

Appeal Ref	APP/B1550/A/06/2024664
Application No	06/00189/OUT
Appellant	Mr & Mrs J Blance
Location	Land adjacent to The Beeches, Pendower, Western Road, Rayleigh, Essex SS6 7AX
Decision	Dismissed (12.06.07)

The Inspector dismissed the appeal for the proposed erection of dwelling (outline) in conjunction with breeding kennels. The Inspector took into consideration the Essex and Southend-on-Sea Replacement Structure Plan (policy C2, T1, T3, T7, T8 and T11), the Rochford District Replacement Local Plan (policy R1, R3, R9, TP1, TP5) the Essex Local Transport Plan 2006-2011, Planning Policy Guidance (PPG) 2: Green Belts and Planning Policy Statement (PPS) 7: Sustainable Development in Rural Areas.

There is a general presumption against inappropriate development and that such development should not be permitted except in very special circumstances. Paragraph 3.2 of PPG2 advises that inappropriate development is, by definition, harmful to the Green Belt and that it is for the appellant to show why permission should be granted. The construction of new buildings is inappropriate development unless it is required for one of the purposes set out in paragraph 3.4 of PPG2. The appellants accept that the proposed development does not fall within any of the exceptions specified. In these circumstances the proposal amounts in inappropriate development in the Green Belt.

The appeal site and the associated dog breeding establishment have an existing vehicular access by way of a track to the A127. The existing kennels generate a level of traffic movements associated with the comings and goings of veterinary surgeons, deliveries, etc. These would not change as a result of the proposal. The appellants produced evidence of their own movements to and from the kennels during the day. The appellants argue that residential accommodation on the appeal site for themselves and a kennel maid would remove the need to make these journeys and that this reduction would balance any increase in day-to-day movements which would be generated by new dwellings on the site. The Inspector's view is that, if there was to be any increase, it would only be very small in terms of actual numbers of vehicle movements, and such an increase is unlikely to have any significant or material effect on highway safety.

The Inspector was not persuaded that, at the time of the appeal, the dog breeding operation was operated as a business or that it was the 'place of work' of the appellants.

The appellants' existing house is about 180 metres away from the kennels and its garden adjoins the dog breeding site. The appellants argue that their existing house is not within sight and sound of the kennels. The Inspector accepted that ground levels and intervening trees and shrubbery largely screen the kennels from the house. However, the removal of some of the existing planting would improve intervisibility and that the installation of an up-to-date system incorporating sound monitoring could provide an adequate level of surveillance from the existing house.

The Inspector considered that there is no clear functional need for new, permanent dwellings to serve the dog breeding operation. The welfare and care of the animals and security could be adequately provided from the existing house and the difficulties raised by the appellants could be overcome by different working practises, changes to the way in which the operation is carried out and the installation of security equipment.

The appellants argue that the proposal would not have any substantial effect on the apparent openness of the Green Belt. The Inspector felt that a 5 bedroomed house with integral office accommodation and a kennel maid's annex would be a substantial structure which would be visible through gaps in the roadside hedge from the A127 and from a nearby public footpath.

The Inspector concluded that the proposal would not have a harmful effect on highway safety and efficiency on the A127, would be inappropriate development which would be harmful to the Green Belt and that there are no other considerations which are sufficient to amount to very special circumstances which would clearly outweigh this harm and dismissed the appeal.

Appeal Ref APP/B1550/A/06/2025330  
Application No 06/00190/FUL  
Appellant Mr & Mrs A Goddard  
Location 2 Goldsmith Drive, Rayleigh, Essex SS6 9QX  
Decision Allowed subject to conditions (14.06.07)

The Inspector allowed the appeal for the development proposed two storey side extension and pitched roof over existing front bay window. The Inspector took into consideration the Rochford District Replacement Local Plan (policy R5) and Planning Policy Guidance Note 2: Green Belts (PPG2).

In 2000 planning permission was granted for a single storey side extension and pitched roof over the existing rear element. The single storey extension was to be situated on the western flank elevation. The proposed ridge height was approximately at the existing dwelling's eaves level and it was just over 4m wide and just under 9.5m deep with a floor area of 35sq m. Condition 2, of that permission, required the demolition of an existing single storey extension on the eastern flank elevation. This permission was renewed in 2005 and is therefore extant.

Planning Policy Guidance Note 2 states that the limited extension of existing dwellings in the Green Belt may not be inappropriate, but notes that such additions should not be disproportionate over and above the size of the original dwelling. The proposal would have lower ridge height and would in the Inspector's view be subordinate in scale and size to the original dwelling. The proposal would have a lower ridge height and be subordinate in scale and size to the original dwelling. The existing retained extensions are also subordinate. The Inspector considered that the proposed extension, taken together with the retained extensions, would not be disproportionate and would not therefore be inappropriate development within the Green Belt.

The proposal would be located to the side of No 2 and set back from its front elevation. To the Inspector's mind the design of the proposal would complement the existing dwelling. The use of render and brickwork would be in keeping with No 2 and other properties within the area. Whilst it would be visible from Goldsmith Drive it would not be intrusive within the landscape.

The Inspector concluded that the appeal proposal would conflict with Policy R5 (i). However, it would have less of an effect on the openness of the Green Belt than the extant consent. Furthermore, the proposed extension and retention of the porches on the eastern elevations would not amount to disproportionate extensions and would not be inappropriate development in the Green Belt. Moreover the proposals would preserve the openness of the Green Belt and the character of the countryside and allowed the appeal in accordance with the terms of the application ref 06/00190/FUL and plans submitted with it, subject to the following conditions:

- 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
- 2) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Appeal Ref	APP/B1550/A/06/2025331
Re Application No	06/00190/FUL
Appellant	Mr & Mrs Goddard
Location	2 Goldsmith Drive, Rayleigh, Essex SS6 9QX
Decision	Application fails and no award of costs is made

The application for a full award of costs was in connection with an appeal against the refusal of planning permission for a two storey side extension and pitched roof over existing front bay window.

The Inspector considered the application for costs in the light of Circular 8/93 and all the relevant circumstances. This advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur or waste expense unnecessarily.

The applicants submitted evidence in the form of a letter from Mr Farthing at the hearing and the Inspector viewed the foundations of the addition and the dwelling at the site visit. The Inspector concluded that the single storey rear element was part of the original dwelling. However, the Council did not have all of this information until the Hearing. The Inspector considered that the Council was not unreasonable in this regard, merely that they gave different weight to the information before them.

Furthermore, notwithstanding the judgement made in relation to the original dwelling, the retention of the two single storey extensions on the eastern elevation result in an increase in habitable floor area over 35 sq m whatever the definition of the original dwelling. This was contrary to the development plan.

The Inspector disagreed with the Council's decision, but considered that there were reasonable planning grounds for them to have refused the proposal and that both its written submissions and those made at the Hearing were sufficiently coherent and substantiated to be reasonable.

The Inspector concluded that unreasonable behaviour resulting in unnecessary expense, as described in Circular 8/93 was not demonstrated and refused the application for an award of costs.