



Appeal Decision

Site visit made on 24 January 2023

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 February 2023

Appeal Ref: APP/H1515/W/22/3298835

Fallow Barn and The Cabin, Ashwells Road, Brentwood, Essex CM15 9SE

- 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 Rob Laws against the decision of Brentwood Borough Council.
 - The application Ref 21/01823/PIP, dated 25 October 2021, was refused by notice dated 3 December 2021.
 - The development proposed is the demolition of existing buildings and erection of up to six dwellings.
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Decision

1. The appeal is dismissed.

Preliminary 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 permitted. 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 appeal was submitted, the Brentwood Local Plan 2016-2033 (the LP) was adopted on 23 March 2022. As such Policies CP1, CP2, GB1 and GB2 of the Brentwood Replacement Local Plan referred to within the decision notice are now superseded by Policies BE14, MG02 and MG03 of the LP. Therefore, the appeal will be considered against these policies from the recently adopted plan.

Main Issues

5. The main issue is whether the site is suitable for the proposed residential development, having regard to its location, the proposed land use and the amount of development with particular regard to:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies;

- whether the proposed development would be in a suitable location for additional housing with regard to accessibility to services and facilities;
- the effect of the proposed development on the character and appearance of the surrounding area; and
- would the harm by reason of inappropriateness and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether it is inappropriate development

6. The appeal site is occupied by two dwellings, one large main dwelling and one smaller annexe style dwelling, with a large area of hardstanding to the front and grassland to the side. It is located within a rural location in the Green Belt and surrounded by several residential properties and commercial buildings. In respect of residential development, an applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum number of net dwellings as part of the application. In this instance, permission in principle has been sought for the erection of a minimum of five and a maximum of six dwellings at the appeal site, after the demolition of the existing dwellings on the site.
7. Paragraph 149 of the Framework indicates that the construction of new buildings in the Green Belt are inappropriate subject to a number of exceptions. Under the first section of paragraph 149 (g), these exceptions include limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continued use which would not have a greater impact on the openness of the Green Belt than the existing development. The appellant has stated that the appeal site is previously developed land and the proposal would therefore fall under this exception.
8. Policy MG02 of the LP 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 and that all development proposals within the Green Belt will be considered and assessed in accordance with the provisions of national planning policy. This policy is therefore generally consistent with the Framework's approach.
9. In considering the concept of openness, the courts have found that it broadly has two dimensions; spatial and visual. 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. Equally this does not mean that the openness of the Green Belt has no visual dimension.
10. It is intended that the volume of the buildings proposed would be identical to the volume of the existing buildings on the site and that the built form would be located within the areas of existing hardstanding. However, although a layout for the proposed dwellings does not form part of this application, the development of 5 or 6 dwellings on the site would be likely to result in a greater spread of development across the site, even when restricted to the areas of existing hardstanding. Even if the proposed dwellings could be located within the same parameters as the existing buildings, an increase in the number of dwellings would be likely to increase the level of domestic

paraphernalia on the appeal site, such as parked cars and garden furniture. This intensified use of the appeal site, from an increased number of residential properties, would have a significant spatial impact on the openness of the Green Belt.

11. In addition, although the site is partially screened from Ashwells Road by fencing and hedges, some views of the development would still be possible from the public realm via the access or above fence lines. The increased number of residential properties and any associated domestic paraphernalia on the appeal site would therefore be partly visible from the public realm and would visually reduce the openness of the Green Belt. Therefore, there would be both a greater spatial and visual impact on the openness of the Green Belt from the proposed development when compared to the existing development on the appeal site.
12. Previously developed land is described in the Framework as land which is or was occupied by a permanent structure including the curtilage of the development land and any associated fixed surface infrastructure. Although included within the red line boundary on the submitted site plan, the Council has indicated that the area of grassland to the side of the existing dwellings does not form part of the residential curtilage and therefore would not be previously developed land. Nevertheless, even if the land is previously developed as defined by the Framework, the proposal could not be an exception under the first section of paragraph 149 (g) due to the scheme's greater impact on the openness of the Green Belt.
13. The second section of paragraph 149 (g) makes provision for buildings which would not cause substantial harm to the openness of the Green Belt where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority. However, no evidence has been provided to suggest that the proposal includes the provision of affordable housing. Therefore, the proposed development would not fall under the second section of paragraph 149 (g).
14. Due to the amount of development, the proposal would therefore be inappropriate development within the Green Belt, in which the appeal site is located.

Location

15. Policy MG03 of the LP outlines the settlements within the borough and which settlement category they fall within. Neither party have confirmed whether the appeal site is located within any of these settlement boundaries. However, the area surrounding the appeal site is rural and has very few local services and facilities. Paragraph 79 of the Framework highlights that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. This should include the consideration of providing support for local services even in a village nearby. Although there are limited local facilities, the appellant has stated that the appeal site is in close proximity to the nearby town of Brentwood which is accessible by a short car journey. This town has a full range of services and facilities which could serve the day to day needs of the future occupiers of the proposed dwellings.

16. The Council have highlighted that the nearest bus stop is approximately 850 metres from the appeal site. Due to this distance, such a service would not be easily accessible to occupiers of the proposed dwellings to access the facilities within Brentwood. The appellant has stated that some trips would be possible by walking and cycling. However, the nearest settlements are some distance from the appeal site and there are no footpaths or streetlighting to provide safe access to them via foot. The surrounding roads are also relatively narrow and busy with fast moving traffic and no dedicated cycle lanes, thereby making cycling an unattractive option for day to day family needs. As such, the future occupiers of the proposed dwellings would be reliant on the use of a private vehicle to access the necessary services and facilities. Although the journey to Brentwood via car would be short, this would still conflict with the parts of the Framework which promote walking, cycling and public transport use for new development proposals.
17. Whilst paragraph 105 of the Framework states that opportunities to maximise sustainable transport solution will vary between urban and rural areas, this does not negate the requirement to offer a genuine choice of transport modes and ensure that safe and suitable access to the site can be achieved for all users. Furthermore, due to the scale of the development, the benefit to services within towns and villages nearby would be limited. Therefore, the proposed development would be given limited weight in relation to paragraph 79 of the Framework.
18. In conclusion, the necessary services and facilities which would be required by the future occupiers would not be readily accessible and 3 or 4 additional dwellings on the appeal site would not provide significant support for local services nearby. There are limited sustainable transport options, such as public transport, in close proximity to the site and therefore the future occupiers would largely be reliant on the use of a private car to serve their day to day needs on a regular basis. Consequently, the proposed dwellings would not be located within a socially or environmentally sustainable location and would not be in an appropriate location for new housing.
19. Therefore, the location of the proposed development would be contrary to the relevant sections of the Framework which promote sustainable development in rural areas.

Character and Appearance

20. The appeal site is located within a rural area with undeveloped and open fields to the side and rear of the main bulk of built form and hardstanding. The layout of the development on the appeal site and in the surrounding area is sporadic in nature. However, the loose form of development and spacious nature of the site contributes positively to the rural character of the area.
21. Although the appellant has stated that the proposed development would have a similar style, height and use of materials to the existing buildings on the site, the increase in the number of dwellings would significantly intensify the use of this small site and result in a substantial increase in domestic paraphernalia, as detailed previously. This intensification in the use of the site, resulting in an additional three or four dwellings, would compromise its open and spacious nature to the detriment of the rural character of the area. Due to the location of the appeal site and its proximity to Ashwells Road, this would be highly

visible in the streetscene and would have a significant impact on the character and appearance of the area.

22. Therefore, the location of the appeal site and the amount of development proposed would result in harm to the character and appearance of the area and would be contrary to Policy BE14 of the LP. This policy requires proposals to respond positively and sympathetically to their context and build upon existing strengths and characteristics.

Other Considerations

23. Several residential developments have been brought to my attention by the appellant which were granted planning permission or permission in principle and are located in a similar rural setting to the appeal site. The development proposed for nine dwellings at Frenches Farm¹ found that some trips to services and facilities could be made by walking and cycling, with limited harm generated by the movement of residents. The neighbouring development for nine dwellings at Ashwells Sports and Country Club² was found to generate less trips by vehicle than its previous use. Therefore, these developments are not comparable to the appeal proposal before me.
24. The development proposed for three dwellings at Clay Hall³ is in close proximity to the appeal site and showed no consideration of the suitability of the location of the site within the Council's report. Limited information has been provided in relation to the location of this site which may or may not be closer or more accessible to services and facilities when compared to the appeal site. Nevertheless, the lack of reference within the report does not in turn make the location of the appeal site inherently suitable. Therefore, these developments are given limited weight in my consideration of the appeal.
25. The proposed development would contribute an additional three or four dwellings to the local housing supply, along with the replacement of the existing two properties on the appeal site. However, due to the overall scope of development proposed, this is a small contribution which is given moderate weight. No other considerations have been put forward by the appellant.

Green Belt Balance and Conclusion

26. The proposal would be inappropriate development in the Green Belt, in that it would not fall under any of the exceptions listed within paragraph 149 of the Framework. It would also not be in a suitable location for new housing with regard to accessibility to services and facilities and would harm the character and appearance of the area. The Framework establishes that substantial weight should be given to any harm to the Green Belt, and the development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
27. I find that the other considerations in this case do not clearly outweigh the harm to the Green Belt, in terms of a loss to openness and inappropriateness, environmental harm, from the likelihood of a dependency on the use of a car for access to services and facilities, and the harm to the character and

¹ Ref 21/00413/PIP

² Ref 20/00319/FUL

³ Ref 20/00764/FUL

appearance of the area, that I have identified. Consequently, the very special circumstances necessary to justify the development in the Green Belt do not exist. Therefore, the proposal conflicts with Policy MG02 of the LP and paragraphs 147, 148 and 149 of the Framework.

28. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR