
Appeal Decision

Site visit made on 5 September 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: 13th September 2017

Appeal Ref: APP/H1515/D/17/3179370

North Lodge, Warley Road, Great Warley, CM13 3HT

- 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 Mr Thomas Miles against the decision of Brentwood Borough Council.
 - The application Ref 17/00479/FUL, dated 29 March 2017, was refused by notice dated 16 May 2017.
 - The development proposed is described as '*erection of a rear extension with rooms in the roof space, erection of single storey side extension, and erection of a detached 2 bay cartlodge with log store*'.
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Decision

1. The appeal is dismissed insofar as it relates to erection of a detached 2 bay cartlodge with log store.
2. The appeal is allowed insofar as it relates to the erection of a rear extension with rooms in the roof space, erection of single storey side extension only. Planning permission is granted for the erection of a rear extension with rooms in the roof space, erection of single storey side extension at North Lodge, Warley Road, Great Warley, CM13 3HT in accordance with the terms of the application, Ref 17/00479/FUL, dated 29 March 2017, so far as relevant to that part of the development hereby permitted, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 3816.03, 3816.06 Rev A, 1416.01, 3816.01, 3816.05 Rev A and 3816.02 (insofar as they relate to extensions to the building called North Lodge).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matters

3. Put simply, the appeal scheme comprises two parts: the extension of North Lodge, which the main parties agree should be considered as non-designated heritage asset; and the erection of a two bay cart lodge.

4. Although submitted as one planning proposal, these two main parts are clearly severable. For example, they do not intrinsically depend on each other to fulfil the proposal as a whole. For reasons which will be clear by the end of this decision, the planning permission applied for has been allowed in one part (relating to the extensions at North Lodge) but dismissed in respect of the second part (cart lodge). This is in accordance with the powers set out in Section 79(1)(b) of the TCPA, and is also known as a 'split decision'.¹

Main Issues

5. The main parties agree that the appeal site is located within the Green Belt. As such, the main issues are:
 - Whether any part of 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 significance of the non-designated heritage asset, the Great Warley Conservation Area and the Registered Park and Garden, and;
 - If any part of 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

Whether inappropriate development

6. 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.
7. The Green Belt policies of the Framework are broadly reflected in Saved Policies GB1, GB2 and GB7 of the *Brentwood Replacement Local Plan 2005* (BRLP). However, I concur with the conclusions of the Inspector in an earlier appeal decision for the same site (ref 3135817, which was dismissed) in that as these policies do not include up-to-date detail of current government Policy, greater weight is afforded to the requirements of the Framework.
8. The Council's delegated report confirms that the proposal would not result in a disproportionate increase in the building and accords with Paragraph 89 of the Framework. According to the Council's figures, the proposal would see a net increase of 42sqm amounting to roughly 40% over the 'original' size of the dwelling. However, I was able to see that the existing building is rather small, with a single bedroom located on the ground floor and very small, low ceiling attic rooms. An increase of 40% does sound rather large, however the extensions proposed would be mainly subservient in height and form compared to the original part of the building.

¹ Also see the national *Planning Practice Guidance* Use of Planning Conditions Paragraph: 013 Reference ID: 21a-013-20140306 Revision date: 06 03 2014 <https://www.gov.uk/guidance/use-of-planning-conditions>

9. When this is considered in the context of the overall smallness of the appeal building, I find agreement with the Council that in this case it would not result in disproportionate addition to the original building. The proposed extensions to North Lodge would not be inappropriate development within the Green Belt as they fall within an exception provided within Paragraph 89 of the Framework.
10. With regard to the proposed cartlodge, the appellant indicates that this would replace steel containers and poor quality sheds located on the appeal site. Paragraph 89, sets out exceptions to inappropriate development which includes bullet point 4; *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces*. I saw during my site inspection that there are two steel containers and sheds roughly in the locations shown on Drawing 3816.02.
11. This drawing provides the only obvious indication of the size of the steel containers and sheds footprints, with no indication of their respective heights or volume. The proposal seeks the erection of a two bay cartlodge with log or open stores on either side, which would have a height of about 5.75 metres and a width in excess of 6.71metres for the garage bays and 3.35 for the larger open store. It is clear from comparing drawings 3816.07 Rev A, 3816.05 Rev A and 3816.02 that the cartlodge would be materially larger than the building it would replace; particularly in terms of its height.
12. What is more, the footprint and the height of the cartlodge structure would erode the openness of the Green Belt and fail to assist in safeguarding the countryside from encroachment. Notwithstanding the Council's point about whether the sheds and steel containers comprise operational development or substantial buildings, the fact is that the cartlodge would not fall into one of the exceptions set out in the Framework, and would therefore comprise inappropriate development.

Heritage assets

13. The appeal site lies within the Warley Place Conservation Area and a Registered Park and Garden. These are both designated heritage assets and should therefore great weight should be given to their conservation as set out in the Framework. The Council considers that the proposal would result in significant harm to the conservation area. The Gardens Trust, a statutory consultee in respect of Registered Parks and Gardens, raised concerns over the size of the extensions proposed. The appeal building is a non-designated heritage asset (NDHA) and I understand is due to be added to the local list as a 'locally listed building' when this is issued by the Council.
14. The significance of the NDHA is derived from its appearance as an attractive 'Arts and Craft' style building from the 1930s. For example, the building has features such as decorative eaves, diaper work on a side elevation, and fish scale detailing within the slate roof tiles. Significance also derives from its association with the Registered Park and Garden at Warley Place (the original 17th Century house having now been demolished). In particular, the appeal building acts as a visual link to the Registered Park and Garden and to the wider conservation area, linking into understanding the history of both and how the social history of the area evolved.

15. The extensions proposed would be not only subservient to the form of North Lodge, but seek to replicate and respect its style. For example, drawing 3816.06 Rev A shows details such as decorative ridge tiles, a continuation of the fish scale detailing, replication of window styles, forms and sizes (including decorative panes), the removal of upvc windows and the use of painted bespoke timber for windows and the use of matching bricks. These are all details which a poorly designed and poor quality scheme would omit. Yet the appellant in this case is proactively seeking to wherever possible, respect the character of this NDHA.
16. I acknowledge the Council's concerns over the loss of features such as the diaper work and the introduction of bi-fold doors. However, the extensions proposed here would stand in deference to the 'original' building whilst providing useable living accommodation for occupants in the 21st Century. The building, whilst a NDHA, is not a statutory listed building and therefore the powers afforded under Sections 16(2) and 66(1) of the PLBCA in respect of internal works do not apply here. In any case, I find that the proposed development and works to North Lodge would, at the very worst, result in neutral effect to its significance. For similar reasons, I do not find that the elements proposed to the building called North Lodge would result in any harm to the significance of the Registered Park and Gardens nor would it fail to preserve or enhance the character or appearance of the Great Warley Conservation Area.
17. In respect of the cartlodge, I am concerned that its overall size and height would compete visually with North Lodge, which should remain the primary visual focus in consideration of its historic role as a gatehouse to the Registered Park and Garden. Conversely, the appellant has sought to position the cartlodge away from North Lodge so that the lodge can be seen in its context as an historic gateway to the Registered Park and Garden.
18. What is more, it is not a building that is entirely out of keeping with others found within the wider conservation area, as evidenced by the appellant's referral to Red House (ref 15/00896/FUL) and the Old Post Office (reference not provided), both in Great Warley. In this respect, I find that at worst the proposed cartlodge would have a neutral impact on the setting of North Lodge as NDHA, and on the significance of the Registered Park and Garden and find that the proposed cartlodge would preserve the character and appearance of the Great Warley Conservation Area in accordance with Section 72(1) of the PLBCA.
19. I therefore conclude that the proposed development would not result in any harm to the significance of the NDHA, the Warley Place Registered Park and Gardens or the Great Warley Conservation Area. Accordingly, the proposal would not conflict with Policies C9 and C14 of the BRLP which amongst other aims seek to conserve, enhance and manage heritage assets. It would also accord with the Policies of the Framework relating to heritage set out at Section 12, and which include conserving heritage assets in a manner appropriate to their significance.

Other considerations

20. I have found that the cartlodge would constitute inappropriate development as defined by the Framework. Paragraph 87 sets out that inappropriate

development is by definition harmful to the Green Belt and should only be approved in very special circumstances.

21. In this case, have found that the cartlodge would not result in harm to the significance of heritage assets. However, the absence of harm in this respect is not factor that weighs in favour of granting permission here. Nor is the fact that other schemes which might be similar in form being granted by the Council as considered in the previous section of this decision. Each proposal stands on its own planning merits.
22. Landscape mitigation would assist in 'hiding' the proposed cartlodge, but it would not hide the fact that the cartlodge would erode openness. The removal of the steel containers and poor quality sheds is welcome aesthetically. However, this does not provide a justification in itself for the erection of what would be a materially larger building within the Green Belt. These factors are afforded minimal weight.
23. The creation of storage space for occupiers is important given the small size of the existing building of North Lodge. Nevertheless, the reason for the roughly a 40% increase proposed is to provide further living space within the building. In this respect, I afford this factor modest weight.

Conditions

24. I have had regard to Paragraph 206 of the Framework and the national Planning Practice Guidance in respect of the use of planning conditions. A condition requiring the proposal to be carried out in accordance with the submitted drawings is necessary for the avoidance of doubt and to provide certainty. However, these should omit drawings specifically relating to the cartlodge structure and should only relate to the elements concern the North Lodge building. A condition requiring the use of matching materials is necessary and reasonable in order to protect the significance of the NDHA, other heritage assets, and the character and appearance of the area more generally.

Conclusions

Extensions to North Lodge

25. I have found that the proposed extensions to North Lodge would not be inappropriate development within the Green Belt. Nor would they result in any harm to the significance of the NDHA, or the Registered Park and Garden or Great Warley Conservation Area. Overall, I have found that they would comply with the Policies of the adopted development plan, the BRLP, and also those of the Framework.
26. With no material considerations indicating otherwise, I conclude that these elements, relating to the extensions to North Lodge, should be approved under section 38(6) of the PCPA.

Cartlodge building

27. With regard to the second element proposed in the form of the cartlodge, 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 the openness of the Green Belt.

28. Other considerations weighing in favour of the development must clearly outweigh this harm. Principal among these are the creation storage space, the removal and consolidation of existing structures and the potential to landscape the area to improve its aesthetics. 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.
29. In light of this, I conclude that those considerations put forward which weigh in favour of the cartlodge element 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 this element of the proposal do not therefore arise, and the proposal conflicts with Policies GB1, GB2 and GB7 of BRLP, and the Green Belt Policies of the Framework, the aims of which I have aforesaid.
30. Accordingly, I conclude that the second element of the appeal proposal, relating to the cart lodge, should be dismissed.

Overall Conclusion

31. For the reasons given above, and also taking into account the comments from interested parties, I conclude that the appeal should be allowed in part and dismissed in part.

Cullum J A Parker

INSPECTOR