
Appeal Decisions

Site visit made on 13 August 2019

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2019

Appeal A: Appeal Ref: APP/H1515/W/19/3228601

Hunts Farm, Old Church Lane, Mountnessing CM13 1UR

- 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 and Mrs S Richardson against the decision of Brentwood Borough Council.
 - The application Ref 18/01920/FUL, dated 6 December 2018, was refused by notice dated 15 February 2019.
 - The development proposed is retention of the existing main residence.
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Appeal B: Appeal Ref: APP/H1515/D/19/3228599

Hunts Farm, Old Church Lane, Mountnessing CM13 1UR

- 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 and Mrs S Richardson against the decision of Brentwood Borough Council.
 - The application Ref 18/01944/FUL, dated 12 December 2018, was refused by notice dated 15 February 2019.
 - The development proposed is retention of the existing residential annexe to main residence.
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Decision

1. Both Appeal A and Appeal B are dismissed.

Preliminary Matters

2. Following the Council's decision on the applications that led to these appeals there have been revisions to the Framework contained in the new version published in February 2019. No changes have been made to the content directly relevant to the main issues of these appeals. Consequently, I consider that no prejudice would occur to any parties as a result of me taking the revised Framework into account in my assessment of the appeals' merits.
3. The Brentwood Local Plan 2016-2033 Pre-Submission Document is referred to in appeal submissions. However, I am not provided with evidence that these policies will be adopted in the form that they are presented to me and as such I afford them limited weight in my consideration of this appeal.

Main Issues

4. Each of the bullet pointed main issues relate to both Appeal A (the dwelling) and Appeal B (the annexe) unless specifically stated otherwise. The main issues are:

- Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies.
- The effect on the openness of the Green Belt.
- With respect to Appeal B only, the effect of the proposed development on the character and appearance of the area, with particular reference to fenestration.
- If the proposals are found to be 'inappropriate', whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

5. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and the essential characteristics of Green Belts are their openness and their permanence. The government attaches great importance to Green Belts.
6. The Framework goes on to state that inappropriate development is harmful to the Green Belt. All proposals for development in the Green Belt should be treated as inappropriate, and thus should be approved only if very special circumstances exist, unless they come within one of the categories in the closed list of exceptions in either paragraph 145 or 146 of the Framework.
7. One of these exceptions relates to 'buildings for agriculture or forestry'. However, dwellings for rural workers in agriculture or forestry are primarily intended for residential use. Consequently, even though they may support such a use, they are not buildings *for* agriculture or forestry. As such the proposed development does not satisfy this exception, albeit that this is considered in more detail in 'other considerations'.
8. I do not have substantive evidence regarding the size of the original buildings, nor that they were of permanent and substantial construction. With respect to Appeal A there is conflicting information regarding the extent of the extensions and alterations that have taken place. In respect of Appeal B the Council state that the building has been extended by 35 cubic metres through roof additions and a porch, and this information is not disputed by the appellant. Nevertheless I am not provided with information in respect of its unextended size. In respect of both appeals the construction is in dispute. Therefore, based on the submitted evidence I am not satisfied that the proposed development would not represent disproportionate additions, nor that the buildings were of permanent and substantial construction therefore the exceptions at paragraph 145 c) and 146 d) of the Framework would not be met.
9. Finally it is put to me that the proposed developments would represent limited infilling or the partial or complete redevelopment of previously developed land. Notwithstanding whether the additions and extensions would satisfy paragraph 145 c) of the Framework. The use of the buildings that are the subject of this appeal was for agriculture and such land is excluded from the definition of previously developed land within the Framework. As such this exception would not apply.

10. I therefore conclude that the proposed development would be inappropriate development in the Green Belt in the terms of the Framework.

Openness

11. The effect of development as encroachment on the countryside may be in the form of loss of openness or visual intrusion.
12. As set out previously, I have limited evidence relating to the extent of the previous buildings on this site. Therefore I am not satisfied that the proposed development would not have an effect on the openness of the site.
13. It has been suggested that if planning permission were granted a condition could be imposed to require the demolition of the mobile home. I consider that this condition could meet the relevant tests and therefore the appeal is considered on that basis. As such, in the case of Appeal B the replacement of a one-bedroom mobile home with a one-bedroom annexe building would generate a similar amount of domestic activity.
14. However, in the case of Appeal A an increase from a one-bedroom mobile home to a two-bedroom house would have led to an intensification of domestic activity at this site and an increase in domestic paraphernalia, leading to a reduction in openness. Although it may be possible to restrict items such as outbuildings by condition, it would not be reasonable to control all external domestic use, for example, garden furniture, the number of cars parked, washing lines, in this way. As such this would not overcome the harm identified.
15. For these reasons I am not satisfied that the appeal schemes would not have an impact on the openness of the Green Belt. I attach substantial weight to this harm as set out in Paragraph 144 of the Framework.

Character and Appearance – Appeal B

16. The appeal site includes open land in use for an animal rearing business along with outbuildings which are used in connection with this use. These buildings include a variety of materials such as corrugated metal, timber cladding with openings that do not generally include glazing. There is also a modest mobile home on this site which is clad partly in timber with what appear to be white UPVC windows.
17. The proposed development introduces new openings with glazing and white UPVC windows to the annexe building. If the residential use of this building is found to be satisfactory it would be acceptable for the external appearance of the building to reflect this. Furthermore, even if I were to find that the proposed materials for the windows were unacceptable I am satisfied that such changes could be controlled by condition.
18. Consequently, the proposed development would not have a harmful effect on the character and appearance of the area, with particular reference to fenestration. In this respect the proposed development would not be contrary to Policy CP1 i) or iii) of the Brentwood Replacement Local Plan Adopted Plan 25 August 2005 Saved Policies 25 August 2008 (BRLP).

Other Considerations

19. In the case of Appeal A I accept the increase in the size of the accommodation on this site would make a contribution to local housing need along with the economic benefits of such provision. However, given the size of the proposed development, the scale of such benefits are limited.
20. I appreciate that the appellants wish to live on the site and it is put to me that a residential presence on this isolated site is essential for the current agricultural operation, however I am not provided with evidence to explain whether there is an essential need for a rural worker to live permanently at this place of work. Indeed, even if there was such a need, there is an existing residential mobile home at this site. Consequently a condition requiring that the dwellings could only be occupied in association with agriculture would not be reasonable.
21. It is put to me that the external alterations to the annexe would improve the appearance of the site. However, a functional agricultural building would be appropriate to the character and appearance of this site and therefore the alterations do not represent a significant benefit. The mobile home is a modestly sized structure and its replacement with domestic accommodation of the size and scale proposed would also not be a notable benefit of the proposals for the reasons set out above. The change to residential use has meant that these buildings have been occupied and maintained. However, given the site is in use for an animal rearing business I see no reason why these buildings would not be maintained otherwise.
22. The Framework indicates that inappropriate development is, by definition, harmful and should not be approved except in very special circumstances. Although I find that the considerations advanced by the appellant weigh in favour of the proposals, along with the other matters identified in the evidence either individually or collectively, they do not clearly outweigh the identified harm to the Green Belt so as to amount to the very special circumstances necessary to justify the developments.
23. For these reasons, combined with those set out above regarding whether the appeal scheme would be inappropriate development, the proposals are contrary to the relevant policies in the Framework and to Policies GB1 (New Development), GB2 (Development Criteria) GB16 (Residential Conversions) of the BRLP, which I find to be broadly consistent with the Framework.
24. Policy GB15 of the BRLP relates to the re-use and adaptation of rural buildings for small-scale employment, tourism, leisure and community uses. As such the policies above would be more relevant to these main issues.
25. The appellant suggests that the Council cannot demonstrate a 5 Year Housing Land Supply and this is not disputed. However, Paragraph 11, footnote 6, of the Framework states that policies relating to land designated as Green Belt are policies that protect areas or assets of particular importance. And, as such, they provide a clear reason for refusing the development proposed. Consequently, even if I were to conclude that there was not a 5 year housing land supply, this would not be determinative in this case.

Conclusion

26. For the reasons above, this appeal should be dismissed.

H Miles

INSPECTOR