

Appeal Decision

Site visit made on 25 January 2022

by Martin Chandler BSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 March 2022

Appeal Ref: APP/H1515/W/21/3273491

Fantails, Hook End Road, Hook End CM15 0HB

- 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 Mark Sully against the decision of Brentwood Borough Council.
 - The application Ref 20/01255/FUL, dated 30 August 2020, was refused by notice dated 30 October 2020.
 - The development proposed was originally described as: 'Retrospective permission for an agricultural building to be used for the storage of machinery and hay'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) whether the proposal represents inappropriate development within the Green Belt; and
 - ii) the effect of the proposal on the setting of the adjacent Designated Heritage Assets.

Reasons

Inappropriate Development

3. Paragraph 147 of the National Planning Policy Framework (the Framework) confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 states that the construction of new buildings should be regarded as inappropriate in the Green Belt. However, it lists a number of exceptions to this, including, at 149(a), buildings for agriculture and forestry.
4. The description of development relates to an agricultural building to be used for the storage of machinery and hay. I observed on my site visit that this was generally how the building was being used. Accordingly, based simply on the description of development, the proposal would represent an exception to inappropriate development. Despite this, the Council assert that little evidence has been provided regarding the agricultural use, and that it is reasonable for any new buildings to be demonstrably reasonably required for agricultural purposes. However, such a test is not established within the Framework. Neither is it an explicit requirement of local policy.

5. The evidence states that the appellant farms land beyond the appeal site for hay. Some of this land is beyond the Council's administrative boundaries but this is not relevant to my assessment of the appeal. In my judgement, I have no compelling evidence before me to disprove that the appellant operates an agricultural business or that the building that is the subject of this appeal would not be utilised for such a purpose. Moreover, the appellant has stated that they would be happy for a condition to limit the building for such purposes.
6. Accordingly, although the Council is of the view that a need for the building has not been demonstrated, I find that such an assessment is not required by national or local policy. The building would be used for agricultural purposes and could be suitably controlled in this regard. On this basis, the proposal would comply with the exceptions provided within the Framework.
7. I therefore conclude that the proposal would not represent inappropriate development in the Green Belt. It would therefore comply with the Green Belt protection aims of the Framework as well as Policies GB1, GB2 and GB14 of the Brentwood Replacement Local Plan (2005) (LP). Taken together, these establish the requirements for development within the Green Belt.

Designated Heritage Assets

8. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that when considering development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.
9. The location of the agricultural building is to the rear of a cluster of listed buildings which are situated close to the principal highway. Based on the evidence before me, the historic evolution of the site stems from a farmhouse with associated barns which create the nucleus of buildings at the front of the site. This establishes a small farmstead of a typical form with buildings in close proximity to each other, and the main thoroughfare. In addition, historically, the setting of the farmstead would have included expansive open and undeveloped space beyond.
10. The barn structure is located to the rear of the established farmstead. In addition, the distance between the structure and existing buildings is demonstrably greater than the existing physical relationships. As a consequence, the proposal has the effect of introducing built form in a location substantially removed from the existing nucleus of buildings. Such a location would be demonstrably at odds with the historic layout of the existing buildings, and impede on the open setting provided by the land to the rear.
11. The barn structure is broadly of a vernacular scale and appearance and the building is visually interesting. There are also some small intervening structures between the building and the farmstead. However, the scale of the building is such that it is visually very apparent when viewed from the cluster of historic buildings. Accordingly, I do not agree with the appellant's assertion that the building is not prominent or intrusive. Instead, due to its location and size, in my judgement, the proposal is highly prominent when viewed from the farmstead in a manner that detracts from the open setting of the buildings to the rear. Views from the front of the site would not be altered, but the

presence of a large and imposing structure, removed from the established and historic farmstead would have a negative impact on the setting of the Listed Buildings.

12. The level of harm would be less than substantial. As a consequence, Paragraph 202 of the Framework requires that this harm be weighed against the public benefits of the proposal. However, due to the appellant's stance on this point, no public benefits have been presented. The proposal would of course bring with it benefits to the appellant's business but this would be a private benefit. Accordingly, on the basis of the evidence before me, the harm would outweigh any public benefits that would be derived from the proposal.
13. I therefore conclude that the proposal would harm the setting of the Designated Heritage Assets. Consequently, it would fail to meet the requirements of Section 66(1) of the Act, as well as failing to comply with Policies CP1 and CP16 of the LP. Taken together, these Policies seek amongst other things, development which would not detract from the setting of a listed building.

Conclusion

14. I have found that the proposal would not represent inappropriate development in the Green Belt. However, this is not a benefit of the proposal and consequently, it weighs neutrally in my assessment of the appeal. I have also found that the proposal would harm the setting of the adjacent Listed Buildings. In the absence of any public benefit, this is a matter of fundamental concern and accordingly, for the reasons identified above, the appeal should be dismissed.

Martin Chandler

INSPECTOR