
Appeal Decision

Site visit made on 15 August 2017

by Cullum J A Parker BA(Hons) MA MRTPI IHBC

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

Decision date: 22nd August 2017

Appeal Ref: APP/H1515/W/17/3175898

Land between Trillium House and Deepdene, Days Lane, Crow Green

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Helen Hall against the decision of Brentwood Borough Council.
 - The application Ref 17/00076/OUT, dated 16 January 2017, was refused by notice dated 13 March 2017.
 - The development proposed is the erection of a single one and a half storey detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal scheme was submitted in outline, with access, appearance and landscaping reserved for future consideration. I have proceeded on this basis.

Main Issues

3. The main parties agree that the appeal site is located within the Green Belt. As such, the main issues are:
 - Whether the proposed development is inappropriate development in the Green Belt for the purposes of the *National Planning Policy Framework* and the adopted Development Plan, and;
 - The effect of the proposed development on the character and appearance of the locality, and;
 - The effect of the proposal on highway safety with specific regard to entry into and exit from the site, and;
 - If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances needed to justify it.

Reasons

Green Belt

4. The *National Planning Policy Framework* (the Framework) sets out national policy on Green Belts, and is an important material consideration. The

Government attaches great importance to Green Belts. Paragraph 87 of the Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In local policy terms, the Green Belt policies of the Framework are broadly reflected in Policies GB1 and GB2 of the *Brentwood Replacement Local Plan 2005* (LP).

5. However, the local plan predates the Framework by a number of years, and whereas the Framework sets out exceptions to inappropriate development, Policy GB1 of the LP refers to purposes '*appropriate to a green belt*'. In part this is because the LP relies upon the now replaced PPG2 relating to Green Belts. For the avoidance of doubt, in the context of Paragraph 215 of the Framework and in the absence of the policy explaining what purposes appropriate to the Green Belt means in local policy terms, I have proceeded on the basis that 'purposes' translates into the exceptions set out in Paragraphs 89 and 90 of the Framework.
6. The Council's reason for refusal refers to the proposal not being infill and therefore inappropriate development. Infill is referred to in bullet points 5 and 6 of Paragraph 89 of the Framework. In terms of the sixth bullet point, neither party suggests that the proposal would relate to a previously developed site and I agree. Bullet point 5 lists an exception to inappropriate development being '*limited infilling in villages*' and it is this exception that the appellant relies upon in this instance.
7. I have taken into account the reference to case law in respect of *Julian Wood v SoS and Gravesham Borough Council*¹ which found that the term 'village' is not necessarily the same as a settlement boundary, and that there is a need to consider the facts 'on the ground'. Given the scale of one dwelling in this case, I agree that it is limited. In terms of 'infill', the appellant considers a definition is '*the placing of buildings to occupy gaps between earlier ones*'². Somewhat differently the Council considers that infill is filling in '*of a small gap within an otherwise substantially built up road frontage*'. In the case of the re-determination of the Julian Wood appeal the parties agreed that a definition could reasonably be '*development of a gap in an otherwise built up frontage*'³.
8. In this case, I agree that the appeal site is located between two existing buildings. However, the site represents a large gap between these existing dwellings, which in turn are separated on either side from any obvious signs of built form. The site contributes to the fairly open character of this part of Days Lane with the site formed mainly by a large grassed area. In this respect, due to the width of the gap between existing developments either side of the appeal site, I do not consider that the appeal proposal could reasonably be considered as infill in this case.
9. In terms of village, the appeal site is not contained within a defined settlement boundary. What is more, I saw during my site inspection that there is a clear visual break between the densely built-up area along Crow Green Road, Ashwell Road and further east along Days Lane, and the looser sporadic form of development in which the appeal site sits. This reinforces the distinction between these built up areas and the appeal site. Therefore, the facts on the

¹ Appendix 4

² Appellants Written Statement, Paragraph 4.22

³ Appeal Ref 2186760 dated 11 September 2015, Paragraph 8

ground in this case are that the appeal site does not lie within a village for planning policy purposes; either in terms of settlement boundaries and the facts on the ground. Accordingly, the proposal whilst limited in the form of one dwelling, would not represent limited infilling in a village.

10. In terms of openness of the Green Belt, the appeal scheme is in outline. However, it is clear from the submitted plans that the currently open site which is devoid of any substantial built form would be lost through the erection of a three bedroom chalet bungalow style dwelling. What is more, the proposal would see the formation of areas of hardstanding for parking and access off the highway, and it is very likely that the proposal would result in domestic paraphernalia such as washing lines and patios for example; all of which would further erode openness. Accordingly, the proposed development would result in the loss of the open nature of the site and significantly erode the openness of the Green Belt. The proposal would therefore have an adverse impact on the openness of the Green Belt.
11. As the proposal does not fall into one of the exceptions listed in Paragraphs 89 or 90 of the Framework, the proposal would be inappropriate development as defined by the Framework. Accordingly, the proposal would be contrary to Policies GB1 and GB2 of the LP, and those of the Framework, which amongst other aims cited, seek to maintain the national and local planning purposes of the Green Belt.

Character and appearance

12. In terms of the proposed design, the dwelling would probably take the form of a chalet bungalow as shown on the submitted drawings (bearing in mind that appearance is reserved). These drawings show that the proposed building would have a footprint not dissimilar to that at Trillium House and Deepdene. What is more, the differing designs Trillium House and Deepdene are indicative of the mix of styles within the wider street scene.
13. The Council is concerned that the tall and deep proportions proposed would result in bulky addition at odds with the character of the area. However, the illustrative drawings clearly show that the style, footprint, form and location of the dwelling within the plot would not result in an overly tall or deep building. In fact, the building would not be dissimilar to those on either side and in this respect it would not result in harm in character and appearance terms of the locality.
14. Accordingly, I find that the proposal would not conflict with Policies CP1 and GB2 of the LP in respect of this main issue, which amongst other aims seek to ensure that developments do not have an unacceptable detrimental impact on the character and appearance of the surrounding area. It would also comply with the policies of the Framework in this respect, which amongst other aims seek high quality design.

Highway safety

15. The local highways authority was concerned that there was insufficient information submitted to properly determine the highway impact of the proposal. This is not entirely surprising given that access is a reserved matter, which would be considered at a later stage by the local planning authority.

16. I saw that there is an existing access from the site onto Days Lane and both Deepdene and Trillium House have accesses onto and off Days Lane which at this point I understand is a 30mph road. Whilst there are bends along this lane when looking both left and right from the site it is possible to see for some distance in both directions. What is more, the appellant has submitted in Appendix 9 Drawing number 300, which shows visibility splays of 40m by 2.4m in either direction.
17. This could be reasonably controlled through the use of a planning condition – either in terms of this drawing or for such details to be submitted at reserved matters stage. In both circumstances, on the basis of the evidence before me, I find that the proposal would not result in unacceptable harm in respect of highway safety.
18. Accordingly, the proposal would accord with Policy T2 of the LP, which, amongst other aims, indicates that planning permission will not be granted for proposals where an assessment of the proposal indicates an unacceptable detrimental impact on the transport system which cannot be resolved by agreeing mitigation measures.

Other considerations

19. The appellant considers that as there would be no harm in respect of any other planning interest such as heritage or landscape matters, and that the proposal is not inappropriate development, it complies with the development plan and should be granted. Nevertheless, the absence of harm in respect of matters such as heritage and landscape do not act as 'positives' in favour of the proposal, as one would expect all developments to achieve, at the minimum, such aims.
20. The Council concedes in its officer's report that it cannot demonstrate a five year supply of deliverable housing sites. I have taken full account of the contents of paragraphs 14 and 49 of the Framework. On plain reading, it is clear that the one dwelling proposed would contribute towards the supply of housing in the district; albeit extremely limited in scale. The proposal would not accord with the development plan and there is no justification for making an exception to the restrictive policies referred to above. It should, nonetheless, be noted that the proposal would contribute one dwelling to housing supply, but this is a benefit of the proposal which should be afforded only very limited weight given its scale.

Overall Conclusion

21. Paragraph 88 of the Framework requires decision-makers to ensure that substantial weight is given to any harm to the Green Belt. In this case the proposal is inappropriate development and would reduce openness of the Green Belt.
22. Other considerations weighing in favour of the development must clearly outweigh this harm. Principal among these is the contribution to local housing supply. Whilst I acknowledge these, and all other considerations put forward by the appellant, Paragraph 88 makes clear that all development in the Green Belt is subject to stringent national planning policy tests, which I have applied.
23. In light of this, I conclude that those considerations put forward which weigh in favour of the proposal fail to clearly outweigh the substantial harm by reason of

inappropriateness and the other harm I have identified. The very special circumstances needed to justify the proposal do not therefore arise, and the proposal conflicts with Policies GB1 and GB2 of the LP, and the Policies of the Framework, the aims of which I have aforesaid.

24. Accordingly, I conclude that the appeal should be dismissed.

Cullum J A Parker

INSPECTOR