
Appeal Decision

Site visit made on 8 February 2022

by Stephen Wilkinson BA BPI DIP LA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2022

Appeal Ref: APP/H1515/W/21/3280650

1 Rose Hall Cottages, Shonks Mill Road, Navestock, Romford, Essex RM14 1EU

- 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 Christopher Rush against the decision of Brentwood Borough Council.
 - The application Ref 20/01854/FUL, dated 12 December 2020, was refused by notice dated 12 March 2021.
 - The development proposed is a new dwelling replacing an existing outbuilding.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposed development would be inappropriate development, in the Green Belt, and
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, amounting to very special circumstances necessary to justify the proposal.

Reasons

Whether the proposal is inappropriate development

3. The appeal site comprises a freestanding single storey workshop and store located in the rear garden of one of a pair semi-detached cottages. The cottages are surrounded by open fields, designated as Green Belt.
4. The appeal scheme would involve the redevelopment of the existing workshop as a detached single family dwelling house. This would result in a 36% increase in its footprint and an increase of 0.6m ridge height compared to that of the existing building.
5. The National Planning Policy Framework (the Framework) identifies that whilst the construction of new buildings should be regarded as inappropriate in the Green Belt there is an exception identified in Paragraph 149g) involving the partial or complete redevelopment of previously developed land. However, the caveat to this requires that the new building would not have a greater impact on the openness of the Green Belt than the existing.

6. Given the changes to both the footprint and the ridge height when compared to the existing building the appeal scheme falls outside this exception. Accordingly, the appeal scheme is inappropriate development in the Green Belt.
7. Furthermore, the creation of a new dwelling house would result in additional paraphernalia associated with the use of its garden which would add to additional clutter adversely impacting on openness.
8. I conclude that the proposed scheme would conflict with Saved Policies GB1 and GB2 of the Brentwood Replacement Local Plan which seek to protect the openness of the Green Belt. Despite the age of these policies they are broadly consistent with Chapter 13 of the Framework.

Other considerations

9. I acknowledge that the appeal site lies below the level of the road. However, the existing building is visible from the road and the appeal scheme being larger would be clearly seen. The proposed barn type design would not mitigate for the extent of impacts on openness.
10. I understand that since the refusal of the application which has resulted in this appeal, planning permission has been granted for a similar but smaller proposal¹. The appellant states that the implementation of permitted development rights on the extant scheme could result in a building with a greater impact on openness than the scheme currently proposed. The appellants have, for this appeal, agreed to the removal of permitted development rights.
11. The extant permission together with the possibility of the operation of permitted development rights is a legitimate fall back position requiring comparison with the appeal scheme. I acknowledge the progress underway towards the approval of details pursuant to the permission.
12. Whilst some notional floorplans have been included in the appellant's statement indicating the likely form of extensions which could be built to the extant scheme, it is unclear the degree of impact which these would have on openness when compared to the appeal scheme. In contrast the adverse impacts on openness of the appeal scheme can be clearly assessed when compared to the existing building on this site.
13. I recognise the importance of this scheme to the personal needs of the applicant and his family but it would be permanent and would result in lasting harm to the openness of the Green Belt.
14. The Framework states that substantial weight is given to such harm. The other considerations are not, both individually or cumulatively, of such significance as to outweigh the harm that would be caused to the Green Belt by this appeal scheme.

Conclusions

15. For these reasons, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

¹ 21/00564/FUL

16. On this basis the appeal scheme would be in conflict with Policies GB1 and GB2 of the Local Plan which seek to only allow development appropriate to its location within the Green Belt.

17. For the above reasons, the appeal is dismissed.

Stephen Wilkinson

INSPECTOR