
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: 23rd February 2021

Appeal Ref: APP/H1515/W/20/3259838

Glencar Tilbury Road, West Horndon, Brentwood, Essex CM13 3LS

- 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 Ms Amahson against the decision of Brentwood Borough Council.
 - The application Ref 20/00695/OUT, dated 27 May 2020, was refused by notice dated 17 July 2020.
 - The development proposed is new infill detached two storey dwelling house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Outline planning permission is sought with all matters reserved. I have had regard to the submitted plans and note the indicative layout shown on plan No. D022. However, I have treated this plan as illustrative.
3. The appellant's evidence includes a copy of plan no. D022 marked up to highlight an indicative access/drive. The arrangements are consistent with the submitted drawings and Architect Statement accompanying the planning application which identified that the existing access onto the site will be shared with Glencar. Noting also that access would remain a 'reserved matter' which would be subject to later detailed consideration, I am satisfied that no prejudice would be caused by my having regard to this illustrative material.
4. The site address was given as within East Horndon on the application form but West Horndon on the appeal form. I have used the latter as it reflects the form stated on the Council's decision notice.
5. The parties have referred to the Council's emerging Local Development Plan. This is yet to be adopted and is therefore subject to change. In addition, I have not been provided with details of any unresolved objections. The weight that the emerging plan carries in my decision is therefore limited.

Main Issues

6. 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, including with particular regard to the effect on trees; 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

7. Saved Policies GB1 and GB2 of the Brentwood Replacement Local Plan 2005 (BRLP) relate to development in the Green Belt. These policies predate and are not wholly consistent with the terminology used within the National Planning Policy Framework (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.
8. The appeal proposes a dwelling on land between the side of Glencar and adjacent dwellings on Elliots Close. The Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt. However, specified exceptions include limited infilling in villages, and 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. I consider these exceptions in turn below.

i) Limited infilling in villages

9. Limited infilling in villages is not defined within the Framework. The space to the side of Glencar is wide in comparison to the plots of dwellings on Elliots Close but includes a number of outbuildings. In any event, the width is not so substantial that I find there to be an impression of severance. Notwithstanding the difference in their appearance and spacing, I therefore consider that these buildings appear together as a substantially built up frontage, albeit with regard to the greater spacing to buildings to the other side of Glencar that this is of fairly short length. Although the Council asserts that the site could accommodate more than one dwelling, this is not proposed, and the width of the site would not be inconsistent with those of other single dwellings nearby. I am therefore satisfied that the proposal could be considered limited infilling
10. In considering whether or not the site is within a village, I note labelling of the area on mapping as East Horndon, and the appellant's comments that development here dates to before Domesday. However, the naming or age of an area do not establish that it is a village. Equally, while the site is not within a defined settlement boundary, and intervening fields provide for clear separation to the built-up area of West Horndon, I agree with the parties that this is not determinative and that it is necessary to consider the facts 'on the ground'.
11. The appeal site is part of a loose group of buildings to the south of the A127 including a number of dwellings, Broadfields Farm Yard and East Horndon Hall manor house, as well as a garden centre/nursery though this is set some way apart. The appellant also refers to a nightclub and petrol station which formerly occupied land adjacent to the appeal site, but these are no longer present. To the north side of the A127 are a pub, hotel with a coffee shop, church and a former police station. However, while I accept that villages often include a church and a pub, other commonly found features to meet day to day needs such as a shop, village green or other services are very limited. Moreover, although I acknowledge that this was not always the case, the A127 is a dual carriageway and currently forms a clear visual and physical barrier separating

buildings to either side. The buildings here are also relatively dispersed and small in overall number, and even setting aside the division of the A127, I did not find there to be a clear village centre or focal point around which they were arranged. Instead, they seemed to me to comprise a loose and informal collection. Taken as a whole, the limited size and characteristics of the group of buildings mean that it could not in my view be currently reasonably described as a 'village'.

12. From my observations of the area the evidence before me, I do not therefore find that the proposal would comprise limited infilling in a village.

ii) Infilling or redevelopment of previously developed land

13. To be an exception to inappropriate development, the Framework requires that infilling or redevelopment of previously developed land does not have a greater impact on the openness of the Green Belt than the existing development. In this regard, the Planning Practice Guidance explains that openness has both a spatial and visual dimension¹.
14. There are outbuildings both to the side of Glencar and to the front of the appeal site, but these are single-storey structures of relatively limited height and do not significantly obstruct views into or across the site. Nor does the scale or position of the outbuilding on the site reduce to any significant degree the overall sense of openness which results from the predominantly undeveloped nature and appearance of the site between Glencar and Elliots Close.
15. Irrespective of my findings that it would be within a frontage of development, the introduction of two-storey built form to a site that includes a modest outbuilding but appears otherwise free of development would by its very presence result in a loss of openness in spatial terms. This would occur even if the dwelling did not project beyond the rear of 1 Elliots Close. Trees on and around the site would provide some screening, and I acknowledge that this would be to a greater extent when trees are in full leaf. However, coverage is unlikely to be complete, and as I observed at my visit would not be constant throughout the year. Despite the presence of vegetation and outbuildings, the development would therefore be apparent including in views from Tilbury Road and Elliots Close, diminishing the current openness of the site.
16. Although the magnitude of the impact may vary, there would as a result be harm to the openness of the Green Belt in both spatial and visual terms regardless of the details of the layout, scale, appearance or landscaping of the development. As a consequence of this harm to openness, the proposal would not meet the terms the exception for limited infilling or redevelopment of previously developed land specified within the Framework.

Findings on inappropriate development

17. Given my findings that the proposal would not fall within the exceptions specified within the Framework, it would comprise inappropriate development which is, by definition, harmful to the Green Belt. There would also be harm to the openness of the Green Belt which the Framework identifies as one of the essential characteristics of Green Belt alongside their permanence.

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

Character and Appearance

18. Near to the appeal site, the irregular layout and large plots to many of the buildings, surrounding open fields, and established hedgerows and mature trees give the area a generally rural character. Nevertheless, the site adjoins Elliots Close where the much closer arrangement of dwellings of similar appearance results in a noticeably tighter urban grain and more suburban character.
19. The dwelling would be within an existing residential site, and I am satisfied from the information before me that it would be possible to retain sufficient spacing around the existing and proposed dwellings to provide a suitable setting in keeping with the area. I acknowledge that openness is one of the elements that contributes to the local character. However, given the close relationship of the site to development on Elliots Close, I do not find that the effect of the proposal on openness within the site would in this case unacceptably harm the character and appearance of the area in addition to the harm to the Green Belt that I have already identified.
20. Whether or not they are protected, I find that the scale and visibility of the large trees that are present within and adjacent to the front part of the appeal site contributes positively to the character and appearance of the area. Access and layout are reserved matters, but the information before me indicates that the dwelling would take access from the existing driveway of Glencar rather than requiring a separate access which might necessitate the removal of boundary vegetation, and I see no reason that such an arrangement would not be achievable. Although the dwelling may be situated between trees, I also see no reason given their position and the scale of the site that accommodating a dwelling alongside the retention of, or adequate compensation for, these trees would be impossible. I am therefore satisfied that potential effects on trees could suitably be addressed through the consideration of a future reserved matters application and/or through the imposition of conditions.
21. For these reasons, I conclude on this main issue that the proposal would not result in unacceptable harm to trees or to the character or appearance of the area and I find no conflict with saved Policies CP1 or C5 of the BRLP. Amongst other things, these policies require that development conserves or enhances the character and appearance of an area and seek generally the retention of trees.

Other Considerations

22. In support of development, the appellant refers to a failure by the Council to comply with the statutory duty under the Self-build and Custom Housebuilding Act 2015 (as amended) which requires relevant authorities to have regard to the demand for self-build or custom housebuilding (SBCH) in their area and to give enough suitable development permissions to meet the identified demand. I have been provided with a copy of the Council's response to a Freedom of Information request indicating that there were 161 entries on the Council's SBCH register as of 30 October 2019, and that no planning permissions for SBCH had been granted. Moreover, the Council has not offered evidence to demonstrate that there would be delivery of SBCH plots in future to address demand or the duties relating to provision of plots for SBCH.
23. The appellant intends that the proposal would provide for a self-build dwelling, and comments that this could be secured by a condition. In principle, this would make a small but significant contribution against the apparent sizeable shortfall

in provision of plots for SBCH to meet demand, and I consider the duty to give enough suitable development permissions to meet the identified demand for SBCH is an important material consideration in favour of the proposal. More generally, the Council also accepts that it is unable to demonstrate a 5-year supply of deliverable housing, and has not challenged the appellant's suggestion that the undersupply equates to 364 dwellings over a five year period.

24. However, the overall effect of one additional dwelling towards the supply and mix of housing, including SBCH housing, would be limited given the small scale of the proposal. While the development would contribute positively to the considerable housing and SBCH undersupply position, I therefore give moderate weight to the benefit of one additional SBCH dwelling.
25. The proposal would make effective use of the site, and I note that occupiers would benefit from access to transport links and services in the wider area. These are objectives which are supported by the Framework, and there would be further social and economic benefits associated with the construction and occupation of the dwelling, including through support for the local community and patronage of services and facilities. However, the extent of these benefits would be limited by the modest scale of the development.
26. I can give only very limited weight to the appellant's suggestion that the dwelling would be an efficient and 'green' home of excellent design given the absence of firm details and that these aspects would depend on matters reserved for future consideration. That the Council has not identified harm to the living conditions of neighbouring occupiers, highways or to the setting of East Horndon Hall which is a listed building is a neutral factor and weighs neither for nor against the proposal.

Other Matters

27. My attention has been drawn to examples of development accepted by the Council as infill. However, from the very limited details presented, I am unable to draw any firm comparison with the circumstances of the current appeal where I have found that the proposal would not be in a village and would harm the openness of the Green Belt. In addition, while I agree with the Inspector in an appeal for Land off Hepworth Road, Woodville that provision for SBCH can be an important material consideration, that appeal related to a much larger proposal for 30 SBCH plots which were not within the Green Belt. It is not therefore directly comparable to the appeal before me.
28. I am advised that outline planning permission has been granted for 5.5ha employment land to the opposite side of Tilbury Road, but substantive works have not commenced and I cannot be certain that development will be implemented. I also note a proposal to the east of the A128 for Dunton Hills Garden Village. However, from the information before me, this is at a very early stage, and so there is even less certainty that this will come forward, or the form that development may eventually take. In any event, while these proposals may alter the local context and character, they would not alter my conclusions above on the effect of the proposal on openness within the site, nor as far as I am aware its Green Belt designation.

Planning Balance and Conclusion

29. 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.
30. 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. While I give moderate weight to the provision of an additional dwelling intended to provide for SBCH, I find in this case that the substantial weight to be given to Green Belt harm is not clearly outweighed by the other considerations sufficient to demonstrate very special circumstances.
31. The appellant has commented that the policies of the BRLP are dated and not wholly consistent with the Framework, but the presumption in favour of sustainable development outlined at paragraph 11(d) of the Framework is in any event engaged given the lack of a 5 year supply of deliverable housing. 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.
32. However, my findings in this case are that policies within the Framework relating to Green Belt provide a clear reason for refusing the development. 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.
33. The proposal would be contrary to Policies GB1 and GB2 of the BRLP, as well as the Framework. While I have found that there would not be harm to the character or appearance of the area, I find that it would conflict with the development plan when it is read as a whole and material considerations do not indicate that a decision contrary to the development plan should be reached.
34. For the reasons given above, I therefore conclude that the appeal should be dismissed.

J Bowyer
INSPECTOR