
Appeal Decision

Site visit made on 7 January 2020

by J Gibson BUEP MPIA

an Inspector appointed by the Secretary of State

Decision date: 30 March 2020

Appeal Ref: APP/H1515/W/19/3237337

Rear of Rosneath, Hunters Chase, Brentwood, Essex CM13 1SN

- 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 Michael Stephenson against the decision of Brentwood Borough Council.
 - The application Ref 19/00629/FUL, dated 24 April 2019, was refused by notice dated 5 July 2019.
 - The development proposed is a new dwelling adjacent to 'Rosneath'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the above heading has been taken from the original application form. The proposed development is described in further detail on the Council's decision notice as the "construction of 1 no.5 bed dwelling".

Main Issues

3. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt;
 - the effect of the proposal on the openness of the Green Belt and the purposes of including land within it;
 - the effect of the proposal on the character and appearance of the surrounding area; and
 - if the proposal is inappropriate development whether the 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 the development.

Reasons

Inappropriateness of development

4. The appeal site is located within the Green Belt. The National Planning Policy Framework (the Framework) defines inappropriate development as a proposal which would be harmful to the Green Belt under Paragraph 143. Paragraph

145 expands upon this by specifying that the construction of a new building should be considered inappropriate, noting specific exceptions. The point of dispute between the parties is whether the appeal proposal would qualify as "limited infilling in villages" under item e) of Paragraph 145. It is important to note that the concept of "limited infilling" is not defined under any national or local policy, and as such is a matter of planning judgement based on local context.

5. The appeal site forms part of a small pocket of rural development to the south of Rayleigh Road accessed via Hunters Chase (a narrow private road). This pocket of development originally served as intermittent holiday homes within a countryside setting. Since then, these dwellings have become permanent residences and been subject to an increasing number of infill permissions in recent years. Consequently, the open characteristics intended to be preserved by its Green Belt designation have progressively been eroded and a more urban pattern of development has been introduced.
6. Notwithstanding this, the infill development that has been carried out generally preserves the established building lines, plot layout and depth ratios along each respective street, reinforcing clear patterns of development and spaciousness. The recent examples of infill development put forward by the appellant support this observation, with each example continuing the pattern of development along their respective street frontages. The appeal proposal would differ from these examples by unduly extending the built form along Tally-Ho Drive beyond its natural extent, into the rear garden of Rosneath. This would subsequently interrupt the pattern of plot layouts and depth ratios along Hunters Chase which contributes towards the remaining sense of openness.
7. The cumulative effect of the infill development which has been evidenced, and the discordant nature of the appeal proposal lead me to conclude that the proposal would not equate to limited infilling in a village and would thus represent inappropriate development in the Green Belt.

Openness and Green Belt purposes

8. Great importance is attributed to Green Belts under Paragraph 133 of the National Planning Policy Framework (the Framework). The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, which are the defining characteristics of Green Belts. Policies GB1 and GB2 of the Brentwood Replacement Local Plan (RLP) (adopted August 2005) reflect this objective and apply it within the local context.
9. The appeal site forms part of the rear garden of Rosneath, a house fronting onto Hunters Chase and located on the corner with Tally-Ho Drive. The pattern of dwellings and plot sizes along this side of Hunters Chase achieves a uniform building line, with a spacious corridor of rear gardens preserved between these dwellings and the shared property boundaries with Hunter's Wood and Ookares to the west. The appeal site is accessed by the occupants of Rosneath via a gate and is currently used for ancillary activities including composting, the keeping of chickens, and informal storage of items associated with the domestic use.
10. The proposed dwelling would interrupt this spacious corridor of rear garden areas, harming both the spatial and visual openness currently experienced in the area. The overall footprint of the proposed dwelling combined with its

visual bulk, the inconsistently small plot size proposed, and the accompanying features of a domestic use (e.g. vehicle parking, hard surfaces, etc.) would all contribute towards this loss of openness. This is particularly evident when taking into consideration the existing undeveloped nature of the appeal site.

11. It is therefore my view that the development would harm the openness currently experienced within the Green Belt, and would thus conflict with Policies GB1 and GB2 of the Brentwood RLP and contradict the purpose of the Green Belt to check unrestricted sprawl and assist in urban regeneration by encouraging the recycling of other urban land.

Character and appearance

12. The appeal site currently contributes towards a well-defined pattern of development with regard for both built form and plot arrangements. The appeal proposal will deviate from this pattern by introducing an undersized plot which is inconsistent in design and orientation with the predominant pattern along both Tally-Ho Drive and Hunters Chase.
13. The proposed dwelling would also appear overly bulky in design, due primarily to the size of the dormer windows within the roof plane. There is little variation between the overall width of the dormer windows and the building at the ground floor level. The use of horizontal panelling on both the dormers and the roof plane further exacerbates this "top heavy" appearance.
14. Whilst I note that the design of the proposed dwelling has been derived from features of dwellings in the surrounding area, the end result is a proposal which appears discordant in scale and mass, as well as oversized within its residential plot.
15. Accordingly, the proposed dwelling would harm the character and appearance of the surrounding area. It would conflict with Policy CP1 of the Brentwood RLP. This policy seeks, amongst other things, to ensure development is of a high quality design and does not have an unacceptable impact upon the character and appearance of the area.

Other considerations

16. The Council cannot currently demonstrate a five year housing land supply. Despite this, the 'tilted balance' under Paragraph 11(d) of the Framework would not apply as the proposed development would conflict with the Framework policies on protecting Green Belts. As such, I have attributed moderate weight to the contribution of the proposed dwelling towards the Council's housing short fall, acknowledging the modest scale of the proposal.
17. I note the appellant's representations on the proximity of the proposed development to local bus services on Rayleigh Road. The submitted design and access statement estimates a distance of approximately 200 metres between the appeal site and the closest bus stop. Minimal weight has been attributed to this suggested benefit due to the constraints of Hunters Chase as a narrow private road, with no shoulders or dedicated path for pedestrians to walk on, and the poor pavement condition.
18. The appellant also notes the self build nature of the proposal as a positive, which would contribute to future policy objectives under the Council's emerging local plan. It is considered premature to assign such weight to emerging local

plan policies considering its current status. As such, I have attributed minimal weight to this suggested benefit.

Conclusion

19. In accordance with Paragraph 143 of the Framework I have determined that the appeal proposal would be inappropriate development and would by definition harm the Green Belt. The proposal would have an adverse effect on openness, and the purpose of the Green Belt to prevent urban sprawl and assist in urban regeneration by encouraging the recycling of other urban land. The proposal would also harm the character and appearance of the surrounding area. Accordingly, I have attributed substantial weight to this harm as per Paragraph 144 of the Framework.
20. I have given moderate weight to the contribution the proposal would make towards the Council's housing supply shortfall, and minimal weight to the proximity of local bus services and the self build nature of the development. The substantial weight given to the Green Belt harm has not been clearly outweighed by these other considerations. Consequently, the very special circumstances necessary to justify the development do not exist.
21. For the reasons given above I conclude that the appeal should be dismissed.

J Gibson

INSPECTOR