



Appeal Decision

Site visit made on 11 January 2023

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 February 2023

Appeal Ref: APP/H1515/W/22/3293620

5 School Lane, Ingrave, Brentwood CM13 3RB

- 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 the Farndon Family against the decision of Brentwood Borough Council.
 - The application Ref 21/00485/FUL, dated 17 March 2021, was refused by notice dated 29 October 2021.
 - The development proposed was originally described as demolition of buildings at existing landscape contractors' yard and erection of 2 x detached 3 bedroom bungalows and 1 x detached 3 bedroom dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of buildings at existing landscape contractors' yard and erection of 2 x 3 bedroom bungalows and 1 x detached 3 bedroom dwelling at 5 School Lane, Brentwood, CM13 3RB in accordance with the terms of the application, Ref 21/00485/FUL, dated 17 March 2021, subject to the conditions in the schedule at the end of my decision.

Preliminary Matters

2. The Brentwood Local Plan 2016-2033 (2022) ("BLP") was adopted on 23 March 2022. Policies of the new plan replace those of the Brentwood Replacement Local Plan (2005). I have determined the appeal on this basis.
3. The appellant submitted a Preliminary Ecological Appraisal by Hybrid Ecology Ltd with the appeal. In response the Council advises that, subject to planning conditions requiring the proposed mitigation measures to be carried out, the second reason for refusal has been overcome. The appraisal does not change the nature of the development proposed and has been subject to consultation through the appeal process. I am therefore satisfied that no party is prejudiced by this information.
4. Revised plans were submitted during the course of the planning application, and the description of development no longer accurately describes the development proposed. The appellant has requested that the description of development be changed from that set out in the banner heading, as originally sought, to accommodate the change to 2 x attached bungalows. In my decision I have therefore removed the word 'detached' from the description of development in relation to plots 2 and 3, which is necessary to accurately reflect the development proposed.

Main Issues

5. The main issue is the effect of the development on the character and appearance of the area, with particular regard to the setting of the Grade II Listed Buildings Rose Cottage (6 School Lane) and Swift Cottage (7 School Lane).

Reasons

6. The appeal site is a landscape contractor's site and the existing access and part of the garden of No. 5 School Lane ("No.5"). Landscape contracting commenced on part of the site in the 1960's, and a Certificate of Lawfulness has been issued by the Council. Beyond the appeal site, permission has been granted for extensions to the existing house, and an additional dwelling in No.5's garden, with a new access for them from the north.
7. The appeal site itself consists of areas with different characters. The gravel access driveway to the existing dwelling is bounded by low hedges, grass verges and lawns with a small number of trees. A large number of sheds and other structures, external storage and vehicle parking are found over an L-shaped area, along with access to the field beyond.
8. Rose Cottage, a Grade II Listed Building, stands immediately adjacent to the south and at the access to the site on School Lane. Its main entrance door is located on its flank side, near the appeal site access. Beyond Rose Cottage, the Grade II Listed Building Swift Cottage stands next to it. Both are visible, along with the appeal site entrance, from School Lane.
9. I am required, by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), to have special regard to the desirability of preserving the setting of the listed buildings. Paragraph 189 of the National Planning Policy Framework (the Framework) also sets out how heritage assets are irreplaceable resources which should be conserved in a manner appropriate to their significance. And paragraph 200 requires clear and convincing justification for harm to the significance of a heritage asset.
10. The Parish of Ingrave goes back several centuries, with settlements based on arable and livestock farming, including those of large estates. By the mid-late 1800s Ingrave had developed into a small linear settlement, with buildings on the western side of the road. On the eastern side, near the church, a National School (now the Church Room/Hall) and three pairs of semi-detached cottages had been built on the edge of the common, with agricultural fields to the east.
11. Of the three pairs, the Grade II Listed Buildings, Rose Cottage and Swift Cottage ("the cottages"), are the two surviving cottages. They were first listed in 1975 and 1976, by which time houses had been constructed on the northern side of School Lane, including 3 and 4 School Lane on the site of the third pair of cottages. In the late 20th century both pairs of cottages were converted into single dwellings and extended to the rear, and their list entries were updated in 1994. Both are two-storey timber-framed dwellings with white-painted timber boarding, one with a gabled roof and the other hipped. The open green in front of the cottages is a small surviving vestige of the common.
12. For the purposes of the appeal, I therefore consider the significance of both cottages to be associated with their historic and architectural interest as

cottages built in an agricultural landscape at the edge of Ingrave Common in the mid-19th century.

13. There are only limited views of the appeal site from School Lane. The cottages, standing behind the remaining parcel of common land, remain the dominant features in views on the lane. On the other side of the lane the front facades of 1 and 2 School Lane are visible along with the roofs and upper floors of Nos 3 and 4 behind greenery, including a large tree, in the front gardens. Proposed Plot 1 would be only a small element in views from School Lane, and one additional element in an existing patchwork of architectural styles.
14. As seen from School Lane, proposed plots 2 and 3 would, to a significant degree, reflect the design, siting and appearance of the existing timber gable attached to the nissen hut. Given its approximate alignment with No 4, and as a result of the shallow slope of No 4's roof, parts of proposed plot 1 would be visible in the approach from School Lane. Plot 1's front façade also would be seen in closer views from the lane, but would not be a major feature in them, where Rose Cottage and the large tree between No's 3 and 4 are the dominant elements. Even if aspects of the detailed design of plot 1 would not entirely reflect a converted farm building, none of the visible elements of the proposals would be major contributors to the perspectives from School Lane.
15. Neither would the development result in a diminution of the rural backdrop, as trees beyond the appeal site would continue to be visible, vehicles can already be seen parking in association with the contracting use, and some buildings and objects would be removed, potentially increasing visibility of the landscape beyond.
16. I agree with the main parties that the character of School Lane positively contributes to the setting of the cottages. But, for the reasons above I cannot agree with the Council that the development would result in an adverse impact on the character of School Lane. Or that, as a consequence, the contribution that views from School Lane make to the significance of the cottages would be harmed by the proposed development within its setting.
17. Considering the layout of the development within the site, and its proximity to Rose Cottage, the appeal site shares a boundary with Rose Cottage, and much of it can and would be seen from the entrance to Rose Cottage. The proposed development would replace an extensive jumble of sheds and structures of various designs, including a row of structures either side of an access leading to the field beyond, external storage and parking. It would consolidate the built development into a smaller number of buildings, and with suitable external materials, surfacing and landscaping, which could be controlled by planning conditions, would improve the setting of Rose Cottage in my view.
18. Although the parking court would extend marginally further into the site than some existing areas used for parking, it would also replace greenhouses, external storage and poorly surfaced areas already used for that purpose. The proposed bin store would be sited on an existing area of the track, and the plans indicate additional planting would be provided behind it, between the proposed building and Rose Cottage, subject to a planning condition.
19. Similarly, proposed plots 2 and 3 would result in the removal of a number of structures of a variety of styles, forms and materials on the boundary with the garden of Rose Cottage, and of the access track serving them. I see no reason

why the proposed dark stained timber clad tiled building would be unduly elongated or disproportionate in terms of the urban grain. Particularly given that the development would be located on the settlement edge, and would associate with the fields beyond as well as the existing built environment.

20. Overall, I therefore consider the development would not harm the character and appearance of the area, and would have a neutral, or positive, impact on the setting of the cottages and their significance. The development would therefore preserve the setting of the listed buildings, in accordance with the statutory duty, and accord with Brentwood Local Plan 2016-2033 (2022) Policy BE16, which require developments to sustain and, wherever possible enhance, the significance of heritage assets and their settings. It would also accord with Chapters 12 and 16 of the National Planning Policy Framework ("the Framework") which seek to achieve well-designed places and conserve and enhance the historic environment.

Other Matters

21. The appeal site lies within the wider setting of the Grade II* Listed building the Church of St Nicholas. However, the setting of that building would be preserved as a result of the separation distance between it and the appeal site, and the intervening vegetation and buildings.
22. Part of the appeal site is located within the Metropolitan Green Belt, and the Council and the appellant consider the proposal is not inappropriate development. I also note the comments of other interested parties, but agree with the main parties that the development would be limited infilling or the partial or complete redevelopment of previously developed land. The removal of the multiplicity of internal and external storage areas and buildings would increase the openness of the site and, even if the overall volume of structures after development was greater than that of those to be removed, it would not have a greater impact on the openness of the Green Belt than the existing development.
23. The Council advises that, following adoption of the BLP, the Council can now demonstrate a 5 year Housing Land Supply, but still has a shortfall in housing delivery. Weight should therefore be attributed to the development of three additional dwellings, albeit only limited weight given the small size of the development. Having not found harm in relation to green belt and heritage matters, paragraph 11d)ii of the Framework applies, and this matter is considered at the end of my decision.
24. I also note the comments of interested parties relating to other matters including the amount of development, effects on the privately maintained School Lane including drainage and sewerage maintenance, the cumulative effect of new dwellings in the immediate area, additional traffic, pedestrian safety, potential increases in flood risk, loss of light to neighbouring windows, visibility of proposed plots 1 and 2 from Rose Cottage, ownership of an area of land proposed for planting, and potential impact on the willow tree. I also note the additional comments in relation to protected species, but have not seen evidence that would outweigh the submitted ecological appraisal. With the information before me, together these matters attract a limited degree of weight against the proposed development.

Conditions

25. Considering the conditions suggested by the Council, I have had regard to the approach in the Framework and the Planning Practice Guidance. I have therefore amended the phrasing of certain conditions proposed accordingly, without altering their fundamental aim. I have imposed the standard time limit for commencement, and a plans condition for clarity.
26. A construction management scheme is required to manage the impacts of development on the public highway and neighbouring occupiers. And a scheme for assessment and remediation of any contamination to ensure the development is carried out without harm to humans or ecology. Tree protection measures are required to safeguard existing trees to be retained during construction. These conditions must be pre-commencement to ensure the development is carried out without harm to persons or the environment.
27. Details of Finished floor levels, materials to be used in the construction of external surfaces, and boundary treatments are necessary to safeguard the character of the area, the living conditions of neighbours, and the setting of listed buildings. Water efficiency and management measures are required as the area is identified as an area of water stress. Electric vehicle charging/plug-in points, a sustainable transport information pack, and fast broadband are required in the interests of sustainable transport and to provide suitable digital infrastructure. It is also necessary to define the extent of the residential curtilage of each proposed dwelling. As the specific extent of development proposed is acceptable on the basis of an increase in the openness of the site, it is necessary to remove permitted development rights for enlargements of plots 2 and 3 and for outbuildings within the Green Belt.
28. It is not necessary to remove permitted development for hardstandings, given the limited extent of the gardens of plots 2 and 3, and that some of Plot 1's garden is not in the Green Belt. Neither have I imposed a condition requiring an acoustic report, as it has not been demonstrated that is necessary, and would therefore not meet tests for conditions set out in the Framework.

Planning Balance and Conclusion

29. The proposal benefits from the presumption in favour of sustainable development as outlined in Paragraph 11d)ii of the Framework. The three additional dwellings would make a small contribution towards meeting the shortfall in housing delivery. I have not found harm in relation to character and appearance, including on the settings of listed buildings, and attribute only limited weight to the other matters raised against the development. Consequently, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits of the development, when assessed against the policies in the Framework taken as a whole.
30. For the reasons above, I conclude the development would accord with the development plan as a whole and the approach in the Framework. There are no other material considerations that suggest a decision should be made other than in accordance with the development plan. The appeal should therefore be allowed.

Peter White

INSPECTOR

SCHEDULE OF CONDITIONS:

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 3678/11; 2125.20; 2125.21; 2125.22; 2125.23; 2125.24; 2125.25; 2125.26; 2125.27.
3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials used in constructing the development;
 - iv. the erection and maintenance of security hoardings;
 - v. wheel washing facilities;
 - vi. hours of work and during which deliveries may be undertaken at the site.
4. No development shall take place until a detailed Arboricultural Impact Assessment and Method Statement to include tree protection measures and plan have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
5. No development shall take place until a remediation scheme, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings, other property, and the natural and historic environment, has been submitted to and approved in writing by the Local Planning Authority. The scheme must include works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The development must be carried out in accordance with the approved scheme, and the site must not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use before commencement of residential occupation.

If during development contamination not previously identified is found at the site it shall be made safe and reported immediately to the local planning authority. No further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted findings (by way of report) of an intrusive investigation together with a risk assessment and remediation strategy. The strategy shall detail how the unsuspected contamination shall be dealt with, and how it will be monitored and maintained in the future. The report shall be submitted to and approved in writing by the local planning authority before development recommences. The approved remediation strategy and monitoring and maintenance plan shall be implemented in full upon recommencement of the development, and the scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use before commencement of residential occupation.
6. The development shall be carried out in accordance with the recommendations of the Hybrid Ecology Ltd Preliminary Ecological Appraisal version 1 dated January 2022.
7. No groundworks shall take place until details of existing and proposed site levels and the finished floor levels of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

8. The proposed building shall not proceed above slab level until details of the following have been submitted to and approved in writing by the Local Planning Authority:

- i. measures to ensure that the building does not exceed 110 litres of water per person per day;
- ii. measures to provide wastewater infrastructure capacity;
- iii. measures to achieve lower water consumption rates and to maximise futureproofing;
- iv. measures to demonstrate the development would not have an adverse impact upon the sewerage network; and
- v. measures to improve water quality and protect the quality and functioning of existing water courses/groundwater.

Where adverse impacts are identified, mitigation measures shall be set out. The development shall be implemented as approved.

9. No development shall take place above ground level until samples of the materials to be used in the construction of the external surfaces of the proposed building have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

10. The proposed buildings shall not be occupied until a scheme of hard and soft landscaping showing details of new trees, shrubs and hedges and a programme for their planting, any existing trees/hedges to be retained, and details of hard surface materials has been submitted to and approved in writing by the local planning authority. The landscaping scheme shall be carried out as approved. Any newly planted tree, shrub or hedgerow, or any existing tree, shrub or hedgerow to be retained, that dies, or is uprooted, severely damaged or seriously diseased within five years of the completion of the development, shall be replaced within the next planting season with another of the same species and of a similar size, unless the local planning authority gives prior written consent to any variation.

11. The proposed buildings shall not be occupied until details of all boundary treatments including drawings of any gates, fences, walls or other means of enclosure have been submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be completed prior to the first occupation of the development.

12. The proposed buildings shall not be occupied until a scheme for electric vehicle charging/plug-in points has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the charging points shall be fully operational prior to first occupation. The starting point for determining the number of charging/plug-in points to be operational at the point of occupation shall be approved Document S of the Building Regulations unless otherwise agreed in writing with the local planning authority.

13. The proposed buildings shall not be occupied until the infrastructure for the fastest available broadband connection, installed on an open access basis, has been provided for future residents.

14. The dwellings shall not be occupied until a drawing showing the location and extent of the residential curtilage of the dwellings hereby permitted has been submitted to and approved in writing by the local planning authority. The development shall be carried-out in accordance with the approved details. The remainder of the site shall remain open, and outside the residential curtilage of the dwellings.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no development falling within Schedule 2, Part 1, Classes A, AA, B, C, D of that Order shall be carried out within plots 2 or 3 without the grant of planning permission by the local planning authority.
16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no development falling within Schedule 2, Part 1, Class E of that Order shall be carried out within those parts of the site within the Green Belt without the grant of planning permission by the local planning authority.