

Appeal Ref	APP/B1550/A/07/2059413
Application No	07/00158/OUT
Appellant	Mrs J Glover
Location	Rear of 69 High Road, Rayleigh, Essex SS6 7SE
Decision	Dismissed (04.03.08)

The Inspector dismissed the development proposed of a new bungalow in the rear of the garden. The Inspector took into consideration the Rochford District Replacement Local Plan (Policy HP14) and Planning Policy Statement 3: Housing (PPS3).

The application was submitted in outline and includes the means of access, the appearance and the layout of the bungalow, with only the details of the landscaping reserved for determination at a later stage.

The bungalow would have a traditional appearance and there is no dispute that it would accord with the Council's minimum criteria in relation to amenity space. There is diversity among the styles and sizes of homes in the vicinity, the plot sizes are generally spacious and include significant front gardens. By contrast, the bungalow would occupy a modest plot. This in itself would not be materially harmful to the character of the area; the building would be sited close to the front boundary of the site, which would be out of keeping with the surrounding area.

The bungalow would be erected within some 12.8m from the rear of No 69 High Road, it would have a limited impact on the outlook from the host property as the site slopes downhill from High Road. The closest of the bungalows in Humber Close would be around 15m from the proposed building. The occupiers would be able to see some glimpses of the roof of the bungalow from their rear windows and gardens, but planting along the common boundary between No 67 and Humber Close would largely screen it. The Inspector considered the proposed bungalow would not have a materially harmful effect on the living conditions of the occupiers of No 69 High Road or the neighbouring bungalows Humber Close, in relation to outlook or privacy.

There is insufficient space in the parking area for vehicles to turn around so as to be able to enter and leave the site in a forward gear. Watchfield Lane is busy at weekends and in the summer months with traffic associated with the tennis club, and the reversing movements into or from the site would be materially harmful to pedestrian and vehicular safety.

The Inspector felt the harm identified in relation to the character and appearance of the area and highway safety along Watchfield Lane and High Road was significant and overriding, and the proposal would conflict with policy HP14, therefore the appeal was dismissed.

Appeal A Ref APP/B1550/C/07/2049333
Application No 06/00245/COU_C
Appellant Mr G L Horwood
Location Honey pots, Gusted Hall Lane, Rochford, SS5 4JL
Decision Dismissed (11.03.08)

Appeal A relates to a breach of planning control as alleged in the notice is change of use of the land from domestic garden to a mixed use of domestic garden and use for the operating of a tree contractor business, including the storage of felled trees, logs and chippings and the parking and storage of vehicles, plant and machinery. The requirements of the notice are: -

- a) Cease the use of the site for the operating of a tree contractor business.
- b) Cease use of the site for the storage of felled trees, logs and/or chippings in connection with any tree contractor business.
- c) Permanently remove from the site all piles of logs, wood chippings, other tree related products and building materials stored in connection with any tree contractor business.
- d) Permanently remove from the site all commercial vehicles, plant and machinery and cease using the site for the parking or storage of commercial vehicles, plant and machinery.
- e) Permanently remove the compound structure in the approximate position marked A-B-C-D on the attached plan, including the removal of the wooden boards, corrugated metal boards and timber posts.
- f) Permanently remove all hardstandings and gravel surfaces which are located in the hatched area on the attached plan and restore the land within the hatched area to its condition before the breach took place by levelling the ground and re-seeding with grass.

Appeal B Ref APP/B1550/A/07/2049095
Application No 07/00155/COU
Appellant Mr G L Horwood
Location Honey pots Farm, Gusted Hall Lane, Hockley, SS5 4JL
Decision Dismissed (11.03.08)

The development proposed is described as 'retrospective planning application for storage of logs, chippings and forestry use'.

Appeal C Ref APP/B1550/A/08/2064041
Application No 07/00901/COU
Appellant Mr G L Horwood
Location Honey pots Farm, Gusted Hall Lane, Hockley, SS5 4JL
Decision Dismissed (11.03.08)

The development proposed is described as 'Tree Contractors Depot'.

The Inspector took into consideration the Rochford District Replacement Local Plan (Policy R1, NR2 and NR7), Planning Policy Statement 1 'Delivering Sustainable Development' (PPS1), Planning Policy Guidance Note 2 'Green Belts' (PPG2), Planning Policy Guidance Note 4 'Industrial and Commercial Development and Small Firms' (PPG4) and Planning Policy Statement 7 'Sustainable Development in Rural Areas' (PPS7).

Honeypots Farm is situated in the rural area between Rayleigh and Hockley and is approached from Main Road (B1013) by a narrow rural lane that extends to Gusted Hall Wood, a short distance to the south. There is a cottage immediately to the south of the holding. These properties lie within a rural landscape characterised by open farmland and blocks of woodland, which in some cases extend to the margins of the urban areas.

The notice has been complied with to some extent. The unauthorised use currently operates from a reduced site area to the west of the dwelling and involves the storage of felled trees, logs, chipped green timber and plant, equipment and vehicles associated with the business.

The appellant's stance is that a tree contractors depot is wholly appropriate to this rural area. It is contended the use is very much a rural activity and no more intrusive than the Council's depot at Hockley Woods to the north west. The Council stressed the use of its compound at Hockley Woods for the processing and storage of felled trees, logs and timber is necessary for the long term stewardship of the area of Ancient Woodland; as such, it clearly constitutes as an essential on-site facility. The appellant's services are likely to be required in urban areas and not just in a rural setting. The hearing was informed that the appellant undertook a lot of work within the urban areas. Whilst it might be convenient for the appellant to operate a tree contractors business from this site, the use of the land for this purpose does not fall in any category of appropriate development referred to in policy R1.

PPG2 indicates material changes in the use of land are inappropriate development, unless they maintain the openness of the Green Belt and do not conflict with the purposes of including land within it. The storage of felled trees, logs and wood chippings and the keeping of machinery and commercial vehicles on the site have led to a loss of openness. The development is contrary to the fundamental aim of Green Belt policy referred to in paragraph 1.4 of PPG2, which is to maintain openness in perpetuity. In the Inspector's opinion, this activity constitutes inappropriate development, which by definition is harmful to the Green Belt.

The appellant alleges there are considerations that outweigh any harm to the Green Belt. It is emphasised the requirements of the notice have been met over a large part of the site and the use could be restricted to the area subject of Appeal C. However, these considerations would not outweigh the fundamental planning policy objection to this development.

The appellant contends the business provides a rural employment opportunity. While the business is operated from a rural location, there is no indication the employees live in the countryside, except for the appellant and his wife. Furthermore, there is no indication the rural area provides the main customer base for the business.

The Inspector concluded that none of the considerations put forward, individually or collectively, constitute very special circumstances sufficient to outweigh the harm that would be caused by the inappropriateness of this development in the Green Belt and loss of openness.

Commercial vehicles normally leave the site on weekdays at about 0715 and return between 1530 – 1700 hours. The business also operates on two Saturdays each month, when vehicles leave at about 0800 and return at about 1300 hours. The Inspector commented that whilst there might be a degree of noise from the manoeuvring of vehicles on the site and the management of the stockpiled materials, he is not convinced this activity significantly harms the living conditions of the occupiers of the neighbouring cottage.

The Inspector concluded there is no convincing evidence to demonstrate the use has prejudiced the amenity of residents or countryside users.

The appellant emphasises the area used in connection with the business has reduced and steps have been taken to improve the appearance of the site, including the provision of rustic fencing and landscaping. Be that as it may, the Inspector felt that requirements (a) to (d) of the notice are not excessive. They are necessary to remedy the breach of control and the harm to the Green Belt that arises from this unauthorised development. The indications are the appellant has complied with requirement (e).

The Inspector took a different view in relation to requirement (f). The extent of hardstandings and gravel surfaces provided to facilitate the unauthorised use is unclear. The appellant alleges most of the surfaces within the hatched area subject of requirement (f) have existed for over 4 years; those laid in the last 4 years have been removed and replaced by soft landscaping. In any event, it seems that mainly gravelled surfaces have been provided and these appear to have been subsumed under a layer of soil, leaf mould and wood chippings. The surface of the site generally conveys a rustic appearance. The appellant also pointed out that hard surfaced areas could legitimately be provided and used for purposes incidental to the enjoyment of the main dwelling. This added weight to the Inspector's view that requirement (f) is excessive, and should be deleted from the notice.

The Inspector took into account all the other matters raised in the written representations and at the hearing, including a petition lodged in support of the development, but found they did not outweigh the main considerations that led him to dismiss the appeals.

Appeal Ref APP/B1550/C/07/2051265
Application No EN/03/00288/COU_C
Appellant Mr J C Buckfield
Location Land adjacent to 4 London Road, Rawreth, Wickford, SS11 8UA
Decision Allowed, and enforcement notice quashed (14.03.08)

The breach of planning control as alleged in the notice is the creation of an access and driveway by the laying of hardcore, the erection of two wooden structures and the extension of a domestic garden.

The requirements of the notice are:

1. To permanently remove from the site the access and driveway by breaking it up and removing all subsequent materials including but not limited to hardcore and other base material used.
2. Permanently remove from site the two wooden structures by breaking them up and removing all subsequent materials.
3. Re-fill with earth, to a commensurate level with the surrounding land, the area of the site excavated in the creation of the driveway and in the erection of two wooden structures.
4. Stop using any part of the site as a domestic garden and permanently remove from the site all domestic items, structures and resulting material for the purpose of use as a domestic garden, including but not limited to the fencing and posts indicated in the approximate positions marked x-y-z on the attached plan.

The Inspector took into consideration Planning Policy Guidance 2 – Green Belts (PPG2), Planning Policy Statement 7 – Sustainable Development in Rural Areas (PPS7) and the Rochford District Replacement Local Plan (Policy R1 and R8).

The appellant contends that the site is not being used for a domestic garden, is separate in use from the adjacent gardens, and is being used for agricultural purposes, therefore, the matters alleged have not occurred. In addition, the notice requires that the use of any part of the site as a domestic garden cease, along with the removal of domestic items and structures which the appellant states do not exist.

The Council contend that the domestic use referred to in the notice was aimed at the construction of the access way, fencing and two wooden structures which has resulted in a visual extension of the adjacent domestic garden into the Green Belt. In the Inspector's opinion, the issue of domesticity and agricultural use goes to the heart of both appeals.

The Inspector was able to see on site that the land was being used for the keeping of chickens and sheep. The two wooden structures on site were chicken sheds with laying boxes and raised perches. A van was positioned on site and was being used for the storage of feed, egg boxes and other related items.

Given the number of chickens and sheep on site, the infrastructure in place, the current storage requirements and the submitted financial detail, the current use, in the Inspector's opinion and as a matter of fact and degree falls within agriculture.

The Inspector, therefore concluded that, as there is no domestic use on the site, the appeal should succeed; accordingly the enforcement notice will be quashed.

Appeal Ref	APP/B1550/A/07/2051434
Application No	06/01092/FUL
Appellant	Mr J C Buckfield
Location	Land adjacent to 4 London Road, Rawreth, Wickford, SS11 8UA
Decision	Allowed and Planning Permission granted subject to conditions

The development proposed is a proposed agricultural building and retention of existing access to agricultural land.

The Inspector considered the main issues in this case are whether the scheme constitutes inappropriate development within the Green Belt, and if so, whether there are other material considerations sufficient to clearly outweigh the harm to the Green Belt thus justifying the development on the basis of very special circumstances. Also, whether the proposal would harm the character and appearance of the locality.

The building that is the subject of this appeal would be for the purposes of agriculture, in accordance with paragraph 3.4 of PPG2, it is not inappropriate development in the Green Belt. The Inspector then had to consider whether the proposed building is fit for the purposes of agriculture and what is visual impact would be.

The proposed building would provide a food and tool store, lambing parlour and rearing shed open on two sides. It would be positioned beyond the rear boundary of No 4 London Road with an access road to the side of the same property.

The appellant submitted evidence from the RSPCA in the form of an *Animal Welfare Assessment* which recommends a field shelter. In addition, DEFRA's Code of Recommendation of the Welfare of Livestock, Sheep, encourages the use and provision of lambing areas, pens and shelter. To the Inspector's mind, the proposed building would do no more than, provide adequate facilities for the welfare of sheep and be fit for that purpose. Moreover, there is an undisputed need for storage on site as evidenced by the existing van.

The site access is wider and more formal than would normally be expected for a field access. However, set against the adjoining boundary, it does not interrupt the rhythm of the street scene and the three-bar fencing alongside it does not look out of place in the rural landscape. Given the proposed location of the building and the current views across the site, which are interrupted by a golf driving range and the boundary treatment of, and a building in, the rear garden of No 4, the proposed barn would not draw the eye. The Inspector felt its simple fenestrations and agricultural style would not look out of place in the rural setting and the proposal would not harm the character and appearance of the locality and not be contrary to Policy R8.

The Inspector allowed the appeal, and granted planning permission for an agricultural building and retention of existing access to agricultural land at Land adjacent to 4 London Road, Rawreth, Wickford, SS11 8UA in accordance with the terms of the application Ref 06/01092/FUL dated 29 November 2006 and the plans submitted with it, subject to the following condition:

1. The development hereby permitted shall begin before the expiration of three years from the date of this decision.