



Appeal Decision

Site visit made on 10 March 2020

by J Hunter BA (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 May 2020

Appeal Ref: APP/H1515/W/19/3243327

Bellropes Lodge, Warley Street, Little Warley CM13 3LB

- 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 Warley Auto Salvage against the decision of Brentwood Borough Council.
 - The application Ref 18/01256/FUL, dated 6 August 2018, was refused by notice dated 5 July 2019.
 - The development proposed is described as change of use from commercial scrap yard to residential. Demolition and clearance of site and erection of 20 dwellings comprising 9 affordable and 11 market housing. Associated hard and soft landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether or not the proposal would be inappropriate development in the Green Belt including its effect upon the openness and the purposes of including land within it;
 - the effect of the proposal on the character and appearance of the area; and
 - if the proposal is inappropriate development in the Green Belt, 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 development.

Reasons

Whether inappropriate development and effect on openness

3. The Government attaches great importance to Green Belts. Paragraph 133 of the National Planning Policy Framework 2019 (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. At paragraph 143, the Framework states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.
4. Policies GB1 and GB2 of the of the Brentwood Replacement Local Plan 2005 (BRLP) seek to resist inappropriate development in the Green Belt and ensure

that development does not harm the openness of the Green Belt. To this extent, these policies are consistent with national Green Belt policies contained within the Framework.

5. At paragraph 145, the Framework establishes that the construction of new buildings within the Green Belt should be regarded as inappropriate development unless they are of a type identified under a list of exceptions. One such exception relates to the limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development; or would not cause substantial harm to the openness of the Greenbelt where the development would re-use previously developed land and contribute to meeting an identified affordable housing need.
6. The proposal is for the development of twenty residential dwellings, including nine affordable homes, on land that is currently used as a commercial scrap yard. The main parties agree that the proposal would amount to the re-use of previously developed land. This is in itself a positive consideration. Saved policy H9 in the BRLP indicates that there is a need for affordable housing in the area. Furthermore, there is an indication from emerging policy HP05 of the Emerging Brentwood Borough Draft Plan 2019 (EBBDF) that this need still exists. Consequently, the provision of affordable housing is a matter to which I afford positive weight in the planning balance.
7. The appeal site is a large rectangular site that is accessed off Warley Road (main road). There is an existing residential dwelling in a large verdant plot fronting the main road. Further into the site there is a large brick building and adjacent timber faced shed and a detached garage on the southern boundary. There is a further open fronted shed and two shipping containers on the northern boundary. The remainder of the site is predominantly open hard standing, albeit used for the outdoor storage of a large number of vehicles and vehicle parts.
8. The site is located outside of the settlement limit in a semi-rural location. The surrounding area is characterised by open fields interspersed with sporadic commercial development. The western and southern boundaries of the appeal site are bounded by commercial development. There are some large scale industrial sheds on the western shared boundary. To the north, there are open fields and the eastern boundary adjoins the main road.
9. The design, materials and scale of the structures that exist on site are clearly commercial in appearance, although they do not look out of place acknowledging the surrounding development that is characteristic of the immediate area.
10. The existing dwelling and adjacent green space would be retained as part of the development occupying around one third of the overall site. There would be two short terraces of smaller houses running north to south across the site with a further two semi-detached properties sitting perpendicular to the southern boundary. Beyond the terraces there would be eleven large detached properties arranged along either side of the access road.
11. In Green Belt terms, the Supreme Court has held that openness can have both a spatial and a visual aspect: this is essentially a matter for the decision maker. The main parties do not dispute that volumetrically the proposal would

introduce more built form onto the site. The appellant contends that the current arrangement of stacked vehicles, buses and lorry containers are comparative to the height of the proposed dwellings. However, whilst I appreciate that they are of a similar height, the vehicles are not permanent structures and their presence on the site does not therefore permanently alter the openness of the Green Belt to the same extent as a series of permanent houses would. Spatially, in terms of volume and coverage the proposal, by virtue of its scale and amount would increase the built form on the site significantly. There would be a continuous and repetitive massing of development throughout the site that would lead to a permanent, urbanising effect thus resulting in substantial harm to the openness of the Green Belt. This would be markedly different to the current situation whereby the majority of the site is hardstanding and there are very few permanent structures.

12. The appellant argues that the proposal would introduce more 'greenspace' into the site. I accept that much of the existing hardstanding would be replaced by garden areas. However, I consider that the greenspace would be of a manicured, domestic type that would further urbanise the location thus inevitably having a greater impact on the Green Belt than the existing development. Indeed, the domestic paraphernalia and vehicles using the site would all contribute to the loss of openness.
13. The open land that surrounds the site and adjacent built form is predominantly open farmland divided by mature hedgerows and with clusters of woodland. The submitted LVIA suggests that the proposal would have a low impact on the immediate setting but confirms that there are views towards the site from the A127 and from various public rights of way (PRoW) surrounding the site. I visited the site during the spring when foliage and tree cover was dense. I noted that the site currently has a good level of screening to the north, east and southern boundaries. However, this coverage would be depleted during the autumn and winter months and the development would therefore be conspicuous when viewed from a number of public vantage points. Furthermore, and given the height of the proposed properties, I consider it likely that the roofs of the properties would be visible over the hedgerows.
14. The appellant contends that with further landscape enhancements the proposal would have a low impact on the wider landscape setting. I have not been provided with full details of a proposed planting scheme or any detailed visual representations of how such screening could be achieved. Nonetheless, whilst it may be possible to include additional planting around or close to the proposed development, I do not consider that this would suitably mitigate all of the identified adverse effects. Furthermore, significant landscaping on the site would likely unacceptably change the character of this part of the locality creating urbanising effect.
15. I therefore conclude that in both spatial and visual terms the proposal would cause substantial harm to the openness of the Green Belt. In the context of Paragraph 145 (g) of the Framework, the proposal would amount to inappropriate development in the Green Belt. In addition, it would fail to safeguard the countryside from encroachment, one of the 5 purposes of the Green Belt, and would not comply with the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open. For these reasons, I find conflict with the Green Belt requirements of the Framework and Policies GB1 and GB2 of the BRLP.

Any other harm- character and appearance

16. The appeal site is in a semi-rural area that is characterised by sporadic commercial development interspersed with a small number of residential properties. These are predominantly low-density individual dwellings set back from the main road within relatively large plots.
17. The proposal would introduce a significant element of built form into a part of the landscape that is otherwise relatively sparsely developed. Whilst the buildings would be of a domestic scale, the amount, massing and repetitive nature of the buildings in addition to the urbanising effect of the garden areas and associated domestic paraphernalia would be significantly at odds with the sporadic form of development that is prevalent in the surrounding area.
18. Furthermore, the design, materials and form of the proposed dwellings and surrounding landscaping would result in a very urban appearance. The surrounding area is relatively rural in character. There are a few domestic buildings and they are of varied design and scale. They are predominately low density, set in large individual plots and are constructed in a range of materials including red brick, render, stone and timber. As such, I consider that the limited palette of materials and repetitive design features of the proposed development would jar with the varied appearance and design of other domestic buildings in the surrounding area.
19. This would be further compounded by the relationship between the proposed development and the large sheds located on the western boundary. Whilst the sheds are of a simple agricultural appearance the proposed development has the appearance of a comparatively densely developed urban housing estate. In the context of the immediate and wider surrounding area it would appear out of place.
20. In these regards, I consider the proposal would have an unacceptably detrimental effect on the character and appearance of the area. Consequently, for the above reasons, I conclude that the proposal would not accord with BRLP Policy CP1 which requires that developments do not have an unacceptably detrimental effect on the character and appearance of an area.

Other considerations

21. I acknowledge that the Council cannot demonstrate a deliverable five year supply of housing sites. In this regard, the provision of twenty additional dwellings including nine affordable homes would make a modest positive contribution to the supply of dwellings in the area. These are matters which weigh in favour of allowing the appeal.
22. However, the above has to be considered in the context of the Framework which states that unmet housing need is unlikely to outweigh the harm to the Green Belt and any other harm to constitute the very special circumstances justifying inappropriate development in Green Belt.
23. I note that the appellant draws comparison to a previous development relating to an extension to an existing building close to the appeal site and also within the Green Belt. Whilst I do not have the full details of this proposal or the circumstances under which it was permitted, I saw during my site visit that the building referred to is a large commercial building and therefore it is not

directly comparable to the appeal proposal. In any event, I have determined this appeal on its individual merits.

24. The appellant submits that the site is within a sustainable location by virtue of its proximity to the A127 and other arterial routes. Reference is also made to a bus stop within the vicinity of the site although no substantive evidence has been provided with regards to the regularity of services. I note that there is a school and a public house a short distance away although I noted during my site visit that the footpath leading to these facilities is unlit and therefore does not offer an attractive alternative option to the private motor car. Consequently, I do not consider that the site is within a location that is accessible to a good range of services and facilities. However, even if the site were in an accessible location, this would not outweigh my overall conclusion on the main issues.
25. The appellant has provided a draft planning obligation and the Council has suggested some word changes to the draft. I do not doubt that it would be possible to ensure that the necessary planning obligation was completed in a form that satisfied both main parties. However, I have not pursued this any further as the completion of an acceptable planning obligation would not overcome or outweigh my conclusion in respect of the main issues.

Planning Balance and Conclusion

26. I have found that the proposed development would constitute inappropriate development in the Green Belt and that it would cause substantial harm to the openness of the Green Belt and lead to some countryside encroachment. Collectively, these matters carry very significant weight in the overall planning balance. Against this has to be balanced the contribution that the proposal would make to the supply of houses (including affordable homes) in the area. However, the substantial weight to be given to Green Belt harm, and the other identified harm relating to the adverse effect on the character and appearance of the area, arising from the development is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances. For these reasons, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

J Hunter

INSPECTOR