

**APPLICATION REFERRED FROM THE WEEKLY LIST****WEEKLY LIST NO. 1463 – 22 February 2019****18/00664/FUL****HILLVIEW, ULVERSTON ROAD, ASHINGDON****CHANGE OF USE OF LAND FROM Paddock TO  
RESIDENTIAL GARDENS****1 DETAILS OF REFERRAL**

- 1.1 This item was referred from Weekly List No. 1463 requiring notification to the Assistant Director, Environmental Services by 1.00 pm on Wednesday, 27 February 2019 with any applications being referred to this meeting of the Committee.
- 1.2 Cllr A L Williams referred this item on the grounds that there are many properties in that area that have done the same. A similar application off Fambridge Road was approved at Committee.
- 1.3 The item that was referred is attached at appendix 1 as it appeared in the Weekly List.
- 1.4 A plan showing the application site is attached at appendix 2.

**2 RECOMMENDATION**

- 2.1 It is proposed that the Committee **RESOLVES**

To determine the application, having considered all the evidence.

If you would like this report in large print, Braille or another language please contact 01702 318111.



Relevant Planning History

94/00248/FUL Demolish Existing Bungalow & Erect replacement 3 bed Bungalow & Detached Double Garage. Approved.

94/00620/FUL Revised Siting of Double Garage Approved under F/0248/94/ROC. Approved.

99/00154/FUL Erect of Single Storey Detached Garage. Approved.

Assessment

Principle

6. The application site is situated in the Metropolitan Green Belt where restrictions over new development apply.
7. The proposal falls to be assessed against the provisions of the National Planning Policy Framework (NPPF) (2018) and Policies GB1 (Green Belt Protection) of the Core Strategy and DM22 (Extension of Domestic Gardens in the Green Belt) of the Development Management Plan (DMP).
8. The NPPF confirms that, with limited exception, new buildings in the Green Belt are by definition harmful, unless very special circumstances exist that outweigh the harm.
9. Core Strategy Policy GB1 states the Council's commitment to the protection of the Green Belt, whilst at the same time supporting rural diversification and rural businesses, so long as such activities do not significantly undermine the objectives or character of the Green Belt.
10. DMP Policy DM22 states that the extension of domestic gardens into the Green Belt will only be permitted if:
  - the proposal includes appropriate boundary treatment and would ensure a defensible and robust Green Belt boundary;
  - the size of the proposed garden extension is not out-of-proportion with the size of the existing garden;
  - the proposal would not impact on the openness or undeveloped character of the Green Belt through the erection of fences, additional buildings and other built structures;
  - the proposal would not encroach on high quality agricultural land (particularly Grade 1 and 2);

- 
- the proposal would not adversely impact on other areas of open space; and
  - the proposal would not adversely impact on the conservation value or protection of natural areas of local wildlife value, or sites of national and international importance, or the historic environment.
11. The policy goes on to state that where planning permission is granted for a garden extension into the Green Belt permitted development rights will be removed by condition for the provision of buildings and other structures within the curtilage of the dwelling  
The issue of whether the garden extension sought is acceptable in principle, therefore, depends on an assessment based on the tests set-out in DMP Policy 22.
  12. The various tests are taken in turn:
    - i. Boundary Treatment
  13. This test requires appropriate boundary treatment.
  14. In this case, the garden extension (which has already been undertaken) is enclosed predominantly by 2m high black-stained close-boarded timber panel fencing, supported by concrete fence posts and gravel-boards, but with small sections of similar fencing in brown-stain and another section painted in turquoise blue colour.
  15. The boundary is, therefore, very obvious, strident even, in the rural surroundings and Green Belt. This is largely because of the height and type of boundary treatment used, which has a highly urban appearance and is visually intrusive and harmful to the appearance and openness of the Green Belt.
  16. No part of the fencing is not publicly visible - other than the section of turquoise-blue fencing on the northern boundary that backs onto farmland to which there is no public access.
  17. It should also be noted that the land to the eastern side of the site is undeveloped so there are views across it down the entire length of the eastern boundary, which is totally enclosed by the 2m high black-stained timber-fencing. A highly intrusive and urban appearance results.
  18. The section of mostly black-stained fencing across the site frontage, albeit with three sections in brown-stain, is also highly visible - from Ulverston Road.
  19. The purpose of the policy's requirement for appropriate boundary treatment is, inter alia, to minimise visual intrusion and the urbanising

---

impact in the countryside, in turn, the erosion of the openness of the Green Belt.

20. The fencing that has been installed is considered to be of an urban appearance inappropriate, unacceptable and harmful to the appearance of openness. The fact that the land enclosed is largely laid to grass and is open within the fence boundaries does not lessen the erosion of the appearance of openness which it is the key purpose of Green Belt policy to protect.

ii. Size of Garden Extension

21. The garden area for the property as original was about 875 square metres. The area of garden to be added is about 1,520 square metres. This amounts to an increase of about 174%.
22. This is considered to be excessive and disproportionate to what the property was provided with as garden as original. Indeed, the size of the original garden is generous as it is.
23. It is not unusual in the rural area/Green Belt for properties to be spaciouly situated relative to one another, with generously sized gaps between adjacent properties. This spacious character contributes significantly to the openness of the Green Belt and it is important that this be protected.
24. To allow the change of use of so large an area of land - enclosed as it is for considerable lengths of its boundaries by close-boarded fence panels, supported by concrete posts and gravel boards, that are of a highly urban appearance - would significantly undermine the purpose of Green Belt policy, which is to protect against the erosion of the openness of the countryside.

iii. Not Impact on the Openness or Undeveloped Character of the Green Belt through the Erection of Fences, Additional Buildings & Other Built Structures

25. This is already discussed above. Suffice to re-iterate here that the openness and undeveloped character of the Green Belt is seriously harmed by the extent, height and type of fences that have been erected.
26. It should also be noted that an area of hard-surfacing has been created behind the section of fencing that fronts Ulverston Road, on which two sizeable timber-sheds have been erected.
27. A second small hard-surfaced area, on which garden furniture sits, has also been created in the north-east corner of the garden extension.

28. These areas of hard-surfacing and the buildings on one of them amount to development that requires planning permission because they lie outside the residential curtilage of the original property. They are unauthorised and cannot be authorised if planning permission for the garden extension is refused.
- iv. High Quality Agricultural Land
29. Although the land has not been used for agricultural purposes, it is nonetheless classified as Grade 1.
30. DMP Policy DM22 seeks to protect high quality agricultural land from being "encroached upon."
31. On the other hand, the application does not seek built development and the site would not be permanently lost to built-development (other than where small areas of hard-surfacing have been laid).
32. No concerns in relation to loss of high quality agricultural land arise.
- v. Impact on Open Space
33. The change of use does not impact on other areas of open space.
- vi. Local Wildlife, Sites of National & International Importance, Historic Environment
34. The change of use does not impact on local wildlife, sites of national & international importance or the historic environment.

Summary/Conclusion

35. The acceptability of the change of use in principle depends on the extent to which the tests set under DMP Policy DM22 are satisfied.
36. The proposal fails tests (i), (ii) and (iii) of the policy.
37. The retrospective change of use sought is, therefore, judged to be unacceptable.
38. In summary, the change of use sought amounts to an unacceptable erosion of the Green Belt, in terms of the area to be taken into the garden of the property known as "Hillview" because it removes a disproportionate undeveloped area from the countryside, which is designated as Green Belt, relative to what the property was originally provided with. Moreover, the fences which enclose the area taken into the property's garden are considered to be visually intrusive and inappropriate in the countryside and Green Belt, in terms of their type, extent, height and colour, which adds to the urbanising impact of the

change of use sought on the appearance and essential open character of the Green Belt.

**Representations:**

**NEIGHBOUR REPRESENTATIONS**

No letters of representation have been received.

**REFUSE**

- 1 The change of use sought amounts to an unacceptable erosion of the Green Belt, in terms of the area to be taken into the garden of the property known as "Hillview" because it removes a disproportionate undeveloped area from the countryside, which is designated as Green Belt, relative to what the property was originally provided with. Moreover, the fences which enclose the area taken into the property's garden are considered to be visually intrusive and inappropriate in the countryside and Green Belt, in terms of their type, extent, height and colour, which adds to the urbanising impact of the change of use sought on the appearance and essential open character of the Green Belt.

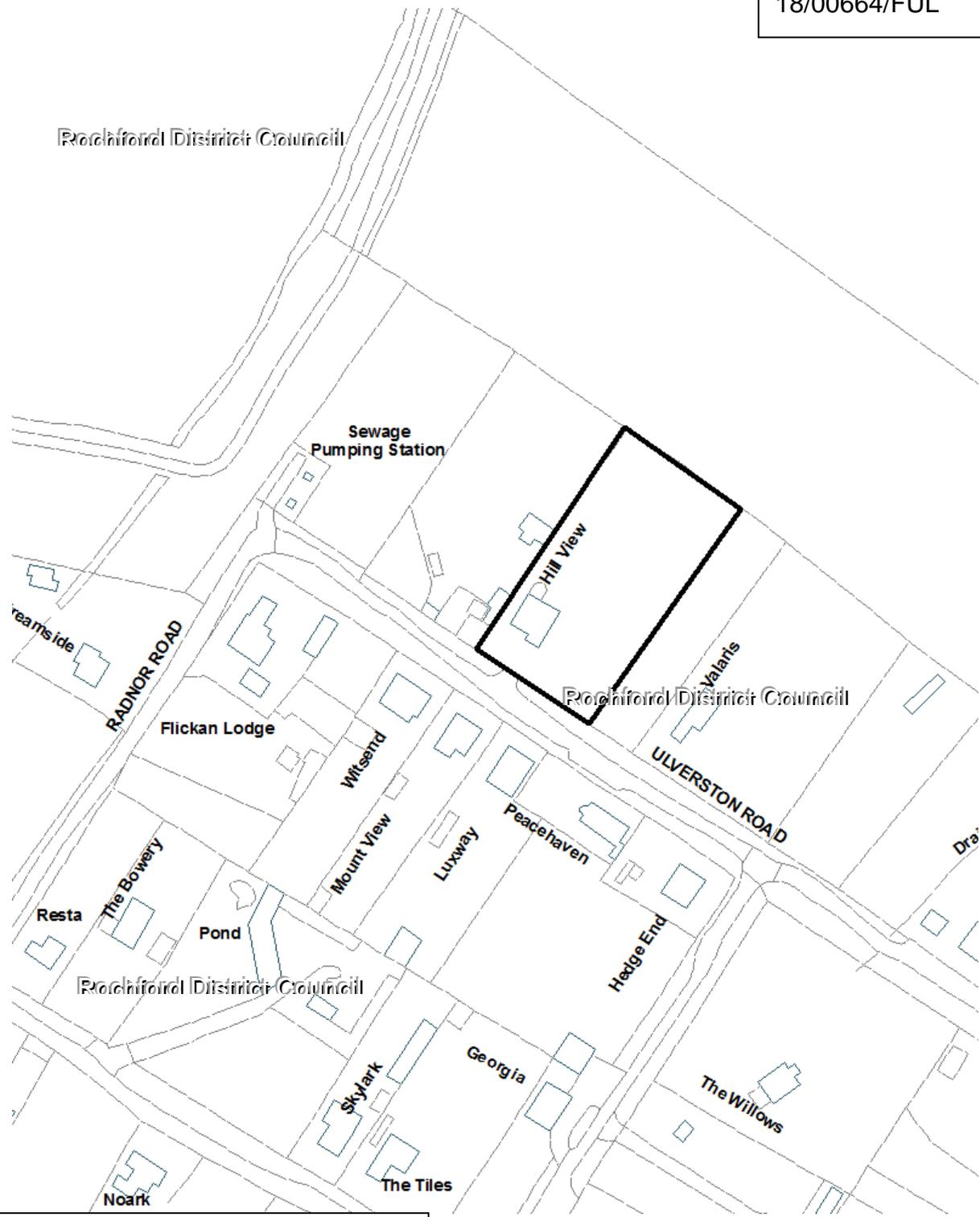
**Relevant Development Plan Policies and Proposals:**

Rochford District Council Local Development Framework Core Strategy  
Adopted Version (December 2011) - Policy GB "Green Belt Protection"

Rochford District Council Local Development Framework Development  
Management Plan adopted 16th December 2014 - Policy DM22 - "Extensions  
of Domestic Gardens in the Green Belt"

The local Ward Member(s) for the above application are Cllr M R Carter  
Cllr T G Cutmore Cllr Mrs C A Weston

18/00664/FUL



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. This copy is believed to be correct.

Nevertheless Rochford District Council can accept no responsibility for any errors or omissions, changes in the details given or for any expense or loss thereby caused.

Rochford District Council, licence No.LA079138

