

# Appeal Decision

Site visit made on 13 August 2019

**by J Bell-Williamson MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 05 September 2019**

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**Appeal Ref: APP/H1515/D/19/3231700**

**Green Keepers Cottage, Thorndon Gate, Ingrave CM13 3RQ**

- 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 & Mrs Chris Read against the decision of Brentwood Borough Council.
  - The application Ref 19/00238/FUL, dated 20 February 2019, was refused by notice dated 12 April 2019.
  - The development proposed is construction of single storey outbuilding.
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## Decision

1. The appeal is allowed and planning permission is granted for construction of single storey outbuilding at Green Keepers Cottage, Thorndon Gate, Ingrave CM13 3RQ. The permission is granted in accordance with the terms of the application, Ref 19/00238/FUL, dated 20 February 2019, 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: SK1 (location plan), WD1 (proposed site plan), WD2 (proposed block plan), WD3 Revision A (plans and elevations) and WD4 (sections).

## Main issues

2. The main issues are:
  - whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
  - the effect on the openness of the Green Belt;
  - if the proposal would be inappropriate development, whether the harm to the Green Belt 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 it; and

- whether the proposal would preserve or enhance the character or appearance of the Thorndon Park Conservation Area, and related to this its effect on the Grade II\* listed park and garden of Thorndon Hall and a Special Landscape Area (SLA).

## **Reasons**

3. The appeal property is a detached two storey dwelling located on the entrance road to Thorndon Park Golf Club and Thorndon Hall. It stands behind more modern properties on The Meadows and is within the Green Belt, the Thorndon Park Conservation Area, the Grade II\* listed park and garden of Thorndon Hall and an SLA.

### *Whether the proposal is inappropriate development*

4. The Framework makes clear that the construction of new buildings in the Green Belt should be regarded as inappropriate, with a small number of exceptions<sup>1</sup>. None of these refers explicitly to domestic outbuildings as proposed in this case.
5. For this reason, the Council considers that the proposed building is inappropriate development. However, the use of the proposed building is intended to be incidental to the established residential use of Green Keepers Cottage. In these circumstances, the outbuilding is capable in principle of being considered as an extension to the existing dwelling, in accordance with 145c) of the Framework, given that it would be a normal domestic adjunct to the dwelling. In this regard the Framework requires extensions not to result in disproportionate additions over and above the size of the original building.
6. The Council refers to Policies GB1 and GB2 of the Brentwood Replacement Local Plan (RLP), which concern development in the Green Belt. Despite the fact that these policies pre-date the Framework, they are broadly consistent with it and, therefore, I have had regard to them as well as to the Framework for the purposes of determining this appeal.
7. A number of extensions and alterations have been permitted to the appeal property. However, it is not fully clear from the appeal submissions or site inspection how the size of the original building may have changed as a result of these permitted extensions. Consequently, the principal basis for assessing proportionality in this case is the physical size and scale of the proposed outbuilding, including the degree of bulk or mass that might be added in relation to the host dwelling.
8. The single storey building would replace an existing traditional, smaller timber outbuilding with a pitched roof. While of greater length and height, the low roof profile of the structure would help to mitigate any increase in bulk and mass. Moreover, the building would be subordinate in scale to the two-storey host dwelling and given the size of the residential curtilage would not appear as a disproportionate addition in its setting.

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<sup>1</sup> Paragraph 145.

9. Therefore, for the above reasons, I conclude that the proposed outbuilding would not be inappropriate development in the Green Belt for the purposes of the Framework and Policies GB1 and GB2 of the RLP.

*Effect on Openness*

10. The effect on openness is implicitly taken into account in the exceptions included in paragraph 145 of the Framework unless there is a specific requirement to consider the actual effect on openness. Therefore, for those exceptions within paragraph 145, including c) as in this case, where the effect of the development on openness is not expressly stated as a determinative factor in gauging inappropriateness, and where the development has been found to be not inappropriate development as is the case here, there is no specific requirement to assess the impact of the development on the openness of the Green Belt.
11. Nonetheless, for the avoidance of doubt, I have found above that the proposed building would not result in substantive bulk or mass in addition to the host dwelling and would not add significant additional built development to the relatively spacious residential curtilage of the appeal property. As such, there would be no material harm to the Green Belt's openness as a result of additional development of the type proposed.

*Heritage Assets and SLA*

12. The appeal property is located close to the edge of but within the Thorndon Park Conservation Area, which comprises predominantly open land including the Thorndon Park Golf Club and a country park. It is also within the Grade II\* listed park and garden of Thorndon Hall and an SLA.
13. While the appeal property is part of the designated heritage assets and SLA, and despite its former association with them as an entrance lodge, the dense woodland to its western boundary separates it visually and functionally from the main open part of the conservation area and listed park and garden. Moreover, due to its proximity to properties on The Meadows and along Thorndon Gate, it effectively forms part of a transition from the residential area to the adjoining open land that forms the predominant part of the designated heritage assets and SLA.
14. Due to the position of the proposed outbuilding to the rear of the host dwelling and the dense tree cover close to the western boundary, the building would not be prominent in views from within the designated areas. It would be seen in passing views along Thorndon Gate, but these would be limited and the building would be seen as subordinate to the scale of the host dwelling to the site frontage. Furthermore, there are other relatively large outbuildings nearby in the rear gardens of properties on The Meadows, which back onto to the appeal property. As such, the outbuilding would not be uncharacteristic in its residential setting.
15. Accordingly, for these reasons, I conclude that the proposed outbuilding would preserve the character and appearance of the Thorndon Park Conservation Area, and would not have a harmful effect on the park and garden of Thorndon Hall or the SLA. Consequently, there is no conflict with the following policies of the RLP: CP1 concerning, amongst other matters, the effect of development on

the character and appearance, and historic heritage of the surrounding area; C8, C9 and C14 concerning the effect of development on, respectively, SLAs, historic parks and gardens, and conservation areas. These policies are consistent with the Framework.

### *Other Considerations*

16. I note the appellants' reference to a 'fallback' of a similar form of outbuilding to the appeal proposal that was approved through a Lawful Development Certificate<sup>2</sup>. However, given my findings in the appellants' favour with regard to the other main issues, I have not considered this matter further.

### **Other Matters**

17. The Council refers to the fact that some trees adjacent to the western boundary of the appeal site have been cleared, and that the proposal would not be considered acceptable once the replacement trees have been planted. However, I am required to consider the appeal proposal as it pertains to current circumstances. Moreover, given that the proposed building would be contained within a residential curtilage, this does not have a direct bearing on the possible replacement of trees outside the boundary. As such, I give this matter limited weight.

### **Overall Conclusion**

18. I have found above that the proposal would not be inappropriate development in the Green Belt and so there is no conflict with the Framework or Policies GB1 and GB2 of the RLP. Moreover, there would be no harmful effects on the relevant designated heritage assets and SLA. Consequently, the appeal should succeed.

### **Conditions**

19. Of the Council's suggested conditions I have imposed the standard time condition and, to ensure the proper implementation of development in accordance with the submitted details, one requiring development to be carried out in accordance with the approved plans.

*J Bell-Williamson*

INSPECTOR

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<sup>2</sup> Reference 19/00245/S192, dated 12 April 2019.