

Appeal Decision

Site visit made on 12 December 2016

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 26 January 2017

Appeal Ref: APP/H1515/W/16/3160813

Viva Place, Blind Lane, Little Burstead, Essex CM12 9SN

- 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 Mrs R Gallagher against the decision of Brentwood Borough Council.
 - The application Ref 16/00124/FUL, dated 29 January 2016, was refused by notice dated 29 April 2016.
 - The development proposed is rebuilding bungalow same siting at Viva Place.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (i) Whether the proposed bungalow would be inappropriate development in the Green Belt;
 - (ii) The effect of the development on the openness of the Green Belt and the character and appearance of the area; and
 - (iii) If 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

Whether inappropriate development in the Green Belt

3. Paragraph 89 of the National Planning Policy Framework (the Framework) establishes that new buildings within the Green Belt are inappropriate development unless the development falls within a list of stated exceptions. One exception involves the replacement of a building provided that the new building is in the same use and not materially larger than the one it replaces.
 4. The appeal property comprises a fire damaged timber frame of a single storey building on an open parcel of land with a mobile caravan sited immediately to the north of the building. The building is located in the open countryside in an isolated rural location set back from the road and accessed via a long track through a wooded area. Retrospective planning permission was granted in
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2014 for conversion of the former rural building to a residential use under a recently approved scheme¹ on the site, although I have no evidence before me to indicate whether or not the converted building was lived in prior to the devastating fire that almost completely destroyed the building.

5. The proposal would entail the construction of a bungalow to replace the existing structure on the site. The appellant's submitted drawings² show that the former building measured 14m by 5.3m. This, however, is disputed by the Council. The Council says that the building had a floorspace of approximately 12m by 5m and a shallow pitched roof with a maximum height of around 2.6m. From my observations during my site visit I favour the Council's evidence/measurements in this respect.
6. The proposal entails the construction of a bungalow measuring about 13m by 8.2m with a front pitched roof extension on one side of the building measuring about 4m by 1.5m. The building would have a dual pitched roof with an eaves height of about 2.5m and a ridge of about 4.5m. Based on the evidence before me and my observation during my site visit, given what remains, there is some doubt in my mind as to whether a building still exists on the site. Even if I am wrong the proposed bungalow would be materially larger than the one it replaces.
7. Consequently, the proposed bungalow would constitute inappropriate development in the Green Belt that is, by definition, harmful to the Green Belt and should not be permitted except in very special circumstances. It conflicts with the aims of the Framework and Policies GB1 and GB6 of the Brentwood Replacement Local Plan 2005 (LP), which are broadly consistent with the Framework on their approach to the Green Belt. Consequently, I attach substantial weight to the harm arising by reason of the inappropriateness of the development in this location.

Openness of the Green Belt and character and appearance

8. The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open. The Framework advises at Paragraph 79 that openness and their permanence are essential characteristics of Green Belts. Openness is generally defined by an absence of built form.
9. The proposal would result in an increase in the built form of the building which would compromise the sense of openness at the site. The appellant also states that the development cannot be seen as it is screened by the surrounding woodland. I recognise that the trees provide some visual containment. The degree of visibility will vary according to the seasons. I saw from my site visit that the site can be seen through the wooded area from a number of public vantage points along Blind Lane.
10. The appellant states that a traditional scheme is planned that would be suitable for a rural area. Whilst there are some other examples of bungalow style developments in the area, they should not be taken as an acceptable context for or justification of the appeal scheme and I do not agree that this is a traditional scheme. I consider that the bland design and suburban appearance of the proposed bungalow would be out of keeping with the more traditional

¹ 14/00774/FUL

² It was noted that the appeal building shown on the submitted site plans and block plan are inconsistent and do not match entirely with the position and footprint of the building on the site as observed on my site visit.

vernacular rural architecture in the area and would result in an incongruous and out-of-keeping addition that would detract from the character and appearance of the area.

11. Consequently, I conclude that the development would result in harm to the openness of the Green Belt and as such would conflict the aims of the Framework and Policy GB2 of the LP which seek to preserve the openness of the Green Belt. In addition, the proposal would have a harmful effect on the character and appearance of the area and as such would conflict with Policy CP1 of the LP. This policy, amongst other things, seeks to ensure that development is of a high standard of design and compatible with the character and appearance of the surrounding area.

Other considerations

12. I have taken into account the appellant's comments about the family's personal circumstances and the benefits to the family arising from the proposed bungalow. I have considerable sympathy for the appellant's circumstances and the devastating effect of the fire and other personal tragedies. However, the courts have generally taken the view that planning is concerned with land use in the public interest. Although personal circumstances can sometimes justify a personal or temporary permission, that would not be appropriate here where a permanent structure is intended and as such are matters to which I can attach only limited weight in making this decision.

Conclusion

13. The proposed bungalow amounts to inappropriate development and the Framework establishes that substantial weight should be given to any harm to the Green Belt. The development would result in loss of openness and harm to the character and appearance of the area.
14. Having considered all of the matters raised in support of the development, I conclude that collectively, they do not outweigh the totality of the harm I have identified in relation to the Green Belt. Accordingly, very special circumstances do not exist and the development is contrary to Policies GB1, GB2 and GB6 of the LP and the Framework. I therefore conclude that the appeal should be dismissed.

David Troy

INSPECTOR