

**NEIGHBOURS LLP.
OC345099**

Planning and Property

**34 Wickham Crescent
Chelmsford
Essex
CM1 4WD
01245 348837
abiebuyck@gmail.com**

February 2013

Planning Application

PP02450500

**Land between Patricia Villas and Ardleigh House, Hall Road,
Stroud Green SS4 1PD.**

**A proposed development of two semi-detached dwellings on
0.1 hectares.**

Supporting information

1. Applicant.

J. W. Butcher, director of Thomas Frank Building Contractors Limited, of 25 Plymtree, Thorpe Bay, Southend SS1 3RA.

2. Agent: Anthony Biebuyck, Neighbours LLP

3. Site location.

This small site is within the hamlet of Stroud Green, about a mile west of Rochford town centre, on the southern side of Hall Road, between the Cock Inn and the junction with Cherry Orchard Way. Houses surround the site on all sides. On the east side, the immediate neighbours are two Victorian semi-detached houses, Patricia Villas. On the west, with out buildings and a hard surfaced yard extending behind the site, is a large detached house, Ardleigh House, barely visible behind high hedges. Stroud Green consists of about two dozen houses, including the Grade II listed Shangri La, an eighteenth century cottage and the seventeenth century Grade II listed Rectory Cottage. The Cock Inn, a large building fronted by a car park, dating from the eighteenth century with nineteenth and twentieth century additions, features on the local list of significant buildings. Most houses appear to be of nineteenth or early twentieth century construction, of modest size. Rectory Cottage, across the road, is now a retail shop, selling cast garden figures - an extensive display occupies the whole frontage.

Cherry Orchard Way, a major dual carriageway from the Rochford area to the A127 and Southend airport, bounds the hamlet on the east, detracting from the rural character of Stroud Green with a large, visually intrusive, roundabout, slip roads and substantial traffic flows. A major regional medical campus, creating 4,000 jobs, will soon be located nearby on Cherry Orchard Way. Close by, east and west of the site, building of several hundred new houses has begun, on high grade agricultural land, actively farmed and previously designated Green Belt. This will fatally change any residual local rural character.

4. Site history

The small site, of about 0.1 hectare, was a retail shop. The site is now derelict, neglected and unsightly, a break in the visual continuity of the hamlet. It has been the subject of numerous planning applications:

- 1979 151/79 application for two dwellings refused.
- 1985 LPA 393/85 and appeal 85/039509 application for two dwellings dismissed on appeal.
- 1988 777/88 application for vehicle access refused.
- 1989 277/89 application for vehicle access restricted to agricultural vehicles approved
- 1990 150/90 application for single dwelling refused.
- 1995 0492/95 and appeal 96/265341 application for a single dwelling dismissed on appeal.
- 1997 97/00540 application for polytunnel, single story farm shop and vehicle access refused
- 1998 98/00325 application single story agricultural building and vehicle access refused
- 1999 99/00724 application vehicle access, parking and turning area approved

It is fair to say that these applications showed limited sensitivity to the visual and social context of Stroud Green.

5. Site Allocations Assessment.

The site was rejected in the Site Allocations Assessment under site reference 147. This Assessment reflects surprising ignorance of the site and policy. The capacity given as both three and four houses. The nearest listed building is across the road, not 60 metres away. The description as 'an open field between residential dwellings' is inaccurate. It is too small to be called a field, neither pasture nor arable, and is located within a residential settlement, not a farm. It is misleadingly stated that 'South of the site is Cherry Orchard Jubilee Country Park'; this is factually correct, but the southern boundary of the site abuts the garden of Ardleigh House, with the commercial buildings of a nursery beyond that; the park lies further away. It is also misleadingly stated that 'to the west lies residential dwellings'. This appears inconsistent with the assertion, in the same paragraph, that the site is 'between residential dwellings'. More accurately, the site is part of the hamlet of Stroud Green, with dwellings front, back and both sides. The site is not 'adjacent' to a residential area, but within it. Adjacent land use is not unqualified 'Green Belt or country

park', but residential. As a village within the Green Belt specific policies apply: see both exceptions in para 89 of NPPF (v.i. p 5) and local policies (v.i.). The assessment correctly states that the site has proximity to schools, leisure facilities, Rochford town centre (and railway station) and good access to the regional highway network (and airport).

Development of the site has no infrastructure implications, and apart from a dropped kerb, no highway access or safety implications. The derelict site has negative visual amenity. It is not true that development will entail a 'loss of character of the site' or 'significant views' (of what?), unless, perversely, useless dereliction is preferred to responsible stewardship.

Contrary to the conclusion of the site assessment, development will have no impact on the openness of the Green Belt, since it is part of an established residential settlement.

Infill is not 'against council policy', contrary to what is asserted in the site assessment: see SPD2, paras 5 and 7, PPG2, Local Development Framework 6.2 and both exceptions in para 89 of the NPPF (all v.i.). This site will contribute to housing targets, modest commensurate with the site size and 'in terms of community benefit' will make use of a derelict eyesore to establish the visual and social continuity of Stroud Green and connect Patricia Villas to the rest of the settlement, as well as providing employment and two modest homes. Small homes are a specific local policy objective.

Local policy for infill includes:

Supplementary Planning Document 2 Housing Design

5. INFILL DEVELOPMENT

5.1 Minimum requirements for site frontage are a useful measure to guard against the overdevelopment of infill sites. The standards set out below allow for the variation of frontage sizes where necessary to ensure they are compatible with the existing form and character of the area. Housing development on small vacant frontage plots comprising infilling shall be subject to the following building design criteria.

5.2 In the case of housing *development* on small vacant frontage plots comprising infilling, site frontages shall ordinarily be a minimum of 9.25 metres for detached properties or 15.25 metres for semi-detached pairs of properties or be of such frontage and form compatible with the existing form and character of the area within which they are to be sited. Consideration will also be given to the development's compatibility with the historic and cultural environment of the area. In addition to this the proposed development must not have an adverse impact upon biodiversity or other green spaces. Higher densities of infill development may be permitted in areas that are easily accessible by a choice of means of transportation and within easy access of local facilities and services.

7. SEPARATION OF DWELLINGS

7.1 The relationship between new dwellings and existing dwellings in the case of infill developments is considered to be of particular importance to the maintenance of the appearance and character of residential areas and to the overall appearance of new estates. The Local Planning Authority will apply the following standards to ensure the adequate separation of new dwellings.

7.2 In assessing planning applications for housing schemes, including the development of new estates and infill plots within existing residential areas, the Local Planning Authority will require that a minimum separation of one metre is achieved in all cases between the side boundaries of the hereditament and habitable rooms of the dwelling house. This will apply to the spaces between detached dwelling houses, pairs of semi-detached dwellings and blocks of terraced houses, flats or maisonettes, to provide a total separation of two metres between the sides of the buildings. It is accepted that a total side to side separation of two metres may not be achievable in all cases relating to infill applications. In all cases, however, building separation will be required to be compatible with the location of the residential development and the character of the existing neighbourhood.

The proposed development meets or exceeds these design standards.

6. Design principles.

Stroud Green is a hamlet with a special character, of modest cottages of vernacular style. A somewhat incongruous exception is the large mass of Ardleigh House, its high evergreen hedges and security gates. Ardleigh House and outbuildings are out of character in scale and style with rest of Stroud Green. The obtrusive evergreen high hedges break the visual continuity of the street scene and cut off Patricia Villas, neighbours to the site on the east side, from the rest of Stroud Green. Development of this site will provide a visual link between Patricia Villas and the rest of Stroud Green, making a positive contribution to visual amenity. Careful design of the proposed dwellings, as is evident from the attached architectural plans, will ensure visual sympathy with Patricia Villas and the neighbouring properties.

7. Policy.

As is evident from the drawings attached, the proposed buildings will closely follow guidance in:

Rochford Replacement Local Plan.
Rochford Local Development Framework Core Strategy
Supplementary Planning Document SPD 2 Housing Design,
Supplementary Planning Document SPD 7 Design, landscaping and access statements.
Essex Design Guide, adopted by Rochford District Council,
Planning Policy Statement 1 Delivering Sustainable Development, and

Commission for Architecture and the Built Environment - Design and access statements – how to write, read and use them.
National Planning Policy Framework

The Rochford Replacement Local Plan.

The Local Plan promotes good design and design statements, and requires careful consideration of proposals that affect older buildings, especially those listed, as is the case here, to avoid the erosion of character by standardised materials and design. The objective of design on this site is specifically to protect the townscape character and ensure development makes a positive contribution. Clearly in mind is the encouragement in PPS1, of design that is in scale and character with the surroundings, as well as the following local policies:

Local Plan Policy CS6 – promoting good design and design statements.

It is the Council's aim to encourage good quality design which:

- a. takes into account existing form and character of the site and surroundings;
- b. relates to the locality in terms of scale, layout, proportion, materials and detailing;
- c. includes landscaping that reduce visual impact and positively enhance the proposal and surroundings;
- d. minimises the risk of crime;
- e. provides for storage, recycling and collection of waste.

The proposed development meets all these requirements.

Local Development Framework Core Strategy

Section 5 Character of Place.

The vision of the Local Development Framework Core Strategy Adopted Version is to retain the distinctive character and implement development that respects and contributes positively to that character.

5.9. Much of Rochford's unique character stems from the traditional buildings that still dominate the towns and villages. Good design is crucial in proposals that affect historic buildings.

Local Plan Policy CP1 – Design.

The Council will promote good, high quality design that has regard to local flavour, through Supplementary Planning Documents and the Essex Design Guide.

Transport.

Policy T2 notes that enhancement of the B1013 (Hall Road, fronting the site) will be prioritised. As noted in the Site Allocations Assessment, the

site has good transport links, with access to major roads, Rochford railway station, buses, the airport and the town centre a short walk away.

The proposed development meets or exceeds these requirements.

Supplementary Planning Document 7.

Design, landscaping and access statements.

Design should take opportunities to improve the character and quality of an area.

1.2. Design should:

take account of existing form and character

relate to the locality in scale, layout, proportion, materials and detailing

include landscaping to reduce visual impact and enhance the proposal and surroundings and

minimise the risk of crime.

Design of the proposed development fulfils all these policy objectives.

8. Location and Green Belt policies.

Rochford is rightly proud that the District is almost entirely Green Belt outside the settlement areas, providing a resource of rural tranquillity for local residents and visitors from surrounding areas who value the countryside. The site is therefore subject to restrictive Green Belt policies as set out in the NPPF, previous national policies now superseded by, but still consistent with, the NPPF and in local policies which refer to superseded national policies. Great importance is attached to the openness of the Green Belt and there are restrictions on inappropriate development, including the construction of new buildings in the Green Belt, except in very special circumstances and subject to specific exceptions:

Para 89 of the NPPF provides:

“ a local authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

limited infilling in villages

limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land).

LDF Paragraph 6.2 refers to the statement in PPG2 that development should not be permitted in the Green Belt unless it is for purposes that include limited infilling in existing villages.

“Villages” and “settlement” or not terms of art and apply without policy differentiation to settlements outside the main residential areas, excepting those subject to specific area policies.

9. Design and access.

9.1. Site analysis.

The site has been unused since the retail shop closed. The refusals of planning permission, without alternatives, by the Local Planning Authority are especially unfortunate, because the site provides a key visual link between the rest of the settlement and Patricia Villas - isolated at the eastern end of the hamlet by this empty, overgrown site and the dark mass of evergreen high hedges of Ardleigh House -. The site, at 0.1 hectare, is too small for any use other than residential, given the local context. The site is level, roughly square in shape and has no environmental, access or highway safety constraints. It has a wider street frontage than most of the plots in the settlement and the proposal for two dwellings is arguably under development (the LPA site assessment provided for three or four homes), but consistent with the rest of the street scene.

The proposal reflects the design guidance in the policy documents set out above, including the Essex Design Guide and the requirement for integrating storage.

9.2. Consultation.

Rochford Parish Council

The Essex Design Guide promotes minimal visual intrusion of car parking on site. Initial plans had the garages and parking to the side and rear of the proposed properties, for this reason. However, at a presentation to a meeting of Rochford Parish Council, members showed a preference for car parking closer to the front of the properties for two reasons:
to allow larger gardens for the use of families with children;
to maintain visual consistency with neighbouring properties.

The design was amended in accordance with the Parish Council views, to the present scheme with attached garages, receiving positive support from the Parish Council. Site layout allows vehicles to leave the site facing forward.

Neighbours

All the properties in Stroud Green received a letter (see appendices), inviting comment and suggesting two layouts: detached or semi-detached homes. The sole response expressed a preference for the semi-detached scheme, which we have carried forward in this proposal.

9.3. Design solutions.

The design of the proposed buildings is specifically to respect and complement the local visual context, in particular the immediate neighbours at Patricia Villas. This is important to strengthen the visual connection between Patricia Villas, isolated by the evergreen bulk of the Ardleigh House hedges, and the rest of the settlement. The rectangular

external shape, roof slopes, detailing, materials, scale and colour, street frontage and building line all reflect the local street scene. Proposed siting of garages and car parking to the rear or side of the property, to minimise visual intrusion, consistent with policy and design guidance, has been modified in the light of consultation, as mentioned above. Flat surfaces of at least 900 x 900 cm at the front and rear entrances will facilitate unassisted access by disabled people, consistent with policy guidance.

There are no significant trees on the site and new planting of indigenous trees and shrubs will enhance the site and soften the visual impact of the new dwellings. Planting will follow the detailed guidance in Section 4 of SPD7. Varied treatment of the hard landscape surfaces will provide visual interest and assist access by disabled people.

10. Pre-application advice

Two meetings were held. The advice and some correspondence are in the appendices. The following points arise:

10.1. The written minute of the first meeting confirmed that density, design, parking and related matters are accepted, subject to details discussed, for example, a dormer window over the garage and landscaping.

10.2. The principle of residential development was not accepted, and requires a detailed response, set out, at some length, below.

The minute asserts that development must be in accordance with the Development Plan. Without qualification, this is not a correct statement of the law:

Town and Country Planning Act, 1990.

70 — Determination of applications: general considerations.

(1) Where an application is made to a local planning authority for planning permission—

- (a) subject to sections 91 and 92, they may grant planning permission, either unconditionally or subject to such conditions as they think fit; or
- (b) they may refuse planning permission.

(2) In dealing with such an application the authority shall have regard to —

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

(As substituted by the Localism Act, 2011).

Planning and Compulsory Purchase Act 2004.

38. Development plan

(6) If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan, unless material considerations indicate otherwise.

10.3. Comment.

s. 70(2) provides that regard shall be had to three matters – the DP, local finance and any other material considerations, with the proviso that each only so far as material. Each factor is weighted equally. It is unfortunate there is no guidance on this point in the statute or policy. The judicial authorities are helpful. What is clear is that regard to the development plan is only so far as material to the application and balanced against the two other factors mentioned.

The s. 38(6) reference to the development plan is conditional, “if”, and “unless material considerations indicate otherwise”. Regard to the development plan is therefore, under the legislation, discretionary, a discretion to be exercised on Wednesbury principles, as set out in Associated Provincial Picture Houses v Wednesbury Corporation (1947) 1 KB 223.

The rather compressed reference at paragraph 2 of the National Planning Policy Framework is misleading as it omits the caveats present in the legislation, which prevail over policy statements. Nevertheless, NPPF paragraph 2 does indicate that material considerations should prevail over the development plan in appropriate cases:

NPPF

2. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

(ref. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990)

It follows from the above that the DP may be relevant, but might not (“if”); that it is one of three considerations with no statutory differentiation and that other material considerations prevail in appropriate cases.

“If” – s. 38(6).

In what cases might ‘if’ apply? The DP cannot predict unexpected ‘windfall’ sites - often small, not in the SHLAA, but suitable for housing or other development. These sites are not known at the time the DP is drafted. Such sites may not make a big contribution to the thousands of homes planned in the Rochford DP, but that should not prejudice approval in appropriate cases, where consistent with other policies. DP plans do not guarantee delivery. Shortfalls may develop that, according to guidance and judicial authority, are material considerations in determining

applications. It follows that in considering small windfall sites that DP allocations are not inevitably relevant. In that case, one must turn for guidance on appropriate development to the Core Strategy, the NPPF, other local policies, special circumstances and other 'material considerations', with reference to statute, judicial authority or guidance, including replaced national policies.

10.4. Appropriate development and Green Belt policies.

Appropriate development in the Green Belt, consistent with local and national policies, may take precedence over aspects of the DP.

Development in the Green Belt is appropriate in specified circumstances. Where development is appropriate, 'very special circumstances' requirements do not apply.

National Planning Policy Framework.

9. Green Belt

79. The Government attaches great importance to Green Belts. 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.

80. Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns 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.

87. As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

88. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

89. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

131. In determining applications, local planning authorities should take account of:
the desirability of new development making a positive contribution to local character and distinctiveness.

Rochford Local Development Framework Core Strategy.

3.20. New development has been implemented which contributes positively towards the District's character and ensures the District's communities continue to thrive.

5.5. Design will be expected to enhance local identity by being sympathetic to local needs and by building on local opportunities.

Policy GB1, 6.2 refers to infill as permissible in the Green Belt:

6.2 PPG2 also states that development should not be permitted in the Green Belt unless it is for any of the following purposes:

- Limited infilling in existing villages, and limited affordable housing for local community needs under development plan policies according with PPS3;

Policy SPD2, paragraphs 5.1, 5.2, 7.1 and 7.2 (set out supra pp 4, 5) refer to housing design, including policies for infill, to ensure minimal frontages, separation, compatibility with existing form and character of area and housing development on small vacant frontage plots comprising infill.

LDF Development Management DPD Preferred Policy Options.

Infilling and Residential Intensification.

2.19 Infilling can be defined as filling the small gaps between existing groups of dwellings with new development. We consider the limited infilling of settlements to be acceptable where the development conforms to the existing street pattern and density of the immediate locality..... However, the appropriateness of infilling in residential areas will be determined on a case by case basis primarily having regard to residential intensification, 'town cramming' (i.e. where too much infill development in the existing residential area would be detrimental to the area's character) and the impact on the character of the street scene.

2.20 A restrictive approach is appropriate as infilling and residential intensification can have a negative impact on the amenity and character of settlements, and lead to increased traffic generation, and 'town cramming'. As such, we will seek to avoid these adverse effects.

Draft Policy DM3 – Infilling and Residential Intensification.

Proposals for infilling, residential intensification or 'backland' development should consider:

- (i) the design of the proposed development in relation to the existing street pattern and density of the locality;

- (ii) whether the number and type of dwellings being proposed are appropriate to the locality;
- (iii) the contribution to housing need, taking into account the advice and guidance of the Housing Strategy Team;
- (iv) an assessment of the proposal's impact on residential amenity;
- (v) the loss of important open space which provides a community benefit and visual focus in the street scene;
- (vi) the loss of private amenity space for neighbouring dwellings;
- (vii) the adequate provision of private amenity space for the proposed dwelling as set out in Supplementary Planning Document 2: Housing Design;
- (viii) the availability of sufficient access to the site and adequate parking provision; and
- (ix) avoiding a tandem relationship between dwellings.

The Proposal fulfills all these policy requirements.

The requirement in paragraphs 2.19 and 2.20 of the DPD that "infill will be considered on a case by case basis to avoid adverse effects" is noted.

10.5. Comment

This site is consistent with both limbs of NPPF para 89, and Rochford Core Strategy para 6.2, and other local policies referred to above, as infill.

The fundamental aim (NPPF para 79) of Green Belt policies is to preserve the openness of the countryside. There is no openness here to preserve since the small site – 0.1 H - is within the settlement, with buildings on all sides. With respect to the purposes of the Green Belt enumerated in para 80 of the NPPF (above): there is no urban sprawl, no merging of towns, no encroachment on the countryside; this is recycling of derelict land. The glossary to the NPPF provides that previously developed status is lost once the buildings merge with the land, in the process of time. In this case, however, the Applicant demolished the buildings because of safety concerns. The site thus remains as previously developed, for planning purposes.

The proposed development accords with the policies set out above. Planning permission should be granted.

10.6. Material considerations and the status of the development plan.

What considerations might be material? In what circumstances? How achieve a balance where there conflicting considerations? An application may be in accordance with some policies and not with others. It follows from Wednesbury principles (v.s. p 9) that a material consideration should not be omitted nor an immaterial consideration taken into account.

A planning permission was held to have been issued *ultra vires* for failure to comply with the duty under s.54A in R. v. Canterbury City Council Ex p. Springimage Ltd [1993] 3 P.L.R. 58 (David Keene Q.C., sitting as Deputy Judge) because the officers' report to the Planning Committee wrongly

recorded that the effect of the section was to require local planning authorities "to have regard to the provisions of the development plan ... unless material considerations indicate otherwise".

S. 36(2) replaces 54A of the TCPA 1990, previously discussed.

In Bexley LBC v Secretary of State for Communities and Local Government, Queen's Bench Division (Administrative Court) 30 July 2009, John Howell Q.C. held that:

"The development plan and other planning policies provided guidance on how to determine planning applications on their merits. They were not devices for depriving material planning considerations of relevance or blinkers to prevent a decision-maker from taking an informed view of the planning merits."

In St Albans DC v Secretary of State for the Environment [1993] 1 P.L.R. 88 the High Court ruled that the section did establish a presumption in favour of the development plan, but rejected the submission that the plan should prevail unless there were strong contrary planning grounds. Such a construction would involve placing an unwarranted gloss upon the words of the statute, and that all that was required was that there should be material considerations which "indicated otherwise".

The Court of Appeal, in R. v Selby DC Ex p. Oxton Farms [1997] E.G.C.S. 60 stressed the importance of decision makers under the 1990 Act having in mind ss.70 and 54A and applying the appropriate tests. A planning officer reporting to a planning committee had also to keep the test in mind in preparing the information to provide to the committee and in the manner in which that information was provided.

In City of Edinburgh v Secretary of State for Scotland [1997] 1 W.L.R. 1447; [1997] 3 P.L.R. 71; [1998] J.P.L. 224:

"It requires to be emphasised, however, that the matter is nevertheless still one of judgment, and that this judgment is to be exercised by the decision taker. The development plan does not, even with the benefit of section 18A, (in Scotland parallel to s. 36 (2)) have absolute authority. The planning authority is not obliged, to adopt Lord Guest's words in Simpson v Edinburgh Corporation, 1960 S.C 313, 318, 'slavishly to adhere to' it. It is at liberty to depart from the development plan if material considerations indicate otherwise".

In R. (Cummins) v Camden LBC [2001] EWHC 1116 (Admin) (Ouseley J.; December 21, 2001) the court observed that the "accordance" of a determination had to be in accordance with the plan, not with each relevant policy of the plan. It might be necessary in a case where policies pull in different directions to decide which is the dominant policy.

The authority's power is also subject to the duty to take into account representations received in response to publicity given to the application (s.65 and the Town and Country Planning (Development Management and Procedure) (England) Order 2010 (SI 2010/2184), art.28 (England)

In R. v Secretary of State for Social Services, Ex p. Association of Metropolitan Authorities [1986] 1 All E.R. 164 it was held that every duty to "consult" imposed on the local planning authority implies an obligation to take into account the representations the authority receives from the consultee

10.7. Comment.

In this case, both the Parish Council and the neighbours were consulted at an early stage, the Parish Council by a presentation at a meeting and the neighbours by a letter to fifteen properties in Stroud Green. The Parish Council expressed their positive support. Only one neighbour responded, and that with approval. Both consultees made suggestions which have been adopted, in respect of garden layout and a preference for semi rather than detached properties. It is not open to District Council to simply ignore the views of these consultees.

The requirement to have regard to "any other material considerations" is, in effect, a statutory adaptation of the formula devised by the courts in reviewing the validity of administrative action, that all relevant matters should have been taken into account (Wednesbury principles). It has therefore fallen to the courts to set the limits of discretion in development control. The starting point is the broad interpretation adopted by Cooke J. in Stringer v Minister of Housing and Local Government [1971] 1 All E.R. 65, at 77:

"In principle, it seems to me that any consideration which relates to the use and development of land is capable of being a planning consideration. Whether a particular consideration falling within that broad class is material in any given case will depend on the circumstances.

The breadth of the statutory formula was re-emphasised by the House of Lords in Great Portland Estates plc v Westminster City Council [1985] A.C. 661; [1985] J.P.L. 108, which accepted that, while the general principle should be that planning should be concerned only with the development and use of land, this approach should be tempered where appropriate by having regard to the circumstances of individuals".

10.8. Appeal cited in the first pre-application advice.

The minute of the first pre-application meeting refers to an appeal decision: Land north of Merryfields Avenue, Hockley, 11/00352/OUT and 12/21718, decision 3 July 2012 (see appendices). This is said, on behalf of the LPA in the pre-application advice, to support refusing planning permission in this case.

It is difficult to identify the common circumstances of the appeal with the case subject of this proposal. The Merryfields Avenue proposal was five large, detached, two storey houses with garages, with site works including piping a ditch, constructing an access road and creation of a footpath linking with the Marylands Nature Reserve, on a site over three times larger than this proposal. Further, the development was sited in woodland, outside an established residential area, out of sympathy with

dwelling within the nearby residential area, which were mainly semis and bungalows. The western boundary was a footpath and open fields. The eastern boundary was woodland. The northern boundary was the dense woodland of the Nature Reserve. The whole site was within Green belt and outside the residential area, apart from the great sensitivity of the Nature Reserve and woodland. It breached the defensible boundary of the Green Belt. It required felling 34 trees within the woodland. The whole woodland was subject of a TPO.

The inspector found, at paragraph 28, "that there is a credible risk that the proposal would prejudice the proper implementation of the housing strategy for the District", referring to 50 houses proposed in West Hockley. That is not the case here, with a small proposal of two modest semis, scaled and designed in sympathy with the village in which it is located as infill on previously developed land, with a much larger – compared to Hockley's 50 - local development plan proposal for many hundreds of houses to the east and further large developments to the west. In the appeal referred to, the site was located as an extension to a small cul de sac, leading to the Nature Reserve. The site here proposed has Cherry Orchard Way a few metres to the east with a large and visually obtrusive roundabout that heads a major route with substantial traffic flows, on which there will soon be located a medical campus with 4,000 jobs. Neighbours and the Environment Agency opposed the appeal site referred to, in contrast to the local support for the scheme proposed here. The site here proposed is a policy and amenity minnow, relative to the shark of the appeal site.

10.10. The second pre-application advice.

Following a second meeting, written advice was received by letter dated 3 December 2012. A copy is attached.

The proposed development is said to be 'piecemeal development', "the unplanned release of small Green Belt sites over time ...leading to sporadic development ... contrary to the Core Strategy .. H2 and GB1".

Contrary to this advice, this is not unplanned release of a Green Belt site. It is development within current policies. It is unplanned in the sense that any windfall site is unplanned, that is the availability was not within the previous knowledge of the planners, except the misleading and wrong site assessment referred to above. The LPA have declined to say what is meant by 'piecemeal development' (see letter). 'Piecemeal development' is not a term of art in planning law. It suggests scattered development, away from settlements. 'Sporadic' suggests a similar impact. That is not the case here.

Reference is made to the requirement for 'infrastructure services and affordable housing'. Infrastructure provision is only be required of larger sites under CIL provisions – not relevant here. This site imposes minimal demands on infrastructure. It is below the affordable housing threshold. This advice has no relevance.

Reference is made to Policy H2 'extensions to existing residential envelopes', also not relevant here, but quoted for completeness:

Policy H2 – Extensions to residential envelopes and phasing

The residential envelope of existing settlements will be extended in the areas set out below and indicated on the key diagram, to contribute to a five year supply of housing land in the period to 2015, and between 2015 and 2021.

The detailed location and quantum of development will be articulated within the Allocations Development Plan Document.

Development within the above areas will be required to be comprehensively planned. A range of other uses and infrastructure (including off-site infrastructure), having regard to the requirements of the Core Strategy, will be required to be developed and implemented in a timely manner alongside housing. Appendix H1 outlines the infrastructure that will be required for each residential area, and should be read in conjunction with Policy CLT1.

The Council will maintain a flexible approach with regards to the timing of the release of land for residential development to ensure a constant five-year supply of land.

Comment.

This has no relevance, except in the negative sense that infrastructure is required of major developments in the context of urban extensions, not small windfall sites.

Reference is made to GB1, providing that particular consideration will be given to preventing coalescence of settlements, to help preserve individual identities, prioritise the protection of Green Belt land based on how well the land helps achieve the purposes of the Green Belt.

Policy GB1 – Green Belt Protection

The Council will allocate the minimum amount of Green Belt land necessary to meet the District's housing and employment needs. In doing so, particular consideration will be given to the need to prevent the coalescence of individual settlements, in order to help preserve their identities.

The Council will direct development away from the Green Belt as far as practicable and will prioritise the protection of Green Belt land based on how well the land helps achieve the purposes of the Green Belt. Rural diversification and the continuation of existing rural businesses will be encouraged, as appropriate, so long as such activities do not significantly undermine the objectives or character of the Green Belt.

Comment.

The key purposes of the Green Belt are to preserve the openness of the countryside, prevent urban sprawl and the coalescence of settlements. None of these is offended by this development.

Reference is made to Policy H1, which provides:

“Limited infilling will be considered acceptable, and will continue to contribute towards housing supply, provided it relates well to the existing street pattern, density and character of the locality.”

Comment

This supports the proposed development.

Reference is made to policy DM3 in the Development Management DPD. This is set out above, and provides policy requirements for infilling, all fulfilled by this proposal, as discussed above at pages 11 and 12.

10.11. Appeal cited in the second pre-application advice.

In correspondence, following the written advice, reference was made to an appeal decision 12/2180376. This was in respect of an extension to a neighbouring house, 1 Patricia Villas (see appendices). The decision is distinguished from this proposal because the extension was bigger than permitted, and therefore specifically prohibited by policy R5, and is at the outer edge of the settlement, and so has some visual impact external to the settlement.

Infill

There are a number of references, in the second pre-application advice, to infill in the Green Belt as contrary to policy, both national and local. No authority is given, despite request. We have discussed policies to the contrary extensively above. We look forward to advice on this point.

Uses other than residential

We are also informed that “The Council do not consider the site to be derelict and that there is no alternative appropriate use of the land other than residential” and further “it is outside (the Council’s) responsibility to suggest any such uses”. We look forward to discussion on this point as well.

11. In summary:

- infill in Green Belt villages is in accordance with both national and local policies;
- the design is sympathetic to the local vernacular architecture and street scene, as required by policy
- land should be used rather than left derelict;

- there is no alternative appropriate use of this land other than residential;
- this derelict site detracts from the visual amenity of Stroud Green;
- this development enhances the visual amenity of Stroud Green by completing the continuity of the street frontage;
- weight should be given to local views expressed in neighbourhood consultation;
- both the Parish Council, in response to a presentation, and the only neighbour (of fifteen consulted) to respond to a consultation letter, support this development and changes have been made to the design in response to the views expressed;
- positive stewardship of occupied land is preferable to neglect of unoccupied land;

Planning permission should be granted.

Anthony Biebuyck

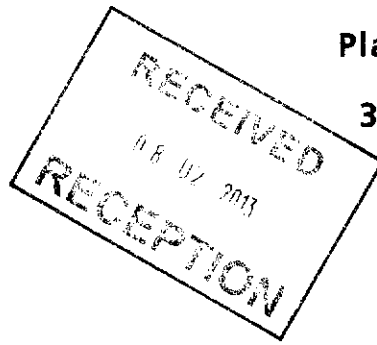
Appendices.

1. Consultation letter to neighbours
2. Minute of meeting of 8 August 2012 and covering letter dated 16 August 2012
3. Letter dated 3 December 2012
4. Email thread, 17 and 21 December 2012
5. Appeal decision. 12/2171825. Land north of Merryfields Avenue, Hockley
6. Appeal decision. 12//2180376. 1 Patricia Villas, Hall Road, Rochford

**NEIGHBOURS LLP.
OC345099**

Planning and Property

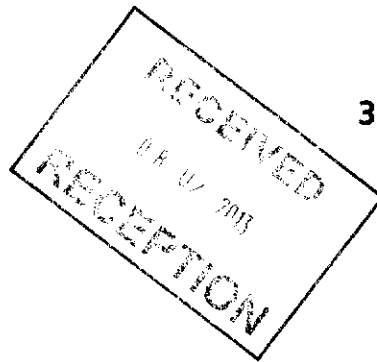
**34 Wickham Crescent
Chelmsford
Essex
CM1 4WD
01245 348837
abiebuyck@gmail.com**



Appendices.

1. Site plan, plan and elevations drawings
2. Location plan
3. Consultation letter to neighbours
4. Minute of meeting of 8 August 2012 and covering letter dated 16 August 2012
5. Letter dated 3 December 2012
6. Email thread, 17 and 21 December 2012
7. Appeal decision. 12/2171825. Land north of Merryfields Avenue, Hockley
8. Appeal decision. 12//2180376. 1 Patricia Villas, Hall Road, Rochford

**NEIGHBOURS LLP.
OC345099
PROJECT ANALYSIS
AND DELIVERY**



**34 Wickham Crescent
Chelmsford
Essex
CM1 4WD
01245 348837
abiebuyck@gmail.com**

12 June 2012

Dear

Two new homes in Stroud Green.

I write to introduce a proposal to build two new homes on the waste ground between Patricia Villas and Ardleigh House. This site has been unused for thirty years. I will be meeting with Rochford District Council to discuss this proposal, but before doing so, I would appreciate your thoughts.

Either two detached or two semi detached houses are proposed. I enclose a draft proposal for the District Council, explaining why it is important that something positive is done to make use of an empty site and benefit Stroud Green. You will know the proposals for large scale building nearby, and two houses here might mean two fewer elsewhere, on greenfield farm land.

I would be grateful for your views. If you would like to discuss this further, please do get in touch, by phone, letter or email. My contact details are at the head of this letter.

Thank you very much for reading this.

yours sincerely,

Tony Biebuyck

Minutes of meeting



Date of meeting: 8th August 2012

Site: Land adjacent to Ardleigh House, Hall Road

Ref: PA/12/00032/PREAPP

In attendance: Katie Rodgers (RDC) and Mr. Anthony Biebuyck (agent).

Principle of residential development

- The National Planning Policy Framework (NPPF) states that development should be plan-led and given that the Council has an adopted Core Strategy (December 2011) the Council would consider a proposal for new residential development against relevant policies in this in the first instance.
- Policy H1 of the Core Strategy clearly sets out the level of housing provision in the District that is intended to be delivered and the priority for using previously developed land. Whilst this policy refers to limited infill being acceptable this relates to sites within existing residential areas rather than to sites designated as Green Belt. This policy goes on to accept that the necessary housing provision cannot be met without utilisation of some existing Green Belt land the general locations for which are detailed in Policy H2.
- The closest general location to the application site, as identified in Policy H2 of the Core Strategy, is West Rochford. No specific site has yet been identified within the general locations through the Site Allocations Development Plan Document although in this particular case the Council has already given outline approval, in principle, to a proposal for 600 dwellings on land within the general location of West Rochford under application 10/00234/OUT (the issue of a formal decision is pending completion of a section 106 legal agreement). Given this, there would be no argument to be made that the proposed development of 2 dwellings would contribute to the required provision of 600 dwellings in the general location of West Rochford as identified in Policy H2. Even in the absence of the approval, in principle, for the 600 dwellings in West Rochford, the proposal would not result in a comprehensively planned development in line with the requirements of Policy H2 and the infrastructure requirements required in association with the residential development within the West Rochford general location as set out in Appendix H1.
- The Council's strategic approach to the delivery of housing across the District is that this should be comprehensively planned to ensure the delivery of infrastructure including affordable housing, something which the ad hoc development of infill plots in Green Belt settlements across the District would not achieve.
- Given the above, it is considered that the proposal would be contrary to Policy GB1 of the Core Strategy which clearly explains that the Council will allocate the minimum amount of Green Belt necessary to meet the Districts housing needs. The Council is satisfied that it can demonstrate a 5 year supply of land for housing and consequently it is considered unlikely that very special circumstances would exist to justify the proposed development.
- The fact that the site is unused and is in the applicants view unsuitable for any alternative use other than residential would not constitute very special circumstances.

- A recent appeal decision which may be of some relevance to the issue of acceptability of small scale residential development in the Green Belt was briefly mentioned, the reference for this is 11/00352/OUT, the appeal decision was dated 16th May 2012 and details of this can be found on the Council's website under the application reference.

Density

- The density of the proposal is likely to be considered acceptable. Given the context of the site any greater density is likely to be considered out of keeping and result in a cramped form of development.

Design

- In design terms, the principle of a pair of semi-detached houses on the site is not considered to be objectionable and would be in keeping with other pairs of semi-detached dwellings in the immediate area.
- A Design and Access Statement would be required in the submission of a planning application which should demonstrate how the design, form and appearance of the proposed semi-detached pair have been influenced by the character and appearance of the locality.
- The dormers shown appear too large in the roof space, with the windows too small in the dormer face and should be omitted or smaller in scale to accord with advice in the Essex Design Guide and Supplementary Planning Document 2 which advises that dormers should be of traditional form as small, incidental features in the roof space the purpose of which is to let in light rather than achieve head height.
- Without the submission of all elevations (notably side elevations) and a roof plan it is not possible to provide detailed advice on the acceptability of the form and design of the dwellings proposed. It would appear that the dwellings would each have pitched roofs over with gable ended projections to the rear at 90 degrees to the ridge running east-west. Advice in the Essex Design Guide should be followed with regard to buildings composed of an assemblage of forms i.e. with pitched roofs spanning the narrower plan dimension (with spans not usually exceeding 6.5 metres) and L or perhaps T shaped plan form. The two storey part to the rear should be articulated from the side walls of the semi-detached pair, even if very slightly, to guard against the creation of large unbroken side elevations. The part of the dwelling with the garage at ground floor with room above should be articulated from the rear wall as well as from the front wall as shown to accord with the principles of the Essex Design Guide.
- Each dwelling should be provided with a useable, enclosed garden area of at least 100 square metres; this should be easily accommodated even with potential changes to the parking arrangements.
- The proposal would be unlikely to give rise to concerns with regard to impact on the residential amenity of neighbouring dwellings although side facing windows are likely to be required to be fixed shut above 1.7 metres above finished floor level and obscure glazed; this should not however present an issue as another window is proposed to serve the proposed bedroom over the garage.

Parking

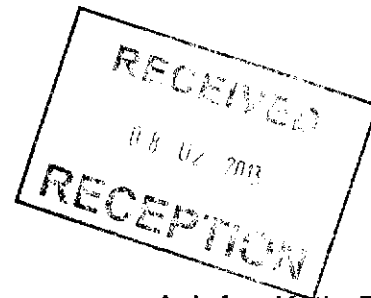
- To accord with the adopted parking standard a minimum of 2 spaces per dwelling would be required with each space achieving the preferred bay size of 5.5 metres by 2.9 metres. In addition, provision should be made for visitor spaces at 0.25 spaces per dwelling (rounded up) which would equate to 1 additional space. However it may be beneficial to provide space to accommodate 3 spaces on each plot as a visitor space is unlikely to be used by both dwellings if sited on one of the plots. In order to count towards parking provision garages would have to have internal dimensions of 7 metres by 3 metres; these need not necessarily be provided as integral features but could possibly be provided as detached buildings.
- Parking and the associated hard surfacing as shown dominates the site frontage and should be re-considered to provide additional soft landscaping to the front particularly given the rural location and character of the area; several of the properties in the area have an area of soft landscaping to the front. Details of proposed planting and boundary treatments should ideally be submitted at the application stage.
- The extent of the site ownership to the front should be confirmed with Essex County Council; it would appear that part of the land edged red is actually land that forms part of the highway. You would be advised to contact Miss C Yallop, telephone: 01245 342692, e-mail highwayrecords@essexhighways.org for details of the highway boundary. There may also be a covered ditch to the site frontage abutting the footway as this a known feature further up the street.
- Turning arrangements and site splays would need to be provided to meet the requirements of Essex County Council Highways Authority. You would be advised to discuss the proposal with ECC Highways department prior to submission of an application.
- Other site frontages/boundary treatments in the street are set back from the footway and it would be in keeping with this existing character for any boundary treatment to the application site to also be set back the same distance.

Other matters

- I have consulted ECC Archaeology Team who would not require any archaeology investigation prior to an application being submitted.
- It is understood that there are no significant trees on the site. Trees or hedges that exist at the site or on land immediately adjacent at the time of the application should however be shown on the existing and proposed site layout plans submitted with the application. A tree survey and impact assessment would be required if the proposal were to affect any trees/hedges at the site or on land adjacent.
- An ecology survey of the site to ascertain the presence or absence of any protected species on the site should be undertaken and submitted with any planning application.
- Your attention should be drawn to the list of policies identified within the attached letter which would be considered within the submission of a planning application. In particular, policies H6 and ENV9 of the Core Strategy require any new housing to comply with the Lifetime Homes Standard and the Code for Sustainable Homes.

Head of Planning & Transportation
Shaun Scrutton, BSc(Hons), Dip TP,
MRTPI, IHBC, MBA, MCM

J W Butcher
C/O Anthony Biebuyck
Neighbours LLP
34 Wickham Crescent
Chelmsford
CM1 4WD



Ask for: Katie Rodgers
Direct Dial: 01702 318094

Email:
planning.applications@rochford.gov.uk
My Ref: PA/12/00032/PREAPP
Your Ref:

Dear Sir/Madam

16th August 2012

Application No:
PA/12/00032/PREAPP

Applicant:
J W Butcher

Site Location:
Land Adjacent Ardleigh House Hall Road Rochford Essex

Proposal:
Proposed Construction of Two Semi-Detached Four Bedroom Properties with Integral Garages

Thank you for your pre-application enquiry received on 20th July 2012.

Proposal

The proposal is for the construction of a pair of semi-detached properties on land known as 'Land Adjacent to Ardleigh House', currently a vacant plot with a frontage onto Hall Road.

Relevant Planning History

In addition to the planning history of the site, as detailed in the supporting letter submitted with this pre-application request, the following history is noted, although this does not relate to proposals for residential use;

99/00724/FUL – Create Vehicle Access Layout Parking and Turning Area. APPROVED.

98/00325/FUL – Erect Single Storey Agricultural Building and Construct New Vehicular Access. REFUSED.

97/00540/FUL – Erect Polytunnel and Single Storey Brick Building For Use as Farm Shop. Construct New Vehicular Access. REFUSED.

Relevant Planning Policy

The following planning policy is considered relevant to the proposal;

Rochford District Replacement Local Plan (2006) Policies; HP6, HP10, HP21, UT2.

Rochford District Core Strategy (December 2011) Policies; CLT1, CLT2, CLT3, CLT5, CLT6, CLT7, CLT8, H1, H2, H5, H6, CP1, GB1, ENV9, T3, T8.

Parking Standards: Design and Good Practice Supplementary Planning Document adopted December 2010.

Supplementary Planning Document 2.

National Planning Policy Framework.

Proposal Consideration

Detailed comments on the acceptability of the proposal are provided in the minutes of the pre-application meeting which are enclosed. In conclusion, the proposal is likely to be considered unacceptable in principle in relation to current relevant planning policy and if planning permission were sought it is likely to be refused.

I hope the information supplied has been of some assistance to you although you are advised that the information supplied within this letter is the informal opinion of an officer only and does not represent the opinion of the Council as a whole.

Yours faithfully,

Katie Rodgers

Team Leader, Development Management (South)

Note: I should stress that this is an officer's informal opinion only, which should not prejudice any formal decision the Council as a whole may take.

Council Offices, South Street, Rochford, Essex SS4 1BW

Telephone: 01702 546366 Facsimile: 01702 545737 DX: 39751 Rochford

Website: www.rochford.gov.uk

Anthony Biebuyck
Neighbours LLP
34 Wickham Crescent
Chelmsford
Essex
CM1 4WD



Ask for: Robert Davis
Direct Dial: 01702 318095
Email: robert.davis@rochford.gov.uk
My Ref: PA/12/00060/PREAPP
Your Ref:

Dear Sir

3rd December 2012

Application No: **PA/12/00060/PREAPP**
Applicant: **Mr. A. Biebuyck**
Site Location: **Land adjacent to Patricia Villas, Hall Road, Rochford**
Proposal: **Proposed development of two dwellings**

Thank you for your pre application enquiry received for the above site and the subsequent meeting.

Principal of Development

This letter is to be read in addition to the advice relating to PA/12/00032/PREAPP following the meeting held on 8th August 2012.

- The proposal is considered to be an example of piecemeal development, being the unplanned release of small Green Belt sites over a time. This is considered to be the antithesis of sustainable development as it would lead to sporadic development in the District contrary to the Rochford Core Strategy 2011 – policies H2 and GB1 which requires developable sites to be comprehensively planned.

Note:

The Council's five year supply of housing land has been prepared strategically to ensure that appropriate contributions can be brought forward for infrastructure, services and affordable housing. These improvements can only be delivered through larger, sustainable development schemes as set out in the Core Strategy. The piecemeal development advocated by the proposal would not provide these requirements. If other piecemeal sites such as this were permitted throughout the district in an attempt to meet the Council's housing needs then the much needed infrastructure and service improvements that should come with such an increase in housing would not occur and therefore collectively would not form a sustainable pattern of development.

- Policy H1 states that limited infilling will be considered acceptable, and will contribute towards housing supply, provided it relates well to the existing street pattern, density and character of the locality. This is further explored in the preferred option for Policy DM3 in the LDF Development Management DPD. The purpose of this is to allow suitable development on sites within areas of existing residential development, which are shaded in yellow on the 2006 proposals map, and is not considered to be applicable to Green Belt sites such as this proposed site.

- Stroud Green is not part of an area of Existing Residential Development or a Rural Settlement Area Within the Green Belt as defined on the 2006 proposal map and is situated within the Green Belt where residential development would be inappropriate.
- Paragraph 89 regards limited infilling in villages as an exception. It is not considered that Stroud Green is a village to which paragraph 89 relates.
- Paragraph 79 of the NPPF states that the essential characteristics of Green Belts are their openness and their permanence. The effect on openness is a function of the physical presence of development rather than whether it would be seen from any particular viewpoint, otherwise much development could take place in screened locations that would erode the Green Belt. The existence of other dwellings in Stroud Green does not imply the proposed development would be acceptable.
- It is agreed that the views of Rochford Parish Council and local residents are a material planning consideration.
- The Council do not consider the site to be derelict and that there is no alternative appropriate use of the land other than residential.

Conclusion

The proposal is considered to be contrary to local plan policy and the relevant paragraphs of the NPPF.

If you require any further clarity please feel free to contact me directly.

Yours faithfully,



Robert Davis
Planning Officer
Development Management (South)

From: "Robert Davis" <Robert.Davis@Rochford.gov.uk>
Date: 21 December 2012 10:46:12 GMT
To: "Anthony Biebuyck" <abiebuyck@gmail.com>
Subject: RE: PA/12/00060/PREAPP. Land adjacent Patricia Villas, Hall Road, Stroud Green.

Dear Mr. Biebuyck

We have provided you with the advice that Officers do not consider the site suitable for residential development however this does not prevent you from making a formal application for development.

The terms 'piecemeal' and 'windfall' are widely used in planning and do not require further clarification.

The site is within the Green Belt and allowing development on this site, contrary to policy, would weaken the authority of the Council to resist similar such developments in the district leading to further sporadic development harmful to the openness of the Green Belt.

The reference to H2 is that any release of a site in the Green Belt needs to be part of a comprehensively planned development. As you have previously been informed the site is in the Green Belt and is not considered appropriate for residential development. Infrastructure provision would only be required for larger sites that the Council consider appropriate for development.

In terms of how the site harms the openness of the Green Belt please refer to this relevant recent appeal decision as it should give you an informed opinion of the view of the Council and Planning Inspectorate. Appeal Ref: APP/B1550/D/12/2180376 1 Patricia Villas, Hall Road, Rochford, SS4 1PB and the application 12/00178/FUL.

Policy references to infill development do not apply to the site as it is in the Green Belt. I have confirmed this with the planning policy team.

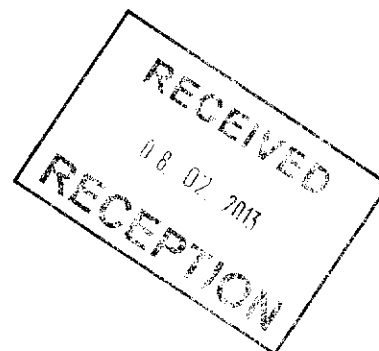
In accordance with NPPF p.86 Stroud Green is within the Green Belt. As a result the Council will resist further residential development. You have stated that the site is only suitable for residential development. There may be suitable alternative uses but it is outside my responsibility to suggest any such uses.

If you wish to seek further advice on the policies of the Core strategy please contact our planning policy team.

I hope this has been of assistance.

Regards

Robert Davis
Planning Officer
Rochford District Council
01702 318095
www.rochford.gov.uk



From: anthony biebuyck [mailto:abiebuyck@gmail.com]
Sent: 17 December 2012 16:02
To: Robert Davis
Subject: pA/12/00060/PREAPP. Land adjacent Patricia Villas, Hall Road, Stroud Green.

Dear Mr Davis,

Thank you for your letter of 3 December and your invitation to contact you for clarity, which I am pleased to accept.

Your references to policy are incomplete, partial, misleading, inadequate and unbalanced.

For that reason, I would be grateful if you would please clarify the following points referred to in your letter:

Please differentiate 'piecemeal' from 'windfall',

Please clarify how this site 'would lead to sporadic development in the District'

Please clarify the relevance of your reference to Policy H2 to this small infill site. The policy is headed 'Extensions to residential envelopes and phasing' and refers to development providing 'a range of other uses and infrastructure'.

Please explain how this site would be required to provide a 'range of other uses and infrastructure alongside housing' referred to in H2.

Infrastructure is defined in paragraph 9.1 of the Core Strategy as including roads, sewers, education and healthcare. Please clarify the expectation of infrastructure provision by this site, including on site affordable housing and off site strategic infrastructure, highways and transport improvement, education, child care, youth, leisure and community facilities, consistent with Policy CLT1, 'Planning obligations and standard charges as a result of the development'.

You refer to Policy GB1. This refers to the need to prevent coalescence of individual settlements in order to help preserve their identities. This site does not contribute to coalescence. The policy also refers to the need to 'prioritise protection of the Green Belt based on how well the land helps achieve the purposes of the Green Belt'. These are listed in Paragraph 6.1, referring to PPS2 and five purposes of the Green Belt, including preventing sprawl, merging and encroachment. Please clarify how this site harms these purposes.

Please clarify how your advice has regard to the 'need to prioritise' referred to in GB1.

Paragraph 6.2. refers to PPS2 and 'limited infill in existing villages'. The terms 'settlement' and 'villages' used in local and national policies do not appear to be terms of art or narrowly defined. Please correct me by reference to authority if I am wrong.

Paragraph 6.6 advocates 'taking account of opportunities to accommodate further development within existing settlements. Please explain why this policy does not apply in this case.

You refer to Policy H1. This is headed 'The efficient use of land for housing'. Please clarify the relevance of 'efficiency' to this site. I specifically asked if my proposals were underdevelopment, and advised that they were not.

H1 refers to infill as acceptable and contributing to the supply of housing, provided it relates to the street pattern, density and character. Please clarify why this policy does not apply.

You refer to DM3. This provides:

Draft Policy DM3 – Infilling and Residential Intensification
Proposals for infilling, residential intensification or 'backland' development should consider:
(i) the design of the proposed development in relation to the existing street pattern and density of the locality;
(ii) whether the number and type of dwellings being proposed are appropriate to the locality;
(iii) the contribution to housing need, taking into account the advice and guidance of the Housing Strategy Team;
(iv) an assessment of the proposal's impact on residential amenity;
(v) the loss of important open space which provides a community benefit and visual focus in the streetscene;
(vi) the loss of private amenity space for neighbouring dwellings;
(vii) the adequate provision of private amenity space for the proposed dwelling as set out in Supplementary Planning Document 2: Housing Design;
(viii) the availability of sufficient access to the site and adequate parking provision; and
(ix) avoiding a tandem relationship between dwellings.

Please clarify the respects in which this site is contrary to DM3.

You state that the purpose of DM3 is to allow suitable development on sites '... shaded yellow on the 2006 proposals map'. Please provide authority for your opinion.

The Development Management DPD provides at paragraph 2.19 that infill should be considered on a case by case basis, including intensification, cramming and impact on the street scene. Please clarify how you have considered this site on a case by case basis. For example, have you differentiated the case of this infill from an isolated new building in open fields in the Green Belt, and the relative impact on, for example, openness?

Paragraph 86 of the NPPF provides that if it is necessary to prevent development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included in the Green Belt. Please clarify in what respect Stroud Green is 'open', since this site is the only open site in the street and in what respect the village makes an important contribution to the openness of the Green Belt, having particular regard to the nearby new development, adjacent dual carriageway and roundabout. One might, for example, contrast Stroud Green with Canewdon, standing in open fields, in this respect.

Please clarify, by reference to authority, why paragraph 89 of the NPPF does not apply. As I have said above, 'village' does not appear to be defined in policy or legislation. I will be pleased to be corrected if I am wrong.

My understanding is that 'derelict' means abandoned, empty or dilapidated. Please clarify how this does not apply to this site, formerly a farm shop for which there is no longer a farm, and empty and unused, as far as I know, for at least thirty years?

What alternative uses do you consider appropriate, other than residential? Agriculture is not permitted in the Green Belt unless it is a viable business, not possible on this site, is it?

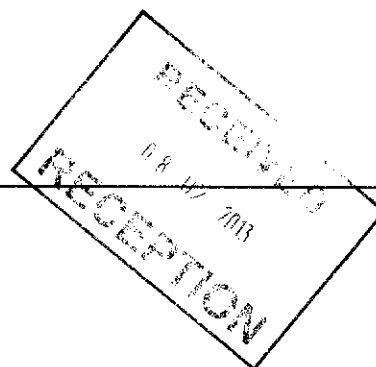
I will be attending the next Parish Council to report on progress with this site, which is supported by the Parish Council as you acknowledge. It would be helpful to have an early reply so this can be circulated with the papers prior to 2 January.

yours sincerely,

Anthony Biebuyck M.A., M.Sc.
Designated Partner Neighbours LLP
Director, Biebuyck Technologies Limited
abiebuyck@gmail.com
www.biebuycktechnologies.com
01245 348837
07814 802148
34 Wickham Crescent Chelmsford CM1 4WD

Our Vision is to make Rochford District a place which provides opportunities for the best possible quality of life for all who live, work and visit here.
We are the top Recycling Authority in the Country

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Appeal Decision

Site visit made on 16 May 2012

by Nicholas Taylor BA(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 July 2012

Appeal Ref: APP/B1550/A/12/2171825

Land north of Merryfields Avenue, Hockley, Essex SS5 5AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Sharon Smith (Linda S Russell Ltd) on behalf of an unnamed applicant against the decision of Rochford District Council.
 - The application Ref 11/00352/OUT, dated 17 June 2011, was refused by notice dated 30 August 2011.
 - The development proposed is erection of 5 detached, two storey dwellings with garages, including piping of ditch, provision of access road and associated driveway/parking areas and creation of a footway linking with Marylands Nature Reserve.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address of the proposal given on the application form, and stated in the heading above, provides a general description of the location of the appeal site. The Council, in its decision notice, describes the location as land north of Marylands Avenue. Both are arguably correct. The access to the site would be taken from Marylands Avenue, which terminates in a cul-de-sac here.
 3. The original application was in outline, with all matters, except access, reserved. Drawing Number ABD/990/03, submitted with the application, shows five detached houses, with parking spaces, around an access road, together with elevations. Although not specifically marked as such, I shall, on the combined basis of the application form and the Design and Access Statement, treat this plan as being illustrative with respect to all matters except the means of access. Similarly, the layout shown on the accompanying tree survey (drawing number 2368.D) is also treated as illustrative only.
 4. The *Rochford Core Strategy* (CS) was adopted by the Council in December 2011, after the original application was determined. A legal challenge has been brought, by a party unconnected with this appeal, to Policies H1, H2 and H3 and paragraphs 4.1 to 4.31. Nevertheless, I have had regard, where relevant, to the *Adopted Version* of the CS in determining this appeal.
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5. Since the appeal was lodged, the *National Planning Policy Framework* has been published. Both main parties were given the opportunity to comment on any relevant implications for the case and I have had regard to those and to the Framework itself in reaching my conclusions.
6. The appellant has also submitted, after the appeal was lodged, a Unilateral Undertaking that offers to donate to the Council an area of land, adjacent to the appeal site, for open space purposes, in the event that the appeal were to succeed. I shall return to this matter in my reasoning.

Main Issues

7. The appeal site is within the Metropolitan Green Belt. Therefore, the main issues are:
 - i. Whether or not the proposal would be inappropriate development for the purposes of Section 9 *Protecting Green Belt Land* of the new Framework and development plan policy;
 - ii. Its effect on the openness of the Green Belt and the purposes of including land within it;
 - iii. Its effect on the character and appearance of the area, including protected trees within the site;
 - iv. Whether the proposal would accord with the housing strategy for the District, in terms of its contribution to housing supply and the principles of sustainable development; and
 - v. In the event that the development is inappropriate, 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 the development.

Reasons

8. The appeal site is an area of woodland, of some 0.34 hectares (0.38 ha according to the Council). It is situated immediately to the north of an established residential area, which comprises mainly semi-detached houses and dormer bungalows. The western boundary of the site is formed by a public footpath with open fields beyond. Along its eastern boundary, the site merges with an area of woodland which opens out into a clearing. The appeal site and this area are covered by a Woodland Tree Preservation Order¹ (TPO). To the north, the site is contiguous with dense woodland which comprises the Marylands Nature Reserve. The boundary of the Green Belt, according to the Local Plan Extract, runs along the southern boundary of the site, where it adjoins the residential area.
9. The indicative form of the proposed development is of five large detached houses, to either side of a new access road leading off an existing turning head at the end of Marylands Avenue.

¹ The District of Rochford Tree Preservation Order No. 02/00

Whether or not the proposal is inappropriate development

10. The Framework reiterates established Green Belt policy that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings within the Green Belt is regarded as inappropriate unless it would be for one of a number of specified purposes. The appeal proposal does not constitute one of those purposes. On this basis, the proposed development would represent inappropriate development.
11. The appellant argues that the proposal would not breach the five purposes of the Green Belt, as set out in paragraph 80 of the Framework. This is not a relevant consideration in coming to a view on whether the proposal would amount to inappropriate development. Nonetheless, I shall return in my reasoning to the question of whether the proposal would breach any of those five purposes.

Openness and the purposes of Green Belt

12. The Framework states that openness and permanence are the essential characteristics of the Green Belt. Whilst openness is not defined, it is commonly taken to be the absence of built development. Therefore, whilst the appeal site is wooded, in terms of Green Belt policy it is 'open'. The addition of dwellings and other buildings on the land means that this part of the Green Belt would be materially less open than is currently the case. This is a consideration to which I afford substantial weight. I recognise that the development might well open up views into the site and beyond, where none are available at the moment because of the dense vegetation and boundary fence. However, that does not mean that the site would be any more 'open' in Green Belt policy terms.
13. I consider that the existing Green Belt boundary in this location is well defined by the existing edge of the built up area. The proposed development would create an incursion into the well-established countryside, blurring that boundary. As such, it would breach one of the five purposes of the Green Belt, that is, to assist in safeguarding the countryside from encroachment. As the Green Belt boundary can only be altered through a change to the development plan, the appeal proposal, if allowed, would not provide a new defensible boundary to it.
14. Therefore, I conclude that the proposal would cause harm to the openness of the Green Belt and would conflict with one of the fundamental purposes of including land within it. As such, it would conflict with the Framework.

Character and appearance, including protected trees

15. In its current form, the appeal site is seen as an integral part of the countryside fringe around Hockley. The development proposed would be visible from within the woodland of the adjoining nature reserve, the footpath to the west of the site, some of the existing neighbouring houses and Marylands Avenue. I accept that the trees and vegetation to be retained within the appeal site, and the woodland beyond its boundary, would soften the appearance of the development to some extent. However, the dwellings and ancillary buildings would, nevertheless, encroach beyond the currently well defined and logical

edge to the built development in this area and would be seen as an unwelcome suburban intrusion into this verdant rural setting.

16. The woodland TPO provides protection to the mixed secondary woodland on the appeal site and adjoining land. The appellant's *Tree Survey, Arboricultural Implication Assessment and Method Statement* identifies in excess of 34 individual trees and all or part of two further areas of trees which would have to be felled on the basis of the indicative layout. The tree report also indicates that a number of trees could be retained, given appropriate design and protection measures during construction. Although the detailed layout and design could be refined at the reserved matters stage, I have no reason to suppose that a different layout of five dwellings would result in any materially different impact in terms of tree loss.
17. I recognise that, as noted by the Council's arboricultural adviser, there are few individual trees of any notable merit on the site, and that the majority of the individual trees which are indicated to be felled are categorised as B, moderate quality and value, or B/C, with poorer form and lower life expectancy. Be that as it may, a woodland TPO is designed to protect the undifferentiated mass of trees in a specific area and applies to all trees within it, including natural regeneration. It is the woodland as a whole that creates the high amenity value that formed the basis for its protection. The tree loss that would be a likely consequence of the proposed development would, I am in no doubt, completely change the character of the woodland. Together with the introduction of dwellings, ancillary buildings, parking areas and access road, it would significantly diminish its amenity value, in particular in views from the west – from the public footpath or the fields beyond – and from Maryfield Avenue, with resulting harm to the character and appearance of the area. Although a landscaping scheme could secure replacement planting, and the site would continue to be bounded by natural woodland to the north and east, this would not be sufficient to overcome the harm that I have identified.
18. Consequently, I consider that the overall harm to the character and appearance of the Green Belt, including to the protected trees, would be significant. This would be in conflict with the policies within the Framework.

Housing strategy and sustainability

19. The Council states, in CS Policy H1, that it will prioritise the use of previously developed land, including windfall sites, to meet the District's housing requirements. However, it acknowledges that it will not be able to meet a sufficient proportion of its requirements in this way and that it will, therefore, need to also allocate land for the extension of the envelopes of certain existing settlements. Whilst mindful of the need to maintain the Green Belt as far as possible, the Council has, within CS Policy H2, identified a number of broad locations, quantum and timings for development. These locations have, the Council states, been selected on the basis of a range of criteria, which are intended to direct development to the most sustainable places.
20. Policy H2 proposes that 50 dwellings should be provided, within an extension of the urban area into the Green Belt, in the general location of West Hockley, before 2015. The appellant maintains that the appeal site would provide a modest contribution to this requirement and the District's overall housing land

supply, in a sustainable location. I acknowledge that the appeal site could potentially meet some of the locational criteria set out in the explanation to Policy H2, such as location in relation to existing centres, facilities and services. But it would not, for example, meet the criterion of creating a defensible Green Belt boundary. Moreover, the proposed development would only be capable of a very minor contribution to the list of infrastructure requirements sought for the West Hockley allocation, as set out in Appendix H1 to the CS.

21. I am mindful, also, that Policy H2 states that development within the extensions to residential envelopes, including West Hockley, will be required to be comprehensively planned. It further states that the detailed location and quantum of development will be articulated within an *Allocations Development Plan Document* (ADPD). Although this document is at an early stage of consultation, and so carries limited weight, it identifies a site to meet the requirements for West Hockley. The Council indicates that an application has now been submitted for this site, arguing that it demonstrates that it is available and potentially deliverable. The Council's *Annual Monitoring Report 2011* (AMR) indicates that the West Hockley allocation is forecast to be implemented in 2017-18. Appendix B of the AMR also forecasts that a number of other sites in the Hockley area will also come forward.
22. The Council's *Strategic Housing Land Availability Assessment* (SHLAA) included the appeal site among those investigated for their housing potential. However, inclusion in the SHLAA does not necessarily mean that a site is suitable and the Council has not put the appeal site forward in its draft ADPD.
23. As the Council can demonstrate, through its AMR, that the District has a 5 year supply of housing land, there is no immediate and overriding requirement to bring forward additional, unplanned or uncommitted housing sites such as in this appeal case. I have noted the appeal decision², referred to by both parties, at Hawkwell. Its relevance to the present case is limited by the fact that the Secretary of State issued his decision almost two years ago, before the CS was adopted. Nevertheless, the Inspector found that the Council's methodology for calculating its housing land supply was robust, that a 5 year housing supply existed at that time and that the outcome of the Examination of the CS would be an important determinant of the future housing strategy.
24. Whilst the appellant argues that the appeal proposal would meet the definition in the Framework of a windfall site, it would conflict with the priority afforded in the Framework and in CS Policy H1 to the re-use of previously developed land. It also conflicts with one of the five purposes of the Green Belt, to assist in urban regeneration by encouraging the recycling of derelict or other urban land, and with the objective of CS Policy GB1 to direct development away from the Green Belt as far as practicable.
25. The Council contends that allowing the appeal proposal would threaten the viability of the larger, 50 dwelling, West Hockley allocation and its ability to contribute to infrastructure. Whilst it has not provided any firm evidence that this would be the case, I consider that its concerns have some justification. Piecemeal developments within the Green Belt, such as the appeal proposal, could, in my judgement, undermine the Council's strategy, which aims to

² APP/B1550/A/D9/2118700

achieve sustainable, well-planned development that would be capable of delivering the required infrastructure.

26. Such infrastructure, according to CS Policy H5, should include affordable housing. I note that a contribution to affordable housing is not required as part of the appeal proposal but the precise dwelling mix could be refined at reserved matters stage. However, in the absence of any evidence to the contrary, I am unable to conclude that the proposed development would make any substantial contribution to overall affordable housing provision.
27. The first core planning principle set out in the Framework is that planning should be plan-led. I consider that substantial weight should, therefore, be accorded to the principle that the District's housing strategy should emerge primarily through, and in accordance with, the development plan process. Consideration of whether a particular proposal or site is sustainable also requires a wider view than of the site itself.
28. On this issue, whilst the appeal proposal would provide a small contribution to general housing supply, it would not be on previously developed land and there is a credible risk that it would prejudice the proper implementation of the housing strategy for the District. Therefore, whilst noting that the CS housing policies are subject to a legal challenge, I consider that the appeal proposal would conflict not only with the thrust of those policies but also with the objectives of CS Policy GB1. Furthermore, it would conflict with the aim of the Framework, to achieve plan-led, sustainable development. This is a finding to which I attach substantial weight.

Other considerations

29. The appellant maintains that openness of the Green Belt would be enhanced, and significant public benefit provided, by the provision of a substantial area of public open space adjacent to the appeal site which, it is proposed, would be gifted by the land owners to the Council in the event that the appeal is allowed. The appeal proposal is accompanied by a signed and dated Unilateral Undertaking to this effect.
30. CS Policy CLT1 requires developers to enter into planning obligations to address specific issues. CS Policy CLT5 and Appendix CLT1 indicate that open space is to be provided alongside developments, having regard to current and projected need. Although not cited as a reason for refusal, the Council states that some open space provision would normally be required as part of the development and the appellant maintains that the land offered is of no other use if the appeal succeeds. However, from the information submitted with the appeal, I am not content that the offer of land has been proven to be necessary to make the development acceptable in planning terms. Nor am I able to conclude with certainty that it would be fairly and reasonably related in scale and kind to the development, since the area is almost twice the size of the appeal site itself. Therefore, I consider that there could, potentially, be conflict with the tests set out at paragraph 204 of the Framework and Regulation 122 of the Communities Infrastructure Levy Regulations 2010 (amended 2011). For this reason, I am unable to take the undertaking into account in determining this appeal.
31. The proposed footpath link through the site to the adjacent nature reserve would provide some public benefit. In addition, the appellant refers to the

possibility of a contribution to the costs of managing local woodland and wildlife and the provision of further open space and play space. However, no detailed information about how these benefits would be secured is provided. The appellant also maintains that the development would bring about an end to current problems of fly-tipping and unauthorised incursions onto the site, although, given that the site is enclosed, this is not an issue of great public significance. Consequently, I attach limited weight to these considerations.

32. The appellant maintains that the trees which would remain on the site would come under better management if the proposed development was to go ahead. Whilst there is currently no obligation on the owner to effectively manage the woodland, it would not be necessary for the development to proceed in order to rectify this situation. In any event, I am not convinced, on the evidence before me, that the current absence of an active management regime is causing any material harm to the visual amenity of the Green Belt. I therefore afford this consideration very little weight.
33. The assertions that the proposal would help to generate additional demand for places at the local high school, thereby making it better and more viable, and that it would assist the local economy, are not conclusively borne out by evidence. The Headteacher at the school acknowledges that falling pupil numbers is an issue but states that the school has plans to manage the situation. Consequently, I also attach limited weight to this consideration.
34. The Council and the Highway Authority have raised no objection to the proposed access arrangements. I am satisfied that the required standards could be achieved, subject to the imposition of necessary conditions, and that the proposed access would not harm the interests of highway safety. Nevertheless, the absence of harm in this respect is a matter to which little, if any, weight can be given with respect to Green Belt policy.

Other matters

35. Numerous neighbours raise a variety of concerns in addition to those issues considered above. Whilst I have taken these into account, on the evidence before me, these do not add significantly to the harm that I have identified. The Environment Agency has indicated that consent would be unlikely to be forthcoming for the proposal to culvert the stream running through the site. Had the proposed development been acceptable in all other respects, I would have required further information on this matter.

Overall balancing exercise and conclusions

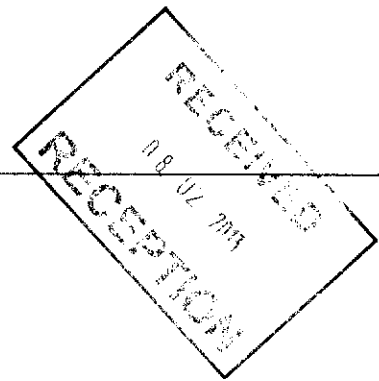
36. I have considered the matters put forward in support of the development proposed. Matters that carry positive weight include the possibility of additional public open space, although this is tempered by my concerns in relation to the mechanism submitted. They also include the provision of a public footpath link to the adjacent nature reserve, together with the possibility of an active tree management regime and the provision of further open space and play space (although, again, that is tempered by the absence of any arrangement to secure these provisions), the prevention of potential fly-tipping and a potential increase in demand for places at the local high school. I also recognise that, if the appeal was to succeed, the development could make a contribution to housing supply in the area, including, potentially, an element of affordable

housing. On this last point, however, I have found no pressing or demonstrable need for housing in this particular Green Belt location.

37. The proposal would represent inappropriate development within the Green Belt. The Framework establishes that substantial weight is given to any harm to the Green Belt. On balance, I find that the other considerations advanced in support of the proposal do not, either individually or cumulatively, clearly outweigh the harm by reason of inappropriateness and the other harm that I have identified. Therefore, very special circumstances necessary to justify the proposal do not exist in this case. Accordingly, for the reasons set out above, I conclude, on balance, that the appeal should not succeed.

Nicholas Taylor

INSPECTOR



Appeal Decision

Site visit made on 3 September 2012

by **Michael Evans BA MA MPhil DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 September 2012

Appeal Ref: APP/B1550/D/12/2180376

1 Patricia Villas, Hall Road, Rochford, SS4 1PE

- 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 & Mrs Lindo against the decision of Rochford District Council.
- The application Ref 12/00178/FUL was refused by notice dated 10 May 2012.
- The development proposed is a side extension.

Decision

1. The appeal is dismissed.

Main issue

2. The main issue in the consideration of this appeal is whether the proposed development amounts to inappropriate development in the Green Belt and, if so, 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 the development.

Reasons

Inappropriate development

3. The appeal concerns a dwelling located within the Metropolitan Green Belt where Government policy in the National Planning Policy Framework (The Framework) identifies development that would not be inappropriate. The extension or alteration of a building is not inappropriate provided that it does not result in disproportionate additions over and above the size of the original building. Inappropriate development should not be approved except in very special circumstances, which will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm are clearly outweighed by other considerations.
4. Rochford District Replacement Local Plan, Adopted 16 June 2006, Policy R5 seeks to ensure that extensions to dwellings in the Green Belt do not result in an increase of more than 35 square metres over the original habitable floorspace.
5. The dwelling has previously been extended to the rear at two storey height. The Appellant claims that this replaced a ground floor projection which formed part of the original dwelling. However, this feature cannot be taken into account in assessing proportionality given the absence of any plans or other

detailed information to enable this. The two storey rear extension spans virtually the full width of the dwelling. The pitched roof emerges at right angles from the original building and the ridge is only fairly modestly below that of the main roof. The single storey extension would increase the width of the front and rear elevations by about a half by being attached to the side of the back addition and part of the gable end. The combined projection would therefore be significantly wider than the original dwelling and because of its undue scale and bulk be a particularly dominant feature.

6. Whether or not the impact would be readily appreciated from public viewpoints is not a consideration that the Framework requires to be taken into account when assessing proportionality. In any case, the vegetation to the side of the dwelling would be likely to be a less permanent feature than the extension, while not preventing it being readily seen in conjunction with the two storey addition over the boundary fence adjacent to Cherry Orchard Lane.
7. As a consequence of the above factors, it is concluded that the scheme would result in disproportionate additions to the original building and, therefore, constitute inappropriate development in the Green Belt. Under the terms of the Framework inappropriate development is by definition harmful to the Green Belt and such harm must be accorded substantial weight. In addition, the cumulative increase in floor area of over 50 sq m in relation to the original building would also be contrary to Policy R5.

Openness of Green Belt

8. The effect on openness is a function of the physical presence of development rather than whether it would be seen from any particular viewpoint, otherwise much development could take place in screened locations that would erode the Green Belt. Therefore the extent to which visibility of the addition might be restricted also has no bearing on this assessment. Despite being set against the backdrop of the existing dwelling when seen from the side, the additional built volume of the side extension would result in a material reduction in the openness of the Green Belt. It is explained in the Framework that the essential characteristics of Green Belts are their openness and permanence. As a result, the harm in this respect must be afforded a significant degree of weight.

Other considerations

9. The Appellant indicates a willingness to accept a condition removing permitted development rights. However, the weight to be accorded to this must be based on the likelihood of any specific proposals being implemented together with a comparison of their effect with that of the current proposal.
10. In this regard drawings of two specific schemes for providing additional accommodation have been submitted. However, neither of these potential fallback positions has the benefit of a Certificate of Lawfulness. It is also indicated that any necessary adjustments to these schemes would be made to ensure that they would comprise permitted development.
11. It is not clear whether one or both of these would be implemented and it is acknowledged that they would provide less flexible accommodation than the appeal proposal. As a result of the above factors there is considerable uncertainty as to exactly what may happen in the event of the appeal being dismissed.

12. The overall scale and bulk of the outbuilding would be similar to the side extension and although detached with a dual pitched roof this building would not be particularly unsightly, even if more prominent. Although having a flat top, the addition to the main roof of the dwelling would be set down from the ridge and in from the sides, appreciably limiting the visual impact. There would also be no increase in the footprint of the dwelling, in contrast to the side extension.
13. Due to these factors, even when taken together, the effect of these schemes on the openness and visual amenity of the Green Belt would not be so much more detrimental than the current proposal as to justify affording them other than a modest degree of weight. This is especially so bearing in mind the uncertainty over implementation.
14. The claimed deficiencies of the ground floor accommodation do not relate to matters of fundamental significance such as the absence of any basic amenities and have not prejudiced the ongoing residential use of the building. In consequence, this is not a significant factor in favour of the appeal.

Conclusions

15. As a result of the above conclusions the harmful effects in respect of the Green Belt, to which substantial weight is attached, are not clearly outweighed by other considerations. There can, in consequence, be no very special circumstances and the proposal conflicts with both the Framework policies in relation to the Green Belt and Local Plan Policy R5, so that the appeal fails. In reaching this decision the views of interested parties have been taken into account.

M Evans

INSPECTOR