inappropriate subject to a number of exceptions. Policy GB1 of the Rochford District Council – Local Development Framework Core Strategy (the CS) 2011, seeks to direct development away from the Green Belt as far as practicable and is therefore generally consistent with the aims of the Framework. The development would not fall under any of the exceptions listed in the Framework and the appellant has not made the case that any of these exceptions would apply.
6. The development would therefore be inappropriate development within the Green Belt. This is harmful to the Green Belt which, in accordance with paragraph 153 of the Framework, should be given substantial weight.

Openness

7. In considering the concept of openness, the courts have found that it broadly has two dimensions; spatial and visual. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result. Equally this does not mean that the openness of the Green Belt has no visual dimension.
8. Due to well established trees and hedging to the front of the site, the development has limited visibility from the public realm and therefore does not impact the visual openness of the Green Belt. However, although the shed is small, it still results in built form on the site where there previously was none. Therefore, the development has a spatial impact on the openness of the Green Belt, resulting in harm to the openness of the Green Belt.
9. The Framework makes it clear in paragraph 153 that substantial weight should be given to any harm to the Green Belt. Development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations, which will be considered below.

Other Considerations

10. I note that the living conditions of the appellant means that they have no means of storage of tools for the maintenance of this plot of land and a shed is required to keep the tools safe and protected from the elements. However, I see no reason as to why this equipment could not be stored somewhere offsite and brought to the site when required. This would require the use of a vehicle to collect the tools, however, due to the relatively remote location of the appeal site, it is likely that the appellant already travels to the site by car and therefore the increase in local pollution would be minimal.
11. I also understand that the maintenance of the land may increase wildlife opportunities on the appeal site including through the planting of a natural hawthorn hedge on the boundary to encourage wildlife and deter trespassing. However, no specific details of this have been provided and the level of improvement has not been quantified and therefore I can only afford it moderate weight.
12. The appeal site is bordered by properties on either side, which are occupied by relatively large dwellings and outbuildings. However, this is not relevant to development on the appeal site. Similarly, the appellant claims that multiple

properties have been granted planning permission in the surrounding area which are located within the Green Belt. However, whilst this may be the case, I have no details of these developments before me or the circumstances which led to their approval. Therefore, I have no evidence that they are comparable to the appeal development and are given little weight in my consideration of this case.

13. The appellant also outlines that the land could be used to facilitate the growing of edible produce which would be beneficial to the family's finances. However, this use does not form part of the application or the appeal and therefore is not relevant to the development before me.
14. It has been stated that the shed meets all the legal requirements and has no connection to any power or water. However, no details have been provided as to which legal requirements the appellant is referring to and will only consider those relevant to planning. Furthermore, its connection to utilities, in terms of planning and the main issue, is irrelevant in this appeal. The appellant also contends that the refusal of planning permission was based on an assumption that the appeal site would be further developed in the future. However, the Council make no reference to this in their decision notice or report and, nonetheless, any such development would be likely to require planning permission. Therefore, this is also not relevant to the appeal development before me.

Green Belt Balance

15. The development would be inappropriate development in the Green Belt in that it results in a new building within the Green Belt which does not fall under any of the listed exceptions. The Framework establishes that substantial weight should be given to any harm to the Green Belt and the development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
16. I find that the other considerations in this case do not clearly outweigh the harm to the Green Belt, in terms of a loss to openness and inappropriateness that I have identified. Consequently, the very special circumstances necessary to justify the development in the Green Belt do not exist. Therefore, the development conflicts with paragraph 153 and 154 of the Framework and Policy GB1 of the CS, which seek to protect the Green Belt.

Conclusion

17. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR