
Appeal Decision

Site visit made on 6 December 2016

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

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

Decision date: 20 December 2016

Appeal Ref: APP/H1515/W/16/3156137

The Barn at Tooks Farm, Great Warley Street, Great Warley, Brentwood, Essex CM13 3JP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by M David Prigg against Brentwood Borough Council.
 - The application Ref 16/00429/FUL, is dated 21 March 2016.
 - The development proposed is described as 'I am proposing to add a garden room and outside learning area on a piece of land adjacent to my current nursery business. This would be in keeping with existing buildings and the rural surroundings.'
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matter

2. The appeal follows the failure of the Council to determine the application within the statutory time limit. However, the Council has submitted a report which confirms that, had it been in a position to do so, the application would have been refused for two reasons relating to Green Belt policy and the effect of the proposal on the Conservation Area. I have framed the main issues accordingly.

Main Issues

3. The main issues are:
 - whether or not the proposal would be inappropriate development in the Green Belt;
 - whether the proposal would preserve or enhance the character and appearance of the Great Warley Conservation Area;
 - other considerations;
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances necessary to justify the proposal?

Reasons

Whether Inappropriate Development?

4. The proposal is for a free-standing building to be sited within the grounds of a children's nursery. The nursery is in the Green Belt. Policy GB1 of the
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Brentwood Replacement Local Plan 2005 (LP) presumes against the construction of new buildings, other than those appropriate to a Green Belt, except in very special circumstances. Paragraph 89 of the National Planning Policy Framework (the Framework) states the new buildings in the Green Belt will be inappropriate unless they fall into specified exceptions.

5. The appellant has not sought to rely on any of these exceptions. To my mind, the only exception which could, potentially, apply to the appeal proposal is the limited infilling of previously developed sites which would not have a greater impact on the openness of the Green Belt than the existing development. The nursery site is occupied by permanent buildings and the location of the proposed building has a gravelled surface. It can, therefore, be regarded as previously developed land. However, the proposed building would be prominently sited within a currently open area in front of the existing buildings. As such, it would not amount to infilling between existing buildings and would result in a minor loss of openness.
6. Consequently, I conclude that the proposal would not fall within any of the paragraph 89 exceptions and would amount to inappropriate development in the Green Belt, contrary to LP Policy GB1. Framework paragraph 87 advises that inappropriate development is, by definition, harmful to the Green Belt. The proposal would also conflict with LP Policy GB2 to the extent that it presumes against development which harms the openness of the Green Belt.
7. The officer's report for the application also refers to LP Policy GB23. This policy is concerned with buildings and facilities which are ancillary to outdoor participatory sport and recreation uses. Consequently, it is of limited assistance in my consideration of a proposal associated with a children's nursery use.

Character and Appearance

8. The appeal site is located towards the southern end of the Conservation Area where loose knit, essentially linear, development occurs on both sides of Great Warley Street. The scale and form of nearby buildings varies and I recognise that other buildings on and adjoining the site incorporate timber cladding. However, publicly visible buildings in the area are, for the most part, sizeable and traditional in appearance. They either address the road frontage directly, or are set well back behind boundary enclosures.
9. I have already found that the proposed building would be prominently located close to the road frontage. However, it would be orientated with its end to the road. Its modest scale and pre-fabricated appearance suggest an ancillary building which would be more typically located to the rear of the main buildings. Indeed, I note that it is described as a 'garden room.' The building would, therefore, be incongruous in the location proposed. I recognise that new hedging would be planted in front of the building. However, given the proximity of the building to the road frontage, I am not persuaded that this planting would offer adequate screening.
10. Consequently, I find that the proposal would not preserve or enhance the character and appearance of the Great Warley Conservation Area. As such, it would be contrary to LP Policies CP1 and CP14. Together, these policies require development to be a high standard of design which is compatible with its surroundings in its layout and scale, and which preserves or enhances the

character and appearance of the Conservation Area. Nor would the proposal accord with paragraph 131 of the Framework insofar as it has similar aims.

Other Considerations

11. The appellant has explained that the new building is intended to meet a demand for outside and natural play space and that Ofsted and the Government encourage this form of learning. I have no reason to doubt the value of providing for outside and natural play space as part of the appellant's nursery business. Nevertheless, it has not been adequately demonstrated that such provision needs to take the form of a new building in the location proposed and which would result in the harmful effects set out above. This limits the weight I can give to this benefit.
12. There is no substantive evidence to suggest that the proposal would adversely affect highway safety or the living condition of neighbouring occupiers. However, the absence of further harm does not amount to positive benefit in favour of the proposal.
13. The appellant has expressed concern regarding the time taken by the Council to consider the application. However, my decision is based solely on the planning merits of the proposal.

Very Special Circumstances

14. The proposal would be inappropriate development and would lead to a minor loss of openness of the Green Belt. The Framework advises that substantial weight should be given to any harm to the Green Belt. The proposal would also be harmful to the character and appearance of the area.
15. On a collective basis, the other considerations outlined above do not clearly outweigh the harm to the Green Belt by reason of inappropriateness and the minor loss of openness. Consequently, it has not been demonstrated that the very special circumstances necessary to justify the development exist.

Conclusion

16. The proposal would not accord with the provisions of the development plan when read as a whole and the harm that I have identified means that it would not satisfy the environmental dimension of sustainable development. In terms of the assessment required by paragraph 134 of the Framework, whilst the impact of the proposal on the Conservation Area would be less than substantial, the claimed public benefits would not be sufficient to outweigh it.
17. For these reasons, the appeal should be dismissed.

Simon Warder

INSPECTOR