

Appeal Decision

Site visit made on 20 October 2020

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 November 2020

Appeal Ref: APP/H1515/W/20/3248778

Hatch House, 17 Coxtie Green Road, Brentwood, Essex, CM14 5PN

- 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 Warren against the decision of Brentwood Borough Council.
 - The application Ref 19/01396/FUL, dated 22 September 2019, was refused by notice dated 29 November 2019.
 - The development proposed is demolition of outhouses and stables and the construction of two detached bungalows with new vehicular access.
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Decision

1. The appeal is dismissed.

Main Issues

2. There are four main issues. Firstly, whether the proposed development would amount to inappropriate development in the Green Belt and its effect on openness; secondly, the effect on the character and appearance of the area; thirdly, the effect of noise from nearby commercial premises on the living conditions of future occupiers of the proposed dwellings; and lastly, if the proposed development would amount to inappropriate development, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations, such as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development in the Green Belt and effect on openness

3. Coxtie Green Road is a well used highway running between the urban settlement of Pilgrims Hatch and the small rural settlement of Coxtie Green and beyond. The appeal site, which it is agreed between the parties lies in the Green Belt, is situated close to Pilgrims Hatch but is distinct from it and outside the adopted settlement boundary. It is predominantly open and has a semi-rural character. Land to the south of Coxtie Green Road is open and undeveloped and, with the exception of the Bentley District Village Club, land to the north is characterised by undeveloped woodland. Hatch House, a large dwelling in a
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substantial plot, lies to the west and to the east, between the appeal site and the settlement boundary of Pilgrims Hatch, lies a row of older commercial units.

4. The proposed bungalows would have a cumulative footprint of some 210m² and a ridge height of some 5.5m. They would be well spaced across the site and set back from the highway by some 6-8m. Parking for four vehicles at each property would be provided on the frontages. Two new crossovers would be provided to form separate accesses to each dwelling from Coxtie Green Road.
5. Policy GB1 of the Brentwood Replacement Local Plan (LP), 2005, states that within the Green Belt planning permission will not be given, except in very special circumstances, for the construction of new buildings for purposes other than those appropriate to a Green Belt. LP Policy GB2 states that development proposals in the Green Belt should not conflict with the purposes of including land within the Green Belt or harm its openness. The explanatory text refers to PPG2 which has now been replaced by the National Planning Policy Framework (NPPF). Whilst Policy GB1 refers to "appropriate" development rather than the more usual term "not inappropriate" and neither it nor Policy GB2 list development that is considered not inappropriate in the Green Belt or the purposes of including land within Green Belts, I am satisfied that the reference to PPG2 which did set out these matters in essentially the same terms as the NPPF demonstrates that the LP policies accord with up to date national planning policy relating to the Green Belt and can be afforded full weight.
6. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved other than in very special circumstances. Paragraph 145 of the NPPF states that the construction of new buildings should be regarded as inappropriate development except in a number of circumstances. The appellant considers that two of these exceptions might apply. Firstly, e) limited infilling in villages and secondly g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would: - not have a greater impact on the openness of the Green Belt than the existing development. The NPPF states that the essential characteristics of Green Belts are their openness and permanence.
7. Notwithstanding the appellant's view that the appeal site forms part of Pilgrims Hatch I consider that it does not lie within the village. It is some distance outside the defined village boundary and although it is not far from other development it has a markedly different character from the built up area. The development could not therefore amount to e) limited infilling in a village.
8. The Council considers the appeal site to be previously developed land. A stable block of permanent construction currently stands in one corner of the site. It has a footprint of some 94m² and a ridge height noticeably lower than that of the proposed bungalows. A semi derelict wooden shed lies adjacent to the stable block and has a footprint of about 27.5m². In addition to these buildings it is proposed to demolish a long, low, inconspicuous games room with a floor area of some 95m² and a lean-to shed with a footprint of about 10m² which lie within the curtilage of Hatch House. The total replacement floor space would be slightly less than the demolished floor space and the removal of these buildings would have a positive effect on openness.

9. Nevertheless, the proposed bungalows would be large structures on a currently undeveloped and prominent part of the site. Although single storey their size, height and dominant roofs would add significant volume and bulk. The creation of vehicular crossovers and hardstandings for parking and the erection of 1.8m fences would add to the sense of development at the site. Notwithstanding the demolitions proposed, the proposal would therefore have a materially greater effect on the openness of the Green Belt than the existing development and conflict with the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open. The proposed development could not therefore be considered as an exception under paragraph 145 g).
10. It is concluded on the first main issue that the proposed development would amount to inappropriate development in the Green Belt and materially harm its openness. The NPPF advises that substantial weight should be given to any harm to the Green Belt, including that by reason of inappropriateness.

Character and appearance

11. The site is clearly seen from Coxtie Green Road. Although it is set behind high hedges these are gappy at the base. The removal of some 6m of hedgerow to provide vehicular crossovers would only serve to open the site to greater view. The introduction of the proposed dwellings would be readily apparent to pedestrians and motorists passing the site and would intrude into the substantially undeveloped character of the site. The proposed bungalows, together with vehicles and domestic paraphernalia, would thus introduce an urban form of development into this semi-rural area.
12. Although ribbon development on the north side of Coxtie Green Road is apparent along significant lengths, with the exception of Hatch House, it is absent between the commercial premises to the east of the appeal site and the entrance to the property known as Cherry Tree Cottage. This gap contributes to the semi-rural character and appearance of the area and creates an important buffer between the urban area of Pilgrims Hatch and the long run of fairly continuous built up frontage beyond Cherry Tree Cottage. The design of the dwellings, which would be reminiscent of many traditional, suburban bungalows, would only serve to exacerbate the harm. By contrast the smaller, lower and well set back stable building does not materially detract from the character or appearance of the area.
13. It is concluded on the second main issue that the proposed bungalows and associated development would have a materially detrimental effect on the character and appearance of the area. In consequence the development would conflict with LP Policy CP1 i) and iii) and with the NPPF which, taken together, expect new development to be visually attractive as a result of a high standard of architecture, design and layout such that it is compatible with its location and sympathetic to local character and history so that it would not have an unacceptable detrimental impact on the character or appearance of the surrounding area.

Noise

14. The Council is concerned that occupiers of the proposed bungalows would experience noise disturbance from the commercial premises to the east. These are small units, one of which appears to be a car repair workshop which has a

large opening on the southern elevation. These premises were operational at the time of my site visit. Other commercial uses at the site appear to take place in enclosed buildings. The Council has provided no evidence of local disturbance due to noise from the commercial premises or of complaints about noise from nearby dwellings to the south. At the time of my site visit the predominant noise audible from the appeal site was from traffic on Coxtie Green Road. Moreover, I have no evidence that any of the commercial premises operate outside normal working hours.

15. The closest bungalow would be some 13m from the flank elevation of the commercial buildings and would have no openings in its facing elevation. There is an existing high, close boarded fence between the two sites. The rear gardens of the proposed dwellings would be well separated from the commercial premises and shielded by the buildings themselves and the intervening fence and in the front gardens it is likely that noise from traffic would at most times be more noticeable than any noise from the commercial buildings.
16. Concluding on the third main issue, these matters taken together mean that I am not persuaded by the evidence that occupiers of the proposed dwellings would be adversely affected by noise from the adjacent commercial units such as to materially harm their living conditions. In consequence, the proposed development would comply with LP Policy PC4 and the NPPF which, taken together, resist residential development where occupants would experience significant noise disturbance such that the development would fail to provide them with a high standard of amenity.

Other considerations

17. The appellant draws my attention to a number of other considerations that have not been addressed above and which he considers might amount to the very special circumstances necessary to justify the proposal.
18. Firstly, it is suggested that the Green Belt boundaries are out of date and that as the emerging local plan is still some way from adoption sites on the edge of settlements should not have to wait to be developed. However, paragraph 136 of the NPPF states that, once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. I have no evidence that this site is being considered for deletion from the Green Belt as part of the updating of the local plan and in any case the plan is not sufficiently advanced to be given weight in this regard. This matter therefore attracts limited weight.
19. Secondly, the appellant points out that the Council cannot demonstrate a five year housing land supply, that the two small units proposed would contribute towards the delivery of housing in the area and that they would be much sought after. However, even if housing policies in the LP are considered out of date due to the lack of a five year housing land supply, NPPF paragraph 11 d) i) makes clear that permission should not be granted if Framework policies that protect areas of particular importance, including Green Belt, provide a clear reason for refusing the proposed development. Notwithstanding that the dwellings may well be sought after this matter therefore carries little weight.
20. Finally, the appellant suggests that the dwellings would achieve a low carbon footprint, are not isolated in the countryside but would be sustainably located

close to Pilgrims Hatch and that occupiers would support services in that settlement. That may be true. However, it would not amount to a justification to allow the proposed development which clearly conflicts with both the adopted LP and the NPPF. This matter carries limited weight.

21. It is concluded on the fourth main issue that whilst there would be no material harm to the living conditions of future occupiers with respect to noise, the other considerations drawn to my attention would be insufficient clearly to outweigh the harm that would be caused to the Green Belt by reason of inappropriateness, which carries substantial weight, the additional harm to the openness of the Green Belt and the detriment to the character and appearance of the area. The very special circumstances necessary to justify the development do not therefore exist and the proposed development would conflict with national policy set out in the NPPF and with LP Policies GB1 and GB2.

Conclusion

22. For the reasons set out above and having regard to all other matters raised, including previous development proposals at the appeal site, I conclude that the appeal should be dismissed.

KE Down
INSPECTOR