

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/21/3285464

189 Coxtie Green Road, Pilgrims Hatch, Brentwood, South Weald, CM14 5RP

- 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 & Mrs T Wastell against the decision of Brentwood Borough Council.
 - The application Ref 21/01307/FUL, dated 22 July 2021, was refused by notice dated 17 September 2021.
 - The development proposed is conversion of two outbuildings and the erection of a replacement building to residential.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the submission of the appeal 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.
3. 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

4. The decision notice issued by the Council gave notice of the decision to refuse permission without giving any reasons. However, the officer report set out a single reason for refusal and the appellant has responded to this within their statement.

5. Therefore, the main issues are:

- whether the proposed new dwelling 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

6. 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.
7. 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.
8. 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.
9. 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.
10. Furthermore, paragraph 150(d) sets out that certain other forms of development are not inappropriate in the Green Belt, provided they preserved openness and do not conflict with the purposes of including land within it. This includes the re-use of buildings that are permanent and substantial in their construction.
11. 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.
12. The conversion of outbuildings 1 and 2 to dwellings would be not inappropriate, noting that both buildings exist and their conversion to residential use in isolation would not lead to urban sprawl.

13. However, the proposed additional dwelling would restrict views through the site which are currently afforded from the road. It would lead to the introduction of a structure where no structure currently exists and would result in an increase in built form towards the rear of the site and the spatial gap referenced by the appellant would not be maintained. The development would in both spatial and visual terms have a greater and harmful impact upon the openness of the Green Belt.
14. Whilst the site of the proposed additional dwelling previously contained an outbuilding, it was a condition of the original planning permission for the demolition of the neighbouring dwelling that this outbuilding would be demolished.¹ The proposal would result in the replacement of this structure which has subsequently been demolished in accordance with the terms of the earlier planning permission.
15. Although the proposed dwelling would be seen within the context of the existing outbuildings and is modest in terms of its size, it would result in a reduction in the openness of the Green Belt, as the previous structure was required to be removed as part of the overall redevelopment of the neighbouring site. Therefore, the construction of a new dwelling alongside the conversion of the existing outbuildings would result in modest harm to the openness of the Green Belt.
16. It has been put to me by the appellant that the proposal would result in a more spacious and open feel from Coxtie Green Road. However, the position of the proposed dwelling would create an enclosed courtyard, described by the appellant as a tighter arrangement of buildings around the yard. Whilst this is a more compact form of development than that which previously existed, as set out above this building was required to be demolished and therefore I have given this point limited weight.
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. 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.
19. 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 the Framework, that protect areas or assets of particular importance, provide a clear reason for refusing the development proposed. Footnote 6 sets out that these policies include those relating to land designated as Green Belt.

¹ 17/00863/FUL Demolish existing dwelling and outbuilding and construction of detached house.

20. 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.
22. Since the submission of the appeal, the Council have granted planning permission for the conversion of two outbuildings to residential dwelling². As I have already identified the conversion of the two outbuildings would be not inappropriate development in the Green Belt as set out under paragraph 150(d) of the Framework. Therefore, I consider that the fallback position to convert the existing outbuildings would not be more harmful than the appeal scheme and therefore I have given it limited weight.

Conclusion

23. 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.
24. 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.
25. 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.
26. 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 policy MG02 of the LP and the Framework.
27. 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

² 21/01307/FUL Conversion of two outbuildings to residential dwellings.