
Appeal Decision

Site visit made on 25 May 2021

by M Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th May 2021

Appeal Ref: APP/H1515/W/20/3264434

1 Pilgrims Hall Cottages, Ongar Road, Pilgrims Hatch CM15 9SA

- 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 Macron Securities Limited against the decision of Brentwood Borough Council.
 - The application Ref 20/00680/FUL, dated 25 May 2020, was refused by notice dated 4 August 2020.
 - The development proposed is described as 'Construction of 2no. detached residential dwellings with associated landscaping and vehicle parking - Resubmission of 20/00025/FUL'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. On 19 January 2020 the latest Housing Delivery Test results were published. These indicate that the presumption in favour of sustainable development, as set out at paragraph 11d of the National Planning Policy Framework (the Framework), is consequently applicable. However, the main parties do not dispute that paragraph 11d applies in any case, as the Council is unable to demonstrate a 5 year supply of deliverable housing sites. It has not therefore been necessary to seek the views of the parties on the results.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies, including any effects on the openness of the Green Belt; and
 - if the development is 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 required to justify the development.

Reasons

Inappropriate development

4. The site is located outside defined settlement limits and within the Green Belt. It features several single storey buildings and structures. Various materials are

being stored on the land. The appellant states that the site has been used as a commercial and storage area for more than 10 years consecutively. It is put forward that it previously formed part of the amenity space to No 1 Pilgrims Hall Cottages, which includes a dwelling at the end of a row of residential properties to one side of Ongar Road. Bentley Crematorium and Cemetery is located further along the road.

5. Policy GB1 of the Brentwood Replacement Local Plan (LP) states that, except in very special circumstances, permission will not be granted for changes of use or the construction of new buildings for purposes other than those appropriate in the Green Belt. LP Policy GB2 sets out that the Council must be satisfied that development does not harm the openness of the Green Belt or conflict with the purposes of including land within it. It also says that the effects of proposals on public rights of way and the landscape will be taken into account.
6. The Framework explains that inappropriate development is, by definition, harmful to the Green Belt and should only be approved in very special circumstances. One specific exception to this is limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, excluding temporary buildings, which would not have a greater impact on the openness of the Green Belt than the existing development. This is set out by paragraph 145g of the Framework. The appellant argues that the site is previously developed and thus the proposal accords with that exception.
7. The appellant has provided evidence with the intention of demonstrating the existing use of the site. However, it is not the role of an Inspector dealing with an appeal in relation to an application for planning permission to conduct an exercise as to lawful uses or operations. Applications under sections 191 or 192 of the Town and Country Planning Act 1990 should be made to the Council for such purposes. In any case, for reasons that I go into below, even if the site constitutes previously developed land, the proposed development would have a greater impact on the openness of the Green Belt than the existing development and thus fail to accord with paragraph 145g of the Framework.
8. The proposed dwellings would be 2 storeys in height, larger in size and bulkier than the existing buildings and structures. Whilst there is much paraphernalia on the site, the proposed residential use is likely to give rise to paraphernalia of its own. The proposal would therefore have a greater impact on openness spatially than the existing development.
9. The proposed dwellings would be close to the existing one. Whilst vegetation encloses the site to a significant extent, the dwellings would nonetheless be visible from Ongar Road due to their position at the end of the shared private driveway. Glimpses of the dwellings would also be achieved between gaps in the vegetation in the winter months when trees are not in leaf. I am not convinced that additional landscaping would be able to provide mitigation to the extent that the development would not be harmful. Consequently, the proposal would also have a greater visual impact on openness than the existing development.
10. The proposal would have a greater impact on the openness of the Green Belt than the existing development. It would thus be inappropriate development in the terms of the Framework. The harm to openness would be considerable. The proposal therefore conflicts with LP Policies GB1 and GB2.

Other considerations

11. In July 2020, the Council granted permission for the demolition of a garage and its replacement with a 2 storey dwelling beside No 2 Pilgrims Hall Cottages¹. It appears that the development has now been completed with further additions to it. Copies of the approved drawings have been provided. Whilst full details of that proposal and the Council's full reasoning for granting permission have not been provided, that development is not directly comparable with the proposal before me as the approved dwelling is in a gap between dwellings whereas the proposed dwellings would have the effect of extending the housing group in the Green Belt. The appellant also identifies that, unlike the appeal proposal, the approved dwelling constitutes infilling.
12. The appellant argues that the proposal would be a substantial improvement on the activity and built form of the existing site. It is also put forward that the existing site is an inappropriate and ineffective use of the land and I note that the Council has not objected due to harm to the landscape specifically. However, the proposal would nonetheless be more harmful to the openness of the Green Belt both spatially and visually than the existing development for the reasons identified.
13. The appellant also puts forward that there would be benefits from the New Homes Bonus and tax receipts. However, having considered the Planning Practice Guidance on local finance considerations², I do not agree that these are benefits weighing in favour of the proposal. The appellant also states that No 1 is uninhabitable but would be renovated, bringing it back into beneficial use. However, compelling evidence indicating that the development is necessary to facilitate this has not been provided.
14. Nevertheless, the proposal would make a valuable contribution to addressing the district's under supply and delivery of housing. In addition, I note that the Framework highlights the contribution that small sites can make in addressing housing issues. The proposal would also provide economic benefits from the construction process and the occupiers using local services. It is also put forward that the proposal would be accessible by sustainable transport modes and result in environmental benefits and biodiversity net gain. I have no compelling reasons to find otherwise. Additionally, notwithstanding the harm to openness, the proposal would tidy the site and the dwellings would be more attractive than the existing buildings and structures. However, overall, these matters attract modest weight because of the limited scale of the development.

Planning Balance and Conclusion

15. Paragraph 144 of the Framework explains that very special circumstances to justify development in the Green Belt will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
16. There are other considerations in this case that weigh in favour of the proposal. However, the proposal would be inappropriate development in, and result in considerable harm to the openness of, the Green Belt. Any harm to the Green Belt must be afforded substantial weight.

¹ Council reference: 20/00587/FUL

² Reference ID: 21b-011-20140612

17. In conclusion, I find that the other considerations do not clearly outweigh the harm identified and thus the very special circumstances necessary to justify development in the Green Belt do not exist. Although paragraph 11d of the Framework is relevant, the policies in the Framework that protect the Green Belt provide clear reasons for refusing the development. Therefore, the Framework does not indicate in favour of the development.
18. The proposal is contrary to the development plan taken as a whole. There are no considerations which outweigh the conflict with the development plan.
19. Accordingly, and for the above reasons, the appeal is dismissed.

Mark Philpott

INSPECTOR