



Appeal Decision

Site visit made on 12 February 2020

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th March 2020

Appeal Ref: APP/H1515/W/19/3241326

Land at Spital Lane, Brentwood, Essex CM14 5PQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Punch Partnerships (PGRP) Ltd against the decision of Brentwood Borough Council.
 - The application Ref 19/01318/OUT, dated 20 September 2019, was refused by notice dated 15 November 2019.
 - The development proposed is described as 'outline planning application for residential development on land at Spital Lane, Brentwood'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The postcode of the appeal site is given as CM14 5PQ on the application form but CM14 5NT on the Council's decision notice. I have used the former in the banner heading above.
3. The application form indicated that the application was made in outline with all matters reserved. However, the Planning, Design & Access Statement dated September 2019 submitted as part of the application stated that the application was submitted in outline with matters except for access reserved, and this is confirmed within the appellant's appeal evidence. From the evidence before me, the Council considered the application on the basis that access to the site formed part of the outline submission and so shall I. While I have had regard to the plans submitted as part of the application, I have regarded all elements of these drawings as illustrative, apart from the details of the access.

Main Issues

4. The appeal site is located within the Green Belt. The main parties agree that the proposal would represent inappropriate development in the Green Belt as defined within the National Planning Policy Framework (the Framework) and I concur with that position. The Framework identifies that inappropriate development is, by definition, harmful to the Green Belt. Accordingly, the main issues in this appeal are:
 - i) the effect of the proposal on the openness of the Green Belt; and
 - ii) whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Openness of the Green Belt

5. The Framework sets out that a fundamental aim of Green Belt policy is to keep land permanently open, and that openness is an essential characteristic of Green Belts. The Planning Practice Guidance further advises that openness is capable of having both spatial and visual aspects¹. Saved Policies GB1 and GB2 of the Brentwood Replacement Local Plan 2005 (BRLP) consider development in the Green Belt. While these policies do not assume the same terminology and phrasing as the Framework, they conform broadly to the thrust of national Green Belt policy in seeking to ensure that development does not harm the openness of the Green Belt.
6. At the time of my visit, the appeal site was in use for grazing and predominantly comprised areas of grass and relatively low level vegetation with additional trees and hedgerows to some sections of the site's boundaries. A dilapidated vehicle and trailer also stood on the site.
7. The proposal is for residential development, and the application form and illustrative details submitted with the application indicate 6 dwellings on the site. The proposal is in outline with matters except for access reserved. The illustrative layout, scale, appearance and landscaping of the development are not therefore part of the scheme before me.
8. Notwithstanding this, as a consequence of the presence of dwellings on the site, together with access and the likely parking, boundary treatment and paraphernalia associated with residential development, the proposal would inevitably result in a loss of openness. Although the degree of the impact would depend in part on the detail of a future development, the loss of openness would nevertheless be particularly notable in contrast to the existing undeveloped site.
9. I acknowledge the site's proximity to the settlement of Brentwood; adjoining existing residential development on 2 sides. The A12 further provides for a boundary beyond the site lending a sense of containment. However, these are not factors which mitigate the loss of openness that the development would cause to the currently open and undeveloped site in the Green Belt.
10. Vegetation would help to screen views of the development from the A12 to the north west of the site, limiting the extent of the visual impact of development on the Green Belt in this direction. However, the proposal and its impact on the openness of the Green Belt would still be readily visible from both Spital Lane and Brook Lane where the site offers an open vista at the edge of the settlement.
11. For these reasons, the development would result in a significant loss of openness which would be harmful to the Green Belt in both spatial and visual terms. This would be in addition to the harm arising from the inappropriate nature of the development, and the proposal would fail to comply with BRLP Policies GB1 and GB2.

¹ Paragraph: 001 Reference ID: 64-001-20190722

Other Considerations

12. The proposal would be inappropriate development which the Framework identifies is, by definition, harmful to the Green Belt and which should not be approved except in very special circumstances. I have also found that the proposal would lead to a significant loss of openness which would cause harm to the Green Belt. The Framework advises that substantial weight should be given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations.
13. The appellant has commented that the development would not impact on distant views and that factors including the containment of the site by the A12 and residential development mean that the proposal would not encroach into the countryside or undermine the purposes of the Green Belt which are identified within the Framework. However, these considerations are not a benefit arising from the proposal and do not alter the harm that the development would cause the Green Belt by reason of inappropriateness and loss of openness.
14. The main parties advise that the Council is unable to demonstrate a 5-year supply of deliverable housing sites. The appellant has referred to a current supply position of 4.1 years, and this has not been disputed by the Council.
15. The Council's emerging Local Development Plan (LDP) considers, amongst other things, the future provision of land for housing. The main parties have advised that pre-submission stage consultation on the LDP took place in early 2019, with further focused consultation on changes to the details of some allocations ending in November 2019. The LDP has not yet been submitted for examination and so the weight to be afforded to the emerging plan is limited. However, from the information before me, I note that the Council propose that housing requirements will be met in part by allocating land which is currently within the Green Belt.
16. The main parties indicate that the appeal site was considered as a potential allocation as part of the LDP but has not been taken forward. The Council have advised that this was because of flood risk and the limited dwelling yield. However, I note that the Council have raised no objection to the appeal proposal on flood risk grounds.
17. With reference to the scoring of sites within the Sustainability Appraisal which supports the emerging LDP, the appellant has suggested that the appeal site is a better candidate to meet the Council's housing requirements than the proposed allocations. As part of this, the appellant comments that the appeal site and the Council's preferred sites each score 'amber' in relation to Green Belt impacts, but that the smaller size of the site and the contribution it makes to the purposes of Green Belt mean that less harm would be caused to the Green Belt by development on the appeal site.
18. The consideration of whether or not the site should be allocated for development is ordinarily a matter for any future examination of the emerging LDP in association with the merits of other sites and a review of the Green Belt boundary.

19. Moreover, I have not been provided with full details of the Sustainability Appraisal, emerging LDP or the potential housing allocations which have been assessed. I am therefore unable to draw any firm conclusions on the relative merits of the appeal site against the Council's currently preferred sites, including with regard to the impact of development on the Green Belt and the purposes of including land within it.
20. On the basis of the limited information before me and the small scale of the development proposed, it is also not clear that allowing the proposed development would obviate the need to identify alternative land for housing within the Green Belt. Accordingly, while I acknowledge the scale of housing delivery that is likely to be required to be identified on land currently designated as Green Belt, this is a matter of limited weight in my decision.
21. I have had regard to an appeal decision referred to by the appellant concerning land north of Asher Lane, Ruddington, Nottinghamshire². In that case, consideration of the appeal site against alternative proposals within the Council's emerging plan informed the Inspector's assessment of whether harm arising to the Green Belt was outweighed by other considerations. However, the decision concerned a more substantial proposal for 175 dwellings which was of comparable or greater capacity to the Council's preferred sites in the nearby area, and it is clear from the decision that the Inspector had sufficient information to be able to assess the relative merits of sites. This decision is not therefore directly comparable to the appeal before me which I have considered on its own merits according to the available evidence.
22. The appeal site is located on the edge of Brentwood with access to services within this main town. The appellant has also indicated that the appeal site could bring forward early delivery of housing and that Brentwood is expected to make a significant contribution to meeting future requirements for housing in the area. The early provision of additional dwellings on the site would be a benefit, particularly against the backdrop of the shortfall in identified supply. However, the extent of this benefit is limited by the scale of the development which limits the contribution it would make to the supply of housing and to addressing the current shortfall.
23. I note the appellant's suggestion that the development would be well-related to nearby housing, would retain trees and maintain an undeveloped buffer along the River Ingrebourne, and that there would be no environmental harm including to public rights of way or existing landscape features. However, these aspects would depend on the layout, scale, appearance and landscaping of the development which are matters reserved for future consideration. In any case, the absence of harm is a neutral factor which would not weigh for or against the proposal.

Other Matters

24. I have had regard to representations on the appeal proposals by third parties. However, none of the matters raised either individually or collectively alter my conclusions on the main issues.

² Appeal ref APP/P3040/W/17/3185493

Planning Balance and Conclusion

25. Drawing matters together, the proposed development would cause harm to the Green Belt by virtue of inappropriateness. Notwithstanding the containment of the site, there would also be harm as a consequence of the greater impact of the development on the openness of the Green Belt in both spatial and visual terms. In accordance with the Framework, I give this harm substantial weight.
26. From the information before me, I am unable to determine in this case that the development would have a similar or lesser impact on the Green Belt than the Council's preferred allocations or that allocation of these sites would no longer be necessary should permission be granted for the proposed development. However, with regard to the shortfall of housing supply in the Borough, the provision of additional housing on the site is a significant benefit, albeit that the weight I give to this benefit is moderated by the small scale of the development.
27. In this context, I find that the other considerations in this case do not clearly outweigh the harm that I have identified so as to amount to the very special circumstances necessary to justify the development in the Green Belt. The proposal would therefore conflict with the Framework. There would similarly be conflict with Saved Policies GB1 and GB2 of the BRLP which outline that development should not harm the openness of the Green Belt and that permission will not be given for construction of new buildings in the Green Belt except in very special circumstances.
28. As the Council is not able to demonstrate a 5 year supply of deliverable housing sites, the presumption in favour of sustainable development outlined at paragraph 11(d) of the Framework is engaged. This states that where the policies which are most important for determining the proposal are out of date, permission should be granted unless (i) the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development, or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
29. However, my findings in this case are that policies within the Framework relating to Green Belt provide a clear reason for refusing the development proposed. In such circumstances, footnote 6 to paragraph 11 of the Framework makes it clear that the presumption in favour of sustainable development would not apply.
30. For the reasons given above, I conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR