
Appeal Decision

Site visit made on 20 April 2022

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th May 2022

Appeal Ref: APP/H1515/W/21/3286421

Rose Court Great Warley Street, Great Warley, BRENTWOOD, CM13 3JR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Mark Osborne against the decision of Brentwood Borough Council.
 - The application Ref 21/01344/PIP, dated 29 July 2021, was refused by notice dated 13 September 2021.
 - The development proposed is Permission in Principle for the construction of 1-3 dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.
4. Since the submission of the application Brentwood Borough Council has adopted the Brentwood Local Plan 2022 (LP). It is incumbent upon me to base my decision upon the most up to date planning policy and this is what I have done. The policies in the LP supersede some of those referred to in the Council's delegated report. The appellant had an opportunity to address the change in policy in their final comments.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

5. On 14 January 2022, the Government published the 2021 Housing Delivery Test (HDT) results. The HDT results show that Brentwood Borough Council has delivered 66% of its housing requirement over the latest 3-year period. Consequently, the presumption in favour of sustainable development contained within paragraph 11 d) of the National Planning Policy Framework (the Framework) would be engaged. As this was also the outcome of the 2020 HDT results I have not sought further views from the parties on this matter.

Main Issues

6. The main issues, which relate to land use and location, are:
- whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies, including its effects on the openness of the Green Belt and the purposes of including land in it; 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 necessary to justify the development.

Reasons

7. The appeal site is situated in the Metropolitan Green Belt. The Framework indicates that other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt.
8. Policy MG02 of the Brentwood Local Plan 2022 states that the Metropolitan Green Belt will be preserved from inappropriate development so that it continues to maintain its openness and serve its key functions. It goes on to say that all development in the Green Belt will be considered and assessed in accordance with the provisions of national planning policy.
9. It has been put to me that the development would meet the exception set out within paragraph 149 (e) of the Framework which permits limited infilling in a village. The characteristics of the area which would receive development are a material factor in considering whether the proposal would constitute such limited infilling.
10. The appeal site is located adjacent to linear development on one side and the site opposite is currently under construction, however even if developed, there would be a considerable gap between the proposed dwellings and the linear development located further along Great Warley Street. The existing gap between the built development and the degree of set back of Rose Court within the site, does not contribute to a continuous built frontage.
11. Therefore, the wider built context of the site with the level of spacing between the existing dwellings, all lead me to conclude that the development would not constitute the limited infilling in villages which the Framework considers to be not inappropriate development, even if the settlement were to be considered to meet the definition of a village.

12. The site is defined in the LP under policy MG03 as being within settlement hierarchy 4, with remote and small villages and hamlets which rely on nearby settlements for services and that development in these locations will be encouraged only in brownfield locations.
13. Both parties accept that the site comprises previously developed land and therefore paragraph 149(g) of the Framework applies, and from the evidence before me I have no reason to disagree with this assessment. This allows for limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt than the existing development.
14. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and their permanence. The Courts have confirmed that the openness of the Green Belt has a spatial aspect as well as a visual aspect. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result, but equally this does not mean that the openness of the Green Belt has no visual dimension.
15. In the case before me the built form and footprint of development would increase significantly above that which currently exists on the site. The proposed dwellings would be positioned across the frontage of the site, resulting in a greater coverage of the site than currently exists.
16. These would be substantial structures where currently no building exists and would result in a significant increase in built form within the site. The development would in both spatial and visual terms have a greater and harmful impact upon the openness of the Green Belt. Therefore, it would result in significant harm to the openness of the Green Belt.
17. In not complying with any of the listed exceptions, the scheme would be inappropriate development in the Green Belt, which paragraph 147 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Other Matters

18. Having regard to the amount of development proposed, the proposal is for up to 3 dwellings and would result in a low density of development. Therefore, I consider that this would be within an acceptable range having regard to the general density of development within the locality.

Other considerations

19. The 2021 HDT results show that the Council has underdelivered against its housing requirement over the latest 3-year period. Consequently the presumption in favour of sustainable development contained in the Framework is engaged whereby planning permission should be granted unless 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.

20. Paragraph 11 of the Framework states that where the policies that are most important for determining the application are out of date, permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Footnote 6 sets out that these policies include those relating to land designated as Green Belt. Given my findings in relation to the Green Belt there is a clear reason for refusing the development proposed, I am not required to apply the tilted balance in this respect, albeit that the delivery of housing when there is evidence of under delivery is a benefit to which I have given moderate weight.
21. The proposed development would offer the benefit of delivering three additional homes in a location with access to public transport and other benefits such as the contribution that its construction would make to the local economy. I consider that any such benefits would be modest given the scale of the development and I have given this limited weight.

Green Belt Balance and Conclusion

22. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. I have also concluded that the appeal scheme would result in harm to the openness of the Green Belt. Paragraph 148 of the Framework states that in considering a planning application substantial weight should be given to any harm to the Green Belt.
23. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
24. As explained above I give moderate or limited weight to the other material considerations cited in support of the proposal. However, I conclude these circumstances do not clearly outweigh the harm the scheme would cause.
25. Consequently, very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist. The proposal is therefore in conflict with policies MG02 and MG03 of the LP and the Framework.
26. The proposal would therefore conflict with the development plan and there are no other considerations that outweigh this conflict. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR