
Appeal Decision

Site visit made on 26 November 2019

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 December 2019

Appeal Ref: APP/H1515/W/19/3235986

The Nook, Chivers Road, Stondon Massey CM15 0LG

- 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 Mark Smerald against the decision of Brentwood Borough Council.
 - The application Ref 19/00776/FUL, dated 23 May 2019, was refused by notice dated 19 July 2019.
 - The development proposed is the erection of a replacement dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. It has been brought to my attention that a new emerging Local Development Plan is under preparation in the Borough. However, this is at a relatively early stage that attracts limited weight currently. I shall consider the appeal on this basis.

Main Issues

3. The main issues are:
 - Whether or not the proposal is inappropriate in the Green Belt;
 - The effect on the openness of the Green Belt; and
 - If the proposal is inappropriate, whether any 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 it.

Reasons

Whether inappropriate development

4. The National Planning Policy Framework (February 2019) (the Framework) sets out that the construction of new buildings in the Green Belt shall be regarded as inappropriate development unless, amongst other exceptions, they represent the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
5. It is proposed that a previously extended existing dwelling be demolished and replaced with a new dwelling that would be similarly centrally positioned within

the appeal site. In accordance with calculations provided by the appellant, the newly proposed dwelling would, when compared to the dwelling it would replace, be 38.6% larger in footprint, 1.5m taller in height and of greater depth and marginally greater width. The development would evidently result in a building of increased scale and massing on the appeal site and I find that it would be materially larger than the existing dwelling it would replace.

6. For the above reasons, the proposal would be inappropriate development in the Green Belt. The proposal conflicts with the Framework in so far as its policies affirm that inappropriate development is, by definition, harmful to the Green Belt.
7. The Framework is a very important material consideration regarding assessing proposals for development that affect the Green Belt. Saved Policy GB1 of the Brentwood Replacement Local Plan (August 2005) (the Local Plan) does not fully reflect the exceptions to inappropriate development that are clearly set out in the Framework. It is thus a policy of limited relevance to my considerations with respect to this main issue of the appeal.
8. Saved Policy GB6 of the Local Plan relates specifically to replacement dwellings in the Green Belt. Whilst a full copy of this policy does not appear in the evidence before me, it is my understanding that it does not fully reflect the Framework's replacement building exception. On this basis, saved Policy GB6 is also of limited relevance to my considerations here.

Effect on the openness of the Green Belt

9. I acknowledge that the site circumstances to hand must be considered when undertaking an assessment of a proposal's effect upon the openness of the Green Belt. In this case, the effect would be tempered to some degree by virtue of the planting that exists to the site's boundaries. However, particularly when noting that the existing planting does not provide a continuous solid buffer to all public views into the site, the development would still have a visual presence and impact. Furthermore, openness in terms of the Green Belt has a spatial aspect as well as a visual aspect. The proposal would introduce a replacement dwelling of increased footprint, height and volume and would thus inevitably result in a loss of openness.
10. For the above reasons, the proposal would cause harm to the openness of the Green Belt. The proposal conflicts with saved Policy GB2 of the Local Plan and with the Framework in so far as these policies confirm that openness is an essential characteristic of Green Belts and require that developments do not harm the openness of the Green Belt.

Other considerations

11. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
12. In this case, the potential to erect additional extensions to the existing dwelling utilising permitted development rights that are afforded to the property has been put forward as a fallback position (the fallback position) by the appellant. Indeed, whilst no lawful development certificate, nor detailed intended elevations or floor plan layouts are before me, the configuration of this fallback

position is illustrated in block form upon a submitted layout and elevation plan¹.

13. The fallback position would provide development of increased footprint coverage, overall width and overall depth when compared to the replacement dwelling that is proposed. However, a considerable extent of the works that comprise the fallback position would be made up of single-storey additions to the existing dwelling. Furthermore, the height of the two-storey addition that has been indicated would be restricted to that of the existing dwelling and its width and physical presence would be limited. The replacement dwelling's height is an important factor. Indeed, the replacement dwelling, when compared to the fallback position, would appear noticeably bulkier and more voluminous by virtue of its higher ridge line and the generous extent of upper floor living space that is proposed to be provided.
14. A 2013 appeal decision² relating to a site elsewhere has been placed before me. The Inspector in that case, having found that there was a strong likelihood of a fallback position being implemented, attributed significant weight to it when deciding to allow the appeal. Indeed, it was found that a replacement dwelling would offer a marked improvement in design terms and a limited improvement to the openness of the Green Belt.
15. With respect to the case before me, it has not been clearly evidenced that the extensions comprising the fallback position would lead to a dwelling of poorly proportioned or piecemeal design. Indeed, both potential side extensions that have been indicated would be subordinate in scale whilst the indicated works to the rear would be relatively discreet in scale and would not be widely visible from public vantage points. Furthermore, by virtue of the replacement dwelling's additional height and volume, a relative improvement in openness terms would not result from the fallback position's implementation.
16. Therefore, even if I were minded to accept that there is a strong likelihood of the fallback position being implemented in full should this appeal be dismissed, the replacement dwelling, when compared to the fallback position, would be materially larger and would result in openness being lost. The fallback position would thus be less harmful than the replacement dwelling and does not represent the very special circumstances needed to justify the proposal.
17. The proposed development conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

18. For the above reasons, the appeal is dismissed.

Andrew Smith

INSPECTOR

¹ Ref 18-059-PL-03

² APP/V3120/A/12/2188869