



Appeal Decision

Site visit made on 16 February 2021

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd February 2021

Appeal Ref: APP/H1515/W/20/3262042

Oak Cottage 550 Rayleigh Road, Hutton, Brentwood, Essex CM13 1SG

- 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 Nick Hagger against the decision of Brentwood Borough Council.
 - The application Ref 20/00905/FUL, dated 1 July 2020, was refused by notice dated 28 August 2020.
 - The development proposed is demolition of single storey outbuildings and erection of one single storey residential dwelling.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr Nick Hagger against Brentwood Borough Council. This application is the subject of a separate Decision.

Procedural Matter

3. The appeal was accompanied by a street scene drawing and a topographic survey which were not before the Council when it considered the proposal. However, these plans provide additional detail rather than altering the scheme proposed, and I am satisfied that my consideration of them would not prejudice the interests of any party. I have therefore determined the appeal on that basis.

Main Issues

4. The appeal site is within the Green Belt. Accordingly, the main issues are:
 - i) whether or not the proposal would be inappropriate development in the Green Belt;
 - ii) the effect of the proposal on the character and appearance of the area; and
 - iii) if the development would be inappropriate, 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 it.

Reasons

Whether Inappropriate Development

5. The National Planning Policy Framework (the Framework) explains that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping

land permanently open, and that the essential characteristics of Green Belts are their openness and permanence. It further states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Saved Policies GB1 and GB2 of the Brentwood Replacement Local Plan 2005 (BRLP) predate and are not wholly consistent with the terminology used within the Framework. Nevertheless, in seeking to ensure that development does not harm the openness of the Green Belt, they conform broadly to the thrust of national Green Belt policy.

6. The appeal proposes a dwelling to the side of Oak Cottage which would in part replace 2 existing outbuildings on the site. A third outbuilding positioned closer to Oak Cottage is also shown to be demolished.
7. The Framework identifies that the construction of new buildings should be regarded as inappropriate in the Green Belt. However, exceptions to this include limited infilling or the partial or complete redevelopment of previously developed land (PDL) which would not have a greater impact on the openness of the Green Belt than the existing development.
8. The Council asserts that the proposal would not comprise limited infilling given that the area beyond the dwelling is free of development, although it is not clear whether or not it considers the proposal to comprise redevelopment of PDL. In any event, to be considered an exception to inappropriate development, the Framework also requires that there would not be a greater impact on the openness of the Green Belt than the existing development. In this regard, the Planning Practice Guidance makes it clear that openness has both a spatial and visual dimension¹.
9. The appellant's evidence advises that the footprint of the dwelling would be around 4.25% or 4.5% larger than the total for the outbuildings to be demolished. However, the Landscape Statement indicates that there would be an increase in the volume of built form of around 126m³ or 56%. While I am mindful that such considerations should not rely solely on a mathematical comparison of size, I do not consider that an increase of this extent could reasonably be considered anything other than material. The increase signals a clear uplift in the amount of built form in comparison to that existing on the site, with an inevitable loss of openness in spatial terms.
10. Moreover, the appellant's street scene drawings suggest that the dwelling would be of greater height than the 2 outbuildings currently on this part of the site. It would be lower than the garage outbuilding, but this is positioned closer to the two-storey form of Oak Cottage, and the proposal would result in a spread of higher level built form across the site away from this dwelling. There would be some benefit to openness closest to Oak Cottage through removal of the garage structure, but I do not find the improvement would be so significant as to outweigh or mitigate the overall loss of openness elsewhere on the site through the additional scale and spread of development. Nor would removal of the garage overcome the spatial effect of the proposal as a whole.
11. The appellant's Landscape Statement comments that vegetation to the site boundaries and the wooded character of the surrounding landscape limit views of the site, and that the development would not be visible from Public Rights of Way in the vicinity. Be that as it may, it was clear from my visit that some

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

partial views of the existing outbuildings are possible from outside of the site despite screening by vegetation to the boundaries, including from Rayleigh Road to the front and rear of the site and particularly across the frontage of Oak Cottage where the boundary treatment is of lesser height. The dwelling would be similarly visible. The greater bulk, and increased height in comparison to the existing outbuildings on this part of the site, would therefore be apparent and would give greater prominence to the development. Accordingly, I find that the proposal would also have a greater impact on the Green Belt in visual terms than the existing development, albeit that the impact would be relatively modest given the small scale of the development and that views would be localised.

12. The dwelling would be sited broadly between the semi-detached pair of Oak Cottage and Fairview Cottage, and buildings at 552-564 Rayleigh Road. Given also the enclosure provided to both sides of the site by the main carriageway and crescent running from Rayleigh Road, I do not consider that there would be harmful encroachment of development into the countryside contrary to one of the purposes of Green Belt.
13. Nevertheless, there would be harm to the openness of the Green Belt in both spatial and visual terms. Accordingly, even if I were to be satisfied that the proposal would amount to the limited infilling or the partial or complete redevelopment of PDL, it would not fall under the exception identified within the Framework. It would therefore constitute inappropriate development which is, by definition, harmful to the Green Belt, and would be contrary to saved Policies GB1 and GB2 of the BRLP.

Character and Appearance

14. The effect of development on the character and appearance of the area is an additional and different consideration to the effect on the Green Belt. The appeal site is located towards the outer reaches of a loose ribbon of buildings which extend along this part of Rayleigh Road. The buildings vary in form, scale and architectural style, but are of typically traditional appearance and for the most part they are set on generous plots. Together with surrounding open fields to the north and south, as well as the significant spacing to the side of the existing dwelling on the appeal site, this contributes an attractive open and semi-rural character to the area.
15. The proposed dwelling would occupy only a fairly small part of the large appeal site, and its footprint would not be dissimilar in size to other buildings that I saw on this part of Rayleigh Road. It would also be single-storey, and I am satisfied that its scale would not be disproportionate or discordant against others nearby. The broadly 'H-shaped' footprint would be somewhat unusual, but given the mix of buildings in the vicinity of the site, I see no reason that its style, height or appearance would be unsympathetic in themselves, and its positioning relative to the road would be similar to that of Oak Cottage. The materials to the external walls and main roof would further be generally in keeping with others nearby, and while there would be a number of rooflights, the visual impact of these would be relatively discreet.
16. However, I have already identified that the proposal would result in an increase in the scale of built form and a spread of higher level development across the appeal site in comparison to the existing outbuildings. I acknowledge that the visual impacts of the proposal would be relatively localised, but nevertheless

find that there would be detriment to the openness which is a distinctive element of the area's character.

17. I therefore conclude on this main issue that the proposal would result in some harm to the character and appearance of the area, albeit that this would be limited. In this regard, the proposal would be contrary to Policy CP1 of the BRLP which requires, amongst other things, that the visual amenity, character and appearance of an area are not detrimentally impacted by development. For similar reasons, it would not accord with requirements within the Framework seeking development that is sympathetic to local character.

Other Considerations

18. The Council has not disputed that it is unable to demonstrate a 5-year supply of deliverable housing. The proposal would deliver an additional dwelling which would contribute positively to the housing under-supply position, and while I have no substantive information on the accessibility of local services or transport links, the dwelling would be close to others nearby. The appellant further advises that the site is available and immediately deliverable, and that it would contribute to the allowance for windfall sites included within the Council's emerging Local Plan towards the achievement of future housing targets. Nevertheless, I afford moderate weight to these benefits given that the overall contribution would be limited by the small scale of the development.
19. The containment of the site by vegetation which would be retained, and that mid-and long range views of the development would be limited are not benefits arising from the proposal, and do not alter the harm that I have identified above. Similarly, while I appreciate that the appellant has sought to engage with the Council and address concerns, this is not a factor which alters my consideration of the planning merits of the proposal.

Other Matters

20. The appeal site forms part of the wider setting of Ellice's Farmhouse which is a listed building. I have had special regard to the desirability of preserving this building or its setting or any features of special architectural or historic interest in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Given the scale and relationship of the development with this building, I see no reason to disagree with the Council that the proposal would preserve the setting of the listed building. However, the absence of harm weighs neither for nor against the proposal.

Planning Balance and Conclusion

21. 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 potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations.
22. In accordance with the Framework, I give substantial weight to the harm that the proposal would cause to the Green Belt by virtue of inappropriateness and harm to openness. There would additionally be some limited harm to the character and appearance of the area. Against this, there would be modest benefits arising from the additional dwelling on the site to which I afford moderate weight. However, I conclude that 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.

23. The appellant asserts that the BRLP is out of date, but the presumption in favour of sustainable development outlined at paragraph 11(d) of the Framework is in any event engaged given that the Council is unable to demonstrate a 5 year supply of deliverable housing sites. This outlines 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.
24. 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.
25. The proposal would conflict with Policies GB1, GB2 and CP1 of the BRLP, as well as with the Framework, and material considerations do not indicate that a decision contrary to the development plan should be reached. For the reasons given above, I therefore conclude that the appeal should be dismissed.

J Bowyer
INSPECTOR