

PLANNING APPEAL FORM (Online Version)

To help you fill in this form correctly, please refer to the guidance leaflet "How to complete your planning appeal form".

WARNING: The appeal **and** essential supporting documents **must** reach the Inspectorate within the appeal period. **If your appeal and essential supporting documents are not received in time we will not accept the appeal.**

APPEAL REFERENCE: APP/B1550/A/12/2171824

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name Mr Ian Leece

Address Homelands, Lark Hill Road
Canewdon
ROCHFORD

Phone no.

Fax no

Postcode SS4 3RZ

E-mail thomas.hatch@capita.co.uk

Please confirm how you wish to correspond with us: Electronically, via the email address specified above ☒
On paper, by post.

B. AGENT DETAILS FOR THE APPEAL (if any)

Name Mr Thomas Hatch

Address Capita Symonds, Croxtons Mill
Blasford Hill, Little Waltham
CHELMSFORD

Your reference CS/054056

Phone no. +441245 361611

Fax no.

Postcode CM3 3PJ

E-mail thomas.hatch@capita.co.uk

Please confirm how you wish to correspond with us: Electronically, via the email address specified above ☒
On paper, by post.

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA Rochford District Council

LPA's reference number 11/00644/FUL

Date of the planning application 15 Nov 2011

Date of the LPA's decision (if issued) 06 Jan 2012

D. APPEAL SITE ADDRESS

Address Land to the rear of Northview
Lark Hill Road
Canewdon
Rochford

Postcode

Grid Reference: Easting 0588487

Northing 0194232

Is the appeal site within a Green Belt?

YES ✓

NO

Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site?

YES

NO ✓

E. DESCRIPTION OF THE DEVELOPMENT

Size of the whole appeal site
(in hectares)

1.98

Area of floor space of proposed development
(in square metres)

0

Has the description of the development changed from that stated on the application form?

YES

NO ✓

If YES, please state below the revised wording, and enclose a copy of the LPA's agreement to the change.

To construct a track to access grazing and farm ride at the Land Rear of Northview Lark Hill Road, Canewdon.

F. REASON FOR THE APPEAL

This appeal is against the decision of the LPA to:-

Please tick **one** box only ✓

- 1 Refuse planning permission for the development described on the application form or in Section E. ✓
- 2 Grant planning permission for the development subject to conditions to which you object.
- 3 Refuse approval of the matters reserved under an outline planning permission.
- 4 Grant approval of the matters reserved under an outline planning permission subject to conditions to which you object.
- 5 Refuse to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above).

or

- 6 Failed to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval.

G. CHOICE OF PROCEDURE

There are 3 possible choices:- written representations, hearings and inquiries. You should consider carefully which method suits your circumstances before selecting your preferred option by ticking the box.

1. THE WRITTEN REPRESENTATIONS PROCEDURE

✓

This is normally the simplest, quickest and most straightforward way of making an appeal. The written procedure is particularly suited to small-scale developments (e.g. individual houses or small groups of houses; appeals against conditions or changes of use).

- a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land? YES ✓ NO
- b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? YES NO ✓

If so, please explain below or on a separate sheet.

2. THE HEARING PROCEDURE

This procedure is likely to be suited to more complicated cases which require detailed discussion about the merits of a proposal. At the hearing the Inspector will lead a discussion on the matters already presented in the written statements and supporting documents. Although you may indicate a preference for a hearing, the Inspectorate must also consider that your appeal is suitable for this procedure. You must give detailed reasons below or on a separate document why you think a hearing is necessary.

Please answer the question below.

- a) Is there any further information relevant to the hearing which you need to tell us about? If so please explain below. YES NO

3. THE INQUIRY PROCEDURE

This is the most formal of procedures. Although you may indicate a preference for an inquiry the Inspectorate must also consider that your appeal is suitable for this procedure. You must give detailed reasons below or in a separate document why you think an inquiry is necessary.

- | | | |
|---|------------------|----|
| a) How long do you estimate the inquiry will last?
(Note: We will take this into consideration, but please bear in mind that our estimate will also be informed by others' advice and our own assessment.) | No. of days | |
| b) How many witnesses do you intend to call? | No. of witnesses | |
| c) Is there any further information relevant to the inquiry which you need to tell us about? If so, please explain below.
Please continue on a separate sheet if necessary. | YES | NO |

H. GROUNDS OF APPEAL

Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? YES NO ☒

** See separate documents **

H. GROUNDS OF APPEAL (continued)

I. (part one) APPEAL SITE OWNERSHIP DETAILS

We need to know who owns the appeals site. If you do not own the appeal site or only own a part of it, we need to know the name(s) of the owner(s) or part owner(s) and be sure that you have told them that you have made an appeal. **YOU MUST TICK WHICH OF THE CERTIFICATES APPLIES.**

If you are the sole owner of the whole appeal site, certificate A will apply:

Please tick **one** box only

✓ ✓

CERTIFICATE A

I certify that, on the day 21 days before the date of this appeal, nobody except the appellant, was the owner of any part of the land to which the appeal relates:

OR

CERTIFICATE B

I certify that the appellant (or the agent) has given the requisite notice (see the *Guidance Notes*) to every one else who, on the day 21 days before the date of this appeal, was the owner of any part of the land to which the appeal relates, as listed below:

Owner's name	Address at which the notice was served	Date the notice was served
--------------	--	----------------------------

CERTIFICATES C & D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D in the guidance leaflet and attach it to the appeal form.

I (part two) AGRICULTURAL HOLDINGS CERTIFICATE

We also need to know whether the appeal site forms part of an agricultural holding.

Please tick either (a) or (b).

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding:

✓

✓

OR

(b)(i) The appeal site is, or is part of an agricultural holding, and the appellant is the sole agricultural tenant:

(b)(ii) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates as listed below:

Tenant's name	Address at which the notice was served	Date the notice was served
---------------	--	----------------------------

Details of additional tenants

J. ESSENTIAL SUPPORTING DOCUMENTS

You **must** send the documents listed 1-7 below with your appeal form.
Please tick the boxes to show which documents you are enclosing.

- | | | |
|---|---|---|
| 1 | A copy of the original planning application sent to the LPA. | ✓ |
| 2 | A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA <u>at application stage</u> (this is usually part of the LPA's planning application form). | ✓ |
| 3 | A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application. | ✓ |
| 4 | A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show <u>two named roads</u> so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue. | ✓ |
| 5 | Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
Please number them clearly and list the numbers here or on a separate sheet: | ✓ |
| 6 | Copies of all additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes).
Please number them clearly and list the numbers here or on a separate sheet: | |
| 7 | A copy of the design and access statement sent to the LPA (if required) | |

You must send copies of the following, if appropriate:

- | | | |
|----|--|--|
| 8 | Additional plans, drawings or documents relating to the application but not previously seen by the LPA .
Please number them clearly and list the numbers here or on a separate sheet: | |
| 9 | Any relevant correspondence with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements. : | |
| 10 | If the appeal is against the LPA's refusal or failure to approve the matters reserved under an outline permission , please enclose:
(a) the relevant outline application;
(b) all plans sent at outline application stage;
(c) the original outline planning permission. | |
| 11 | If the appeal is against the LPA's refusal or failure to decide an application which relates to a condition , we must have a copy of the <u>original permission</u> with the condition attached. | |
| 12 | A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA). | |

K OTHER APPEALS

If you have sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers.

L CHECK SIGN AND DATE

(All supporting documents must be received by us within the time limit)

I confirm that I have sent a copy of this appeal form and relevant documents to the LPA (*if you do not your appeal will not normally be accepted*).

I confirm that all sections have been fully completed and that the details of the ownership (section I) are correct to the best of my knowledge.

Signature

Date 1 March 2012

Name (in capitals) Mr Thomas Hatch

On behalf of (if applicable) Mr Ian Leece

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found in the guidance leaflet.

M. NOW SEND

- **Send a copy to the LPA**

Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again; send them any supporting documents not previously sent as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

- **You may wish to keep a copy of the completed form for your records**

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

N. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. If forwarding the documents by email, please send to **appeals@pins.gsi.gov.uk**. If posting, please enclose the section of the form that lists the supporting documents and send it to PO Box 2606, Bristol, BS1 9AY.

You will not be sent any further reminders.

Please ensure that anything you do send by post or email is clearly marked with the reference number:

APP/B1550/A/12/2171824

Please ensure that a copy of your appeal form and any supporting documents are sent to the local planning authority.

* The Documents Listed Below Will Follow By Post *

===== GROUNDS OF APPEAL =====

** Grounds of Appeal 1

===== ESSENTIAL SUPPORTING DOCUMENTS =====

- ** 01. A copy of the original planning application sent to the LPA.
- ** 02. A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA at application stage (these are usually part of the LPA's planning application form).
- ** 03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.
- ** 04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of th
- ** 05. Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
- ** 05i. A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.

CAPITA SYMONDS

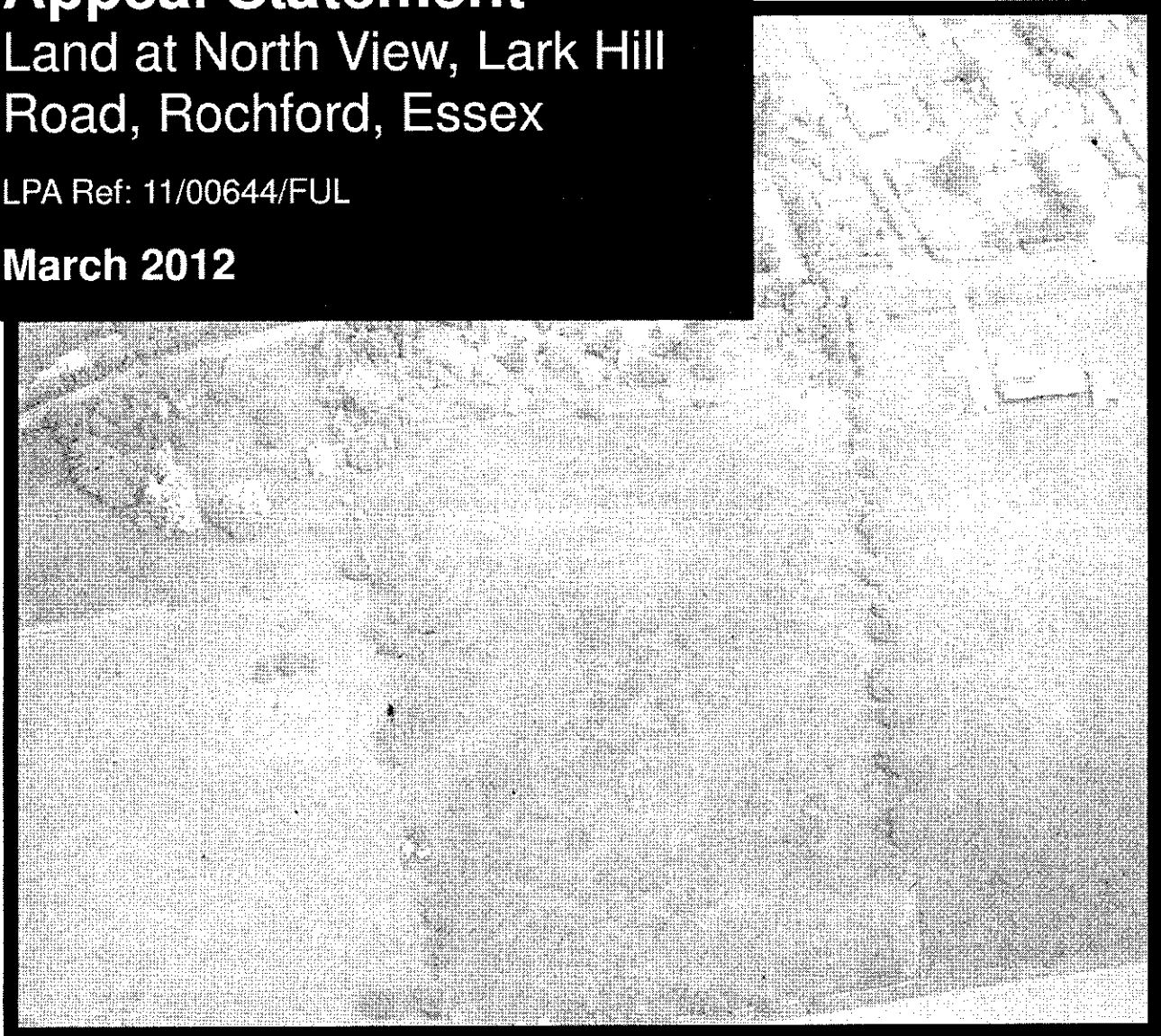
Planning, Environment & Design

Written Representations Appeal Statement

Land at North View, Lark Hill
Road, Rochford, Essex

LPA Ref: 11/00644/FUL

March 2012



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1. Introduction

- 1.1 This appeal statement has been prepared by Capita Symonds (CS) on behalf of the appellant, Mr Ian Leece, in support of a written representation appeal.
- 1.2 This appeal relates to the decision made by Rochford District Council (RDC) to refuse planning application ref: 11/00644/FUL, to construct a track to access grazing and farm ride at the Land Rear of Northview Lark Hill Road, Canewdon.
- 1.3 The application was refused by Rochford District Council on the 6th January 2012 by delegated officer decision. The decision notice and officer's report are enclosed with this Statement.
- 1.4 The appellant's application was refused for 1 reason, which stated that no evidence of very special circumstances had been presented in support of the application that was sufficient to justify the presumption against inappropriate development in the Green Belt.
- 1.5 This appeal statement, in accordance with planning inspectorate guidance (PINS 01/2009 April 2010), provides the appellant's representations within the 6 week stage of the appeal procedure.
- 1.6 Accordingly this statement includes:-
 - A description of the appeal site and its surroundings (Section 2)
 - A review of the relevant appeal site planning history (Section 3);
 - A description of the development proposals (Section 4);
 - A review of the relevant national and local policy (Section 5);
 - Justification of the grounds of appeal (Section 6); and

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- A summary and final conclusion (Section 7).

Background

- 1.7 This section of the appeal statement provides the relevant background information to the appeal.

The Appellant

- 1.8 The appellant lives at Homelands which is on the north side of Lark Hill Road to the north of the appeal site. See site location plan for ownership boundaries.
- 1.9 The appellant has stables at Homelands and has recently purchased the field to the south, which incorporates the appeal site, for the grazing of two horses. This use does not require planning permission.

Figure 1.0 Aerial Photograph



The Appeal

- 1.10 When purchased in May 2011 the field, which had previously been used for grazing, had not been maintained and was in a poor condition contributing little to the visual amenities of the

area. Before use of the field the appellant cleared the site of containers, rubbish and weeds, harrowed and rolled the land and replaced a broken fence around the field with secure 1.5m high fencing erected under permitted development rights.

- 1.11 In addition to the fence, the appellant also began to lay a durable all weather track on which to lead the horses down and for use by a tractor.
- 1.12 At this point in time the appellant was fully unaware that these works constituted development which would require local authority planning permission.
- 1.13 Before completion of the track, application 11/00644/FUL was submitted by the appellant to regularise this development and approve the rest of the track. This application was subsequently refused and is now the subject of this appeal.

Summary

- 1.14 The appellant has purchased the field in which the appeal site lays for horse grazing use. The overgrown grass has been ploughed in order to remove ragwort and this will be re-seeded and the damaged fence has also been replaced. The appellant has been refused planning permission for an essential durable track for use by the horses and a tractor.

2. The Appeal Site & Surroundings

- 2.1 This section of the appeal statement describes the site and its surroundings.

The Appeal Site

- 2.2 The appeal site is the track of land, running north to south, which is sited on the eastern side of a field located to the south of Lark Hill Road.
- 2.3 Existing access to the application site is provided from the north on to Lark Hill Road, and from the south to a farm ride. Access is therefore not the subject of the appeal.

The Surroundings

- 2.4 The appeal site is located in a field which is used for grazing horses and is within the metropolitan Green Belt. The field, located, to the south of Lark Hill Road, is directly to the rear of a property called 'Northview'.
- 2.5 To the east and west of the appeal site are open fields, agricultural land and a number of properties and buildings fronting Lark Hill Road. To the south is a farm ride which provides access to a public bridleway.

Summary

- 2.6 The appeal site is a track of land running north to south on the east side of a field the intention of which is to be used for grazing horses. The appeal site links existing accesses at the north (Lark Hill Road) and south (Farm Ride) of the field.

3. Planning History

- 3.1 This section of the appeal statement will detail the planning history which is relevant to this appeal.

Appeal Site Planning History

- 3.2 There appears to be no recent relevant planning history for the appeal site other than the application to which this appeal relates.

Appeal Planning Application

- 3.3 Full planning application ref: 11/00644/FUL, the subject of this appeal, was submitted to Rochford District Council on the 26th October 2011 to:

"Construct a track to access grazing and farm ride at the Land Rear of Northview Lark Hill Road, Canewdon"

- 3.4 The application was refused by Rochford District Council on the 6th January 2012 under delegated decision making powers. A single reason for refusal, shown below, was cited in the decision notice.

No.	Reason
1.	<p>The proposal is located within the Metropolitan Green Belt as defined in the Council's saved local plan (2006). Within the Metropolitan Green Belt permission will not be given except in very special circumstances for inappropriate development.</p> <p>The construction of the access track represents inappropriate development in the Metropolitan Green Belt. The application details do not contain any very special circumstances that outweigh the visual harm to the underdeveloped character of the landscape behind the sporadic frontage development fronting Lark Hill Road that would be caused by the formation of the access track and the consequent harm to the visual amenity of that part of the</p>

Metropolitan Green Belt in which the site is situated.
--

- 3.5 The grounds of appeal against this reason for refusal will be examined in section 7 of this appeal statement.

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4. The Appeal Proposals

- 4.1 This section of the appeal statement provides a detailed description of the part retrospective development proposals, proposed in refused application ref: 11/00644/FUL, to which this appeal relates.

Proposal Description

- 4.2 Refused application 11/00644/FUL proposed that a track with a durable base be laid along the east side of the horse grazing field located to the south of Homelands. Please see the enclosed site location plan.
- 4.3 The track was proposed in order to provide an all weather surface which would be suitable to walk on, and access for horses to the farm track to the rear of the site and for use by a tractor and associated machinery. The hardcore base was and is required to ensure that this heavily used part of the field does not become a boggy eroded eyesore, damaging to the landscape and detrimental to the wellbeing of the horses which use it, in the wet winter months.

Use Description

- 4.4 The proposed track would provide access to portioned grazing land in the field in which it lays and would also be used for access to the farm ride to the south of the field. Furthermore it would be used to gain access to the partitioned fields with a tractor to harrow, cut them and roll.
- 4.5 In addition, the proposed track would provide safe suitable access to the farm ride and adjoining public bridleway and would ensure that horses do not need to be taken along a very fast stretch of road in the interest of public safety.

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- 4.6 The track will be used intensively and without a durable base it will become a highly degraded bog in the winter and eroded dusty track in the summer. Both would be visually intrusive in the Green Belt.
- 4.7 Furthermore boggy conditions may make it difficult to access the field in order to maintain it. The horses will damage the field unless it is regularly harrowed and rolled using a tractor and roller. If the field is poorly maintained it will damage the visual amenity of the Green Belt.

Design & Materials Description

- 4.8 The proposed track will extend along the eastern boundary of the field to a length of 210m by a width of 3m.
- 4.9 The materials proposed in the track are shown in cross section drawing no. Annex 1. The proposed track, once completed, would consist of a membrane, 2" of hardcore, 1" of concrete chippings and then 1" of crushed limestone. It was also proposed that 4" wooden shuttering is used to hold the sides of the track together.
- 4.10 Once complete only the top layer of crushed limestone would be visible from a top down view of the track. The crushed limestone will blend naturally into its surroundings and will not be visible from a distance.

Part Implementation

- 4.11 Application 11/00644/FUL was made part retrospectively after the track had been laid with a hardcore base and concrete chippings. The crushed limestone is the only element missing.

Summary

- 4.12 The proposed (part implemented) track represents a modest form of development which will have a negligible visual impact on the site. It will have no impact on the openness of

the Green Belt.

- 4.13 Without the hard core base the track, which will be used quite intensively, will become a churned up bog which will heavily detract from the visual quality of the Green Belt.

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5. Policy Context

- 5.1 The principal policies considered to be of direct relevance to the proposals are highlighted below.

The Development Plan

- 5.2 For the purposes of Section 38 of the Planning and Compulsory Purchase Act 2004 the development plan framework for the application site comprises the following documents:

- East of England Plan Regional Spatial Strategy (May 2008); and
- Rochford Core Strategy (Adopted December 2011)
- Rochford Replacement Local Plan Saved Policies (Adopted 2006).

The East of England Plan (2008)

- 5.3 The RSS provides the strategic objectives for the East of England, which are not relevant to this application.

Rochford Core Strategy (Adopted December 2011)

- 5.4 The Core Strategy provides the strategic vision for Rochford and the broad policies for development.

- 5.5 The following adopted Core Strategy policies are of relevance:

Policy GB1 – Green Belt Protection

- 5.6 This policy states that the Rochford District Council will prioritise the protection of the Green Belt based on how well the land helps achieve the purposes of the Green Belt.

Policy GB2 – Rural Diversification and Recreational uses

- 5.7 This policy deals with diversification of rural activities in the Green Belt. It states that *"the restrictive approach to development in the Green Belt will be relaxed for outdoor recreation and leisure activities which may be considered acceptable in appropriate circumstances."*
- 5.8 It goes on to state that: *"The Green Belt provides leisure opportunities for the Districts residents and visitors. Development that is essential for outdoor sport and recreation activities considered appropriate in the Green Belt will be permitted. Such essential facilities will be expected to have a minimal impact on the openness of the Green Belt."*
- 5.9 Para 6.15 of the supporting text for this policy makes clear that 'equestrian facilities, in particular, are appropriate activities in the Green Belt as encouraged in national guidance, which the Council support'....'Equestrian facilities for leisure and outdoor recreation purposes will be encouraged in appropriate locations'.

The Rochford Replacement Local Plan (2006)

- 5.10 The following adopted Local Plan policy is of most relevance to this application:

Policy R1 - Development within the Green Belt

- 5.11 This policy mirrors the guidance of PPG2 in relation to development in the Green Belt and states that there is a general presumption against inappropriate development. Except in very special circumstances, planning permission will not be granted unless for, amongst others, *'essential small-scale facilities for outdoor sport and outdoor recreation in accordance with PPG2.'*
- 5.12 This policy goes on to state: "Development which may be permitted under this policy should preserve the openness of the Green Belt and should not conflict with the main purposes of including land within it. Any development which is permitted should be of a scale, design and siting such that the character

of the countryside is not harmed and nature conservation interests are protected."

Policy LT12 – Horse Riding Facilities

- 5.13 This policy states that proposals for horse related development will be granted planning permission provided that, amongst others, *'the proposal is well related to existing or proposed bridleways and will not cause conflicts between equestrians, and have no adverse effect on the road or highway safety of the area'*

Other Policy Considerations

- 5.14 In addition to the policies of the development plan, a material consideration is the advice contained in the Government's Planning Policy Guidance Notes and Statements. The following are of relevance in relation to the planning merits of the appeal: -

The Draft NPPF and the Presumption in favour of sustainable development, issued 25th July

- 5.15 The Coalition Government announced in its recent growth budget that in order to support economic growth and the recovery it wants the default answer to all sustainable development proposals to be 'yes'.
- 5.16 Following this announcement the government published a draft of its forthcoming National Planning Policy Framework (NPPF) for consultation. The NPPF is a single policy document which is set to replace the current suite of National Planning Policy Statements and Guidance. Although this document is only in draft form it is a statement of intent that has weight and is a material consideration that planning authorities must take account of.
- 5.17 The draft NPPF provides strong support for sustainable forms of development complying with 'the presumption' in favour of sustainable development.

- 5.18 Paragraph 14 states that: "At the heart of the planning system is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking. Local planning *authorities should plan positively for new development, and approve all individual proposals wherever possible.*"
- 5.19 Paragraph 133 states that 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.
- 5.20 Paragraph 134 goes on to state that the Green Belt serves five purposes:-
- To check the unrestricted sprawl of large built up areas;
 - To prevent neighbouring towns merging into on another;
 - To assist in safeguarding the countryside from encroachment;
 - To preserve the setting and special character of historic towns; and
 - To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 5.21 Paragraph 135 states once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; provide opportunities for outdoor sport and recreation; retain and enhance landscapes, visual amenity and biodiversity; or improve damaged or derelict land.
- 5.22 Furthermore paragraph 145 states engineering operations are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt.

- 5.23 Where development is regarded as inappropriate, paragraphs 142 and 143 make it clear that development can be approved in very special circumstances where the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 5.24 The Planning Inspectorate (PINS) has produced advice (revised on 8th September 2011) for its Inspectors in relation to the NPPF. Paragraph 2 directs that the draft NPPF is capable of being a material consideration in the determination of planning applications, although the weight to be given will be a matter for the decision maker in each case.

Planning Policy Guidance 2 (PPG2), Green Belts, 1995

- 5.25 PPG2 was published in 1995 and explains the purpose of Green Belts and defines the presumption against inappropriate development within them.
- 5.26 Paragraph 1.4 confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, as their most important attribute is their openness, and shape patterns of urban development.
- 5.27 Paragraph 1.5 identifies the five purposes of including land in Green Belts, as follows:
- *to check the unrestricted sprawl of large built-up areas;*
 - *to prevent neighbouring towns from merging into one another;*
 - *to assist in safeguarding the countryside from encroachment;*
 - *to preserve the setting and special character of historic towns; and*
 - *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land"*
- 5.28 Paragraph 1.6 goes on to state that once defined, the use of land within Green Belts has a positive role to play in fulfilling the following objectives:

- "to provide opportunities for access to the open countryside for the urban population;
- to provide opportunities for outdoor sport and outdoor recreation near urban areas;
- to retain attractive landscapes, and enhance landscapes, near to where people live;
- to improve damaged and derelict land around towns;
- to secure nature conservation interest; and
- to retain land in agricultural, forestry and related uses"

5.29 Paragraphs 3.1-3.2 of PPG2 directs on inappropriate development in the Green Belt it states that:

"The general policies controlling development in the countryside apply with equal force in Green Belts but there is, in addition, a general presumption against inappropriate development within them. Such development should not be approved, except in very special circumstances..."

Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of its inappropriateness, and any other harm, is clearly outweighed by other considerations...."

5.30 Importantly paragraph 3.12 which deals with 'Mining operations, and other development' states that

"The statutory definition of development includes engineering and other operations, and the making of any material change in the use of land. The carrying out of such operations and the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt."

Summary

5.31 The policy context for the appeal proposals supports out door

recreation and engineering and other operations which maintain the openness of the Green Belt and the purposes for including land in the Green Belt.

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6. Grounds of Appeal

Reason for Refusal

- 6.1 The decision notice issued by Rochford District Council on the 6th January 2012 sites one reason for the refusal of application 11/00644/FUL. This is:-

No.	Reason
1.	<p>The proposal is located within the Metropolitan green belt as defined in the Council's saved local plan (2006). Within the Metropolitan Green belt permission will not be given expect in very special circumstances for inappropriate development.</p> <p>The construction of the access track represents inappropriate development in the Metropolitan Green Belt. The application details do not contain any very special circumstances that outweigh the visual harm to the underdeveloped character of the landscape behind the sporadic frontage development fronting Lark Hill Road that would be caused by the formation of the access track and the consequent harm to the visual amenity of that part of the Metropolitan Green Belt in which the site is situated.</p>

Grounds for Appeal

- 6.2 The reason for refusal states that the proposed development represents inappropriate development in the Green Belt for which no very special circumstances are given.
- 6.3 National Planning Policy Guidance 2 (PPG2) on Green belts provides overarching guidance on inappropriate development in the Green Belt. It will be the focus of the Grounds for Appeal.

6.4 It states that *"there is a general presumption against inappropriate development in the Green Belt and that such development should not be approved, except in very special circumstance. Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of its inappropriateness, and any other harm, is clearly outweighed by other considerations."*

6.5 Based on the forgoing, it is considered that there are three main issues, which arise from the Council's reason for refusal, in considering the planning merits of the appeal proposals, which are set out below: -

- (i) whether the proposal would amount to inappropriate development in the Green Belt;
- (ii) what other harm to the Green Belt would result from the development including the following matters:
 - 1. effect on the objectives for the use of land in the Green Belt; and
 - 2. effect on the visual amenities of the Green Belt and the character and appearance of the area.
- (iii) if the proposals are inappropriate development in the Green Belt, whether the 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 that would be necessary to justify them.

6.6 The above issues are explored below.

- (i) whether the proposal would amount to inappropriate development in the Green Belt**

6.7 The proposed development equates to minor engineering operations for the purposes of outside recreation.

- 6.8 Paragraph 3.12 of PPG2 States that engineering and other operations are inappropriate development unless they maintain the openness and do not conflict with the purposes of including land in the Green Belt. These two key permitting factors will be explored in turn below in addition to other considerations.

Effect on the openness of the Green Belt

- 6.9 The proposed development will have no adverse impact on the openness of the Green Belt.
- 6.10 The development involves a relatively minor engineering operation that involves a small layer of top soil being replaced with a hard core base.
- 6.11 The new surface will be laid flush to the surrounding top soil and will not be piled. It will therefore not protrude out of the ground in a way that could be deemed to have an adverse impact on the openness of the Green Belt.

Effect on the purposes of including land within the Green Belt.

- 6.12 The proposed development will have no adverse affect on the purposes and objectives of including land within the Green Belt.
- 6.13 Paragraph 1.5 of PPG2 identifies the five purposes of including land in Green Belts. The impact of the proposed development on each of the purposes is considered in the table below.

Table 1.0 – Impact on Purposes of Green Belt

No.	Purpose of Green Belt	Consideration
1.	To check the unrestricted sprawl of large built-up areas;	The proposed development is minor in its nature and does not propose built development. Consequently it would not result in or encourage unrestricted sprawl

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		of large built up areas.
2.	To prevent neighbouring towns from merging into one another;	The proposed development is not located at the edge of a town. Our response to purpose 1 above applied with equal force here. It therefore would not result in or encourage the merging of any towns.
3.	To assist in safeguarding the countryside from encroachment;	We would refer to our response to 1 and 2 above. The proposed development, by means of its nature and location, would not cause encroachment into the countryside.
4.	To preserve the setting and special character of historic towns	Again we would refer to our response to 1 and 2 above The proposed development is not within the setting of a historic town. It would therefore have no adverse impact on the setting or special character of any historic towns.
5.	To assist in urban regeneration, by encouraging the recycling of derelict and other urban land	Due to the site specific nature this proposal can not be accommodated on urban land. It does not prejudice the recycling of urban land in other parts of the Green Belt. It is therefore fully acceptable with regard to this purpose of the Green Belt.

6.14 The table above confirms that the proposed development would have no effect on the purposes of including land within the Green Belt. It is important to note that paragraph 1.7 of PPG2 states that 'The purposes of including land in the Green Belts are of paramount importance to their continued protection, and should take precedence over the land use objectives such as retaining attractive landscapes'.

Summary

6.15 In conclusion to **whether the proposal would amount to inappropriate development in the Green Belt**, with regard to Paragraph 3.12 of PPG2 (Engineering and Other Operations) the proposed development would not amount to inappropriate development because it will not have an adverse impact on the openness of the Green Belt or on the five purposes of including land in the Green belt.

(ii) what other harm to the Green Belt would result from the development

6.16 It has been concluded in response to issue (i) above that the proposed development is not inappropriate as it will not lead to harm to the openness and purposes of including land within the Green Belt. In addition, it will also not cause any other harm to the Green Belt with regard to the objectives of land use and visual amenity.

6.17 This is considered further below.

Effect on the objectives for the use of land in the Green Belt.

6.18 The proposed development supports the objectives listed for the use of land in Green Belt, as set out in paragraph 1.6. of PPG2. These are considered in the table below.

Table 1.1 – Impact on Land Use Objectives

No.	Objective of Land Use in Green Belt	Consideration
1.	To provide opportunities for access to the open countryside for the urban population;	The proposed track will provide an opportunity for the residents of Homelands to access a farm ride and bridleway in the Countryside. This is a safer route than the alternative of riding horses along the public highway.
2.	To provide opportunities for	The proposed track will provide access to a farm ride and bridleway from Lark Hill

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	outdoor sport and outdoor recreation near urban areas;	Road so that they can be used for outdoor recreation (Horse Riding). It will also allow the field in which it is situated to be maintained so it can be used for grazing which is requirement in respect of keep horses which allows for outdoor recreation (Horse Riding).
3.	To retain attractive landscapes, and enhance landscapes, near to where people live;	The proposed track will not alter the character of appearance of the landscape as it is a minor and common feature. It will also allow the field in which it is situated to be maintained. This will ensure that the attractive landscape is retained and enhanced.
4.	To improve damaged and derelict land around towns;	Although not near a town the proposed track will allow the field in which it is situated to be maintained. This will benefit the visual amenity of surrounding occupiers.
5.	To secure nature conservation interest; and	The proposed track will have no adverse impact on nature conservation interest.
6.	To retain land in agricultural, forestry and related uses"	The proposed track will have no adverse impact on agricultural, forestry and related uses. It will support the grazing of horses.

- 6.19 If it is perceived that the proposed development does not support the objectives of land use in the Green Belt, including outdoor recreation, it should be carefully considered that paragraph 1.7 of PPG2 states *"The extent to which the use of land fulfils these objectives is however not itself a material factor ...in its continued protection. For example although Green Belts often contain areas of attractive landscape, the quality of the landscape is not relevant to...its continued protection. The purposes of including land in Green Belts are of paramount importance to their continued protection, and should take precedence over the land use objectives"*.

- 6.20 The appellant has considered the effect of the proposals on the purposes of including land within the Green Belt at paragraph 6.13 and concluded that the proposal will not conflict with the purposes of including land within the Green Belt.
- 6.21 Furthermore Policy GB1 of the recently adopted Rochford Core Strategy states that the "Rochford District Council will prioritise the protection of the Green Belt based on how well the land helps achieve the purposes of the Green Belt."

Effect on the visual amenities of the Green Belt and the character and appearance of the area

- 6.22 The proposed development will have no adverse impact on the visual amenities of the Green Belt, by reason of its siting, material or design.
- 6.23 The top layer of the proposed track will not protrude out of the ground, laying flush to the surrounding grass. It will consist of crushed green limestone which will blend sympathetically with the field in which it lays and its surroundings.
- 6.24 Based on the above, it is therefore considered that this subtle alteration to the visual appearance of the Green Belt will have no adverse impact on the visual amenities of the Green Belt.
- 6.25 Again it should also be considered that paragraph 1.7 of PPG2 states that "*although Green Belts often contain areas of attractive landscape, the quality of the landscape is not relevant to...its continued protection. The purposes of including land in Green Belts are of paramount importance to their continued protection, and should take precedence over the land use objectives*". This has been assessed and no harm has been found.

- 6.26 Furthermore, the added ability the track will provide for maintenance of the field in which it lays and prevent it from falling into poor condition and this will increase the visual amenity of the Green Belt. The proposed development would therefore materially improve the visual amenities of the area.
- 6.27 Also without the hard base track the application site is likely to become a boggy eye sore in the winter months and an eroded dusty path in the summer. This will detract from the visual amenity of the Green Belt.

Summary

- 6.28 In conclusions to **what other harm to the Green Belt would result from the development** it is submitted that the proposed development would not cause any harm to the objectives of land use in the Green Belt and, in particular, it supports outdoor recreation in the Green Belt which is supported by the Core Strategy and Replacement Local Plan.
- 6.29 In addition the proposed development does not cause any other harm to the Green Belt by means of damage to the visual amenity of the Green Belt.
- (iv) **if the proposals are inappropriate development in the Green Belt, whether the 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 that would be necessary to justify them.**
- 6.30 This statement has concluded that in relation to Paragraph 3.12 of PPG2 (Engineering and Other Operations), the proposed development does not amount to inappropriate development
- 6.31 This statement has also considered 'any other harm' to the Green Belt in terms of its impact on visual amenity and effect on the objectives of land use within the Green Belt and has concluded that the proposals will not result in 'other harm'.

- 6.32 Nether the less, if it is perceived that the proposed development is inappropriate development and or causes other harm to the Green Belt there are a number of other considerations which would equate to 'very special circumstances' which in turn would justify the development proposal in line with paragraph 3.2 of PPG2.
- 6.33 The following matters are relevant to demonstrate very special circumstances:
- the emerging national planning policy context;
 - the opportunities for outdoor recreation;
 - visual impact of the fall back; and
 - highways safety impact of the fall back.

The emerging national planning policy context:

- 6.34 The Planning Inspectorate (PINS) advice (revised on 8th September 2011) for its Inspectors in relation to the NPPF directs that the draft NPPF is capable of being a material consideration. It is therefore a consideration which should be given weight, with other considerations, for justifying very special circumstances.
- 6.35 Paragraph 133 of the NPPF states that 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.
- 6.36 While paragraph 135 states once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; provide opportunities for outdoor sport and recreation; retain and enhance landscapes, visual amenity and biodiversity; or improve damaged or derelict land.
- 6.37 The appeal proposals do not conflict with the fundamental aim of the Green Belt or the characteristics of the Green Belt as stated in the draft NPPF, the most up to date national

guidance.

- 6.38 The proposals also enhance the beneficial use of the Green Belt by providing access to the Green Belt so it can be used for outdoor recreation (Horse Riding). This is the type of development the NPPF states that local authorities should be planning positively for.
- 6.39 It is submitted that the appeal proposal is heavily supported by the NPPF which should be given material weight in the decision.

Encouraging Outdoor Recreation

- 6.40 The appeal proposal is highly supportive of the Green Belt land use objective to provide opportunities for outdoor recreation as listed in paragraph 1.6 of PPG2.
- 6.41 Policy GB2 of the Core Strategy states that "the restrictive approach to development in the Green Belt will be relaxed for outdoor recreation and leisure activities which may be considered acceptable in appropriate circumstances."
- 6.42 Para 6.15 of the supporting text for this policy makes clear that 'equestrian facilities, in particular, are appropriate activities in the Green Belt as encouraged in national guidance, which the Council support'....'Equestrian facilities for leisure and outdoor recreation purposes will be encouraged in appropriate locations'.
- 6.43 Policy GB2 goes on to state that "*The Green Belt provides leisure opportunities for the Districts residents and visitors. Development that is essential for outdoor sport and recreation activities considered appropriate in the Green Belt will be permitted. Such essential facilities will be expected to have a minimal impact on the openness of the Green Belt.*"

- 6.44 It is fair to say the proposed track is essential for outdoor recreation. Without it the occupants of Homelands will not be able to access the farm ride and bridle way for equestrian recreation without either damaging the field in which the track will pass through or being forced to ride on the road and endanger highway safety. If the track becomes too degraded to use in the winter this will highly restrict the positive use of the Green Belt for outdoor recreation.
- 6.45 This point is backed up by Replacement Local Plan policy LT12 (Horse Riding Facilities) which states that horse related development should be granted planning permission provided that, amongst others, *'the proposal is well related to existing or proposed bridleways and will not cause conflicts between equestrians, and have no adverse effect on the road or highway safety of the area'*. Although the proposal is not for a horse riding facility as such, this policy makes clear the Councils priority for linking these horse use to bridleways and avoiding the use of roads.
- 6.46 It should be noted that the council recently considered a similar track as acceptable development providing access to the farm ride only 0.5 miles away from the appeal site.
- 6.47 Policy RC1 of the Replacement Local Plan also states that essential small-scale facilities for outdoor sport and outdoor recreation in accordance with PPG2 is not inappropriate development which requires very special circumstances.
- 6.48 It is submitted that the appeal proposal is a supported use of the Green Belt because it provides opportunities for outdoor recreation. This also supports the Rochford Development plan which identifies Horse Riding as an appropriate activity in the Green Belt. This should be given substantial weight in the decision making process.

Visual impact of the fall back option

- 6.49 Very special circumstances should, and have other appeals cases, included where the fall back is considered to cause

more harm to the Green Belt than the proposal.

- 6.50 In the case of the appeal proposals, if the appellant can not construct the hard base all weather track, then the fall back option is to continue to use the application site for use by horses and for use by tractor equipment.
- 6.51 This will inevitably lead to the track becoming a churned up bog in the winter months and heavily eroded dusty path in the summer. This will cause a much greater visual impact on the Green Belt than the appeal proposals.
- 6.52 Furthermore if the track becomes un-useable in the winter then it will not be possible for the appellant to maintain the field in which it lays. The field will become bumpy and visually degraded from grazing. This will also have an adverse visual impact on the Green Belt.
- 6.53 It is submitted that the proposed development would materially improve the visual amenities of the Green Belt and would cause a lesser impact than the fall back option.

Highways safety impact of the fall back option

- 6.54 In addition to the visual impact of the fall back option there will also be a highways safety impact. This is because without the hard base track the current access is likely to become unusable in the winter months. This will force the appellants to ride their horses on the busy Lark Hill Road in order to gain access to the farm ride and bridle way.
- 6.55 The unnecessary use of the road for horse riding is resisted by local plan policy LT2 because it puts the horses, the users and highways traffic at a greater risk.
- 6.56 It is submitted that the proposed development would materially improve highways safety by ensuring the horses owned by the appellant do not need to ride on the highway.

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Summary

- 6.57 Even if it is perceived that the proposal is inappropriate development in the Green Belt or causes other harm to the Green Belt, the above combination of circumstances and considerations represent very special circumstances that justify the proposals.

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7. Summary

- 7.1 The part retrospective appeal proposals are for a modest all weather track with sympathetic green limestone chipping surface to be laid in order to protect a track of land in danger of becoming a heavily eroded and degraded eyesore.
- 7.2 The key considerations for this appeal are outlined in the table below.

Conclusion Table 1.2

No.	Consideration	
1.	<p>PPG2 provides the overarching guidance on Green Belts which is most relevant to this appeal. It states that engineering, other operations and any material change of use in land do not constitute inappropriate development if they maintain openness and do not conflict with the purposes of including land in the Green belt.</p> <p>The proposal, by virtue of its nature and location, does not adversely impact on the openness of the Green Belt or the five purposes for including land in Green Belts.</p> <p>Based on the foregoing the appeal proposal is not inappropriate development.</p>	
2.	The appeal proposal does not cause any other harm to the Green Belt with regard to the visual amenity of the Green Belt and the objectives for the use of land in the Green Belt as set out in PPG2.	
3.	If perceived that the proposals are inappropriate and or cause other harm to the	

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	Green Belt there is a number of considerations which together justify exceptional circumstances for the development. These include the support for the draft NPPF, the use of the proposal to provide opportunities for outdoor recreation as supported by the development plan and the impact of the fall back option on the visual amenity of the Green Belt and highways safety.	
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- 7.3 In light of the above and for the reasons set out within this Statement the Inspector is respectfully requested to allow the appeal.