



Appeal Decision

Site visit made on 21 September 2023

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2023

Appeal Ref: APP/H1515/W/22/3310753

Stable Field, Doddinghurst Road, Pilgrims Hatch CM15 0SG

- 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 and Mrs Stanford against the decision of Brentwood Borough Council.
 - The application Ref 21/01793/FUL, dated 1 November 2021, was refused by notice dated 5 September 2022.
 - The development proposed is temporary planning permission for the siting of a mobile home for a period of three years.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The mobile home the subject of this appeal is already stationed on the land and appears to match that shown on the submitted drawings in terms of siting, scale and appearance. However, for the avoidance of doubt, I have determined the appeal based on the submitted drawings.
3. I have omitted the address of the appeal site from the description of development given on the planning application form as it unnecessarily duplicates the address in the banner heading above.

Main Issues

4. The main parties have agreed that the proposal would represent inappropriate development in the Green Belt, and I concur with that position. In that context, the main issues are:
 - The effect of the proposed development on the openness and purposes of the Green Belt.
 - The effect of the proposed development on the character and appearance of the area.
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, including with regard to the appellants' personal circumstances, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Openness and purposes of the Green Belt

5. Policy MG02 of the Brentwood Local Plan 2016-2033 (Adopted March 2022) (the BLP), states that all development proposals within the Green Belt will be assessed in accordance with the provisions of national planning policy. The policy seeks to preserve the Green Belt from inappropriate development so that it continues to maintain its openness and serve its key functions.
6. Paragraph 137 of the National Planning Policy Framework (the Framework), states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. Openness can be perceived spatially and visually.
7. In spatial terms, the mobile home has inevitably reduced the openness of the Green Belt through its stationing on the part of the appeal site where the evidence indicates that no building or structure previously existed. Visually, the mobile home is not particularly prominent in views from the road as the site is largely screened by existing planting and hedgerows, thus limiting views to glimpses across relatively long distances. Nonetheless, the mobile home is a reasonably large structure and in closer distance views from the nearby public footpath, it is a noticeable feature that has caused a loss of openness to the Green Belt in visual terms. Although relatively localised in extent, the mobile home has caused a moderate degree of harm to the openness of the Green Belt, and therefore has failed to preserve its openness.
8. One of the five purposes of the Green Belt, as set out in Paragraph 138.c) of the Framework, is to assist in safeguarding the countryside from encroachment. The mobile home represents encroachment into the countryside and it therefore conflicts with this purpose of the Green Belt, resulting in harm.
9. For these reasons, the mobile home conflicts with Policy MG02 of the BLP, the requirements of which are set out above.

Character and appearance

10. The area around the appeal site includes the nearby mobile home, a storage container, and vehicle parking area which are accessed via a narrow stone surfaced track. They are set within relatively open grass fields bordered by planting, with dense woodlands and scattered buildings visible in the distance. Views across the surrounding fields, particularly from the nearby public footpath, gives the sense that the area of the appeal site is set within a rural landscape that has a generally spacious and green character and appearance.
11. The colour and form of the mobile home relates to that of the existing mobile home on the site, which is also finished in a dark grey colour to subdue its appearance. However, the mobile home is nonetheless a reasonably large and overtly domestic structure that has intruded into the countryside setting and has an urbanising effect. Its appearance is visually jarring in this context and inconsistent with the prevailing character and appearance of the area.
12. For these reasons, the mobile home harms the character and appearance of the area. As such, it conflicts with Policy BE14 of the BLP, which seeks to ensure, amongst other objectives, that development responds positively and

sympathetically to its context, and makes a positive contribution to the character, appearance or significance of the local area.

Other considerations

13. The Appellants reside within a lawful mobile home close to the appeal site. The mobile home the subject of this appeal was stationed on the land in 2019 and is occupied by the Appellants' son and his child. I have been provided with detailed information regarding the family's personal circumstances in this case, including relevant health conditions and care arrangements, and the benefit that the development would purportedly deliver in this regard. Given the need to protect the family's privacy in what is a public document, I have summarised those personal circumstances in general terms only.
14. Temporary planning permission is sought to retain the mobile home for up to 3 years, as it is expected that a pending insurance claim will be settled in that time. This will allow the family to plan their longer-term housing needs, with a view to residing in a housing unit that meets their needs as a family. However, there is very limited information regarding progress with this insurance claim, which is being handled by specialist solicitors. The appellants' appeal statement dated November 2022, set out that a hoped-for final settlement would be reached within 12 months or so. The appellant has had an opportunity through final comments to provide an update, but no further information is before me in this appeal. I share the Council's concern regarding uncertainty over the timescales for providing suitable alternative accommodation for the family that would meet their collective needs.
15. The outcome of this appeal decision could lead to the loss of a home for the appellants' relatives. Therefore, I have had regard to Article 8, and Article 1 of the First Protocol of the European Convention on Human Rights, as incorporated by the Human Rights Act 1998. Article 1 of the First Protocol is the right to a person's peaceful enjoyment of possessions including property. Article 8 is the right to respect for family and private life, home and correspondence. Such rights are 'qualified', but they may be interfered with where it is justified in the public interest. This involves balancing the rights of individuals against the legitimate interests of others and the wider public interest.
16. The loss of the family home would therefore represent a significant level of interference with the family's rights under Article 8 and Article 1 of the First Protocol. Nonetheless, the interference would be in accordance with the law and in the pursuit of the well-established and legitimate planning policy aims of Green Belt policy, which is to prevent urban sprawl by keeping land permanently open, reflecting the great importance attached to Green Belts by the Government.
17. Dismissing the appeal would have an adverse impact on the interests of a child insofar as the child would be unlikely to live in such close proximity to a grandmother who provides a caring role. The evidence also indicates that the child is settled in a local school and could therefore experience unhelpful educational disruption if required to move schools. However, there is no clear evidence that this caring role would ultimately cease in the event that this appeal was dismissed and to my mind it would likely depend upon the location of any future residence for the child relative to the appeal site. Furthermore, there is no certainty in the information before me that alternative

accommodation to that provided by the mobile home would necessarily require the child to move schools.

18. Dismissal of the appeal would also mean that the appellants' son may be less able to take part in caring for his father, along with the upkeep and maintenance of his parent's property. However, to my mind this would also be dependent upon the location of any future residence relative to the property and the travel time/distance between them. I also note that this son is not the sole carer and care is also received from an external provider, as well as from the spouse. Furthermore, it is unclear if those care needs have changed over the duration of this appeal.
19. I accept that living in the mobile home would reduce the occupiers' needs to travel to and from the appeal site to provide care and participate in family life, when compared to living further away. However, the benefits of reducing journeys would have a very modest environmental benefit in the wider context of vehicle movements and associated carbon emissions. It therefore has limited weight in support of the appeal.
20. I acknowledge that financial constraints preclude the appellants' son from seeking accommodation for him and his child in the private rental sector. However, I have no substantive evidence that since moving into the mobile home in 2019, he has actively enquired about or investigated alternative accommodation options that might be available. On this basis I cannot rule out the potential for suitable alternative accommodation to exist within a reasonably short travel distance from the appeal site, particularly given the relative proximity of the appeal site to the town of Brentwood. Locally available accommodation could allow him to carry on the caring role and for his child to receive care, and potentially for his child to travel to school as at present.
21. In reaching my findings on this matter I have taken account of the human rights of the appellants' and their family, including the child. Dismissal of the appeal would interfere with their Article 8 and Article 1 rights. However, limited evidence has been provided to me regarding progress with settling the insurance claim and efforts to secure alternative accommodation. There is also considerable uncertainty over the timescales for providing suitable alternative accommodation for the family. In these circumstances, I find that the potential consequences of such interference would be proportionate, with reference to the best interests of the child, and that the protection of the public interest, in terms of the aims of Green Belt policy cannot be achieved by means that are less interfering of the rights of the appellants' family.
22. I have also had regard to the Public Sector Equality Duty. The Appellants' family shares protected characteristics, and I have taken into account the need to avoid discrimination. I have also had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010, which includes the need to eliminate unlawful discrimination and to advance equality of opportunity and foster good relations between people who share a protected characteristic (which includes age and disability) and people who do not share it.
23. No harm has been caused by the mobile home and its occupation to the living conditions of nearby occupiers of residential properties. However, an absence of harm does not weigh positively in favour of the proposal.

Other Matters

24. The evidence before me indicates that the scale, nature and planning policy context of the housing site removed from the Green Belt through the Local Plan process is materially different to the development in this appeal. The test for changing Green Belt boundaries through a Local Plan is also different from the 'very special circumstances' test which applies to proposals for inappropriate development in the Green Belt. It therefore has limited relevance to my considerations and does not alter my conclusions on the main issues.

Green Belt Balance and Conclusion

25. Paragraphs 147 and 148 of the Framework state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, and that substantial weight should be given to any harm to the Green Belt. I therefore give substantial weight to the proposal's harmful effect on the openness of the Green Belt and encroachment into the countryside. Although the harm caused by the appeal development to the Green Belt and the character and appearance of the area would be reduced by it persisting for a period of no longer than 3 years and would be reversible, it nevertheless carries substantial weight against the development.
26. I have considerable empathy with the appellants' family circumstances, which are a material consideration of very significant weight. However, on the evidence before me and for the reasons given above, they do not, to my mind, amount to a compelling case to grant the temporary planning permission sought, when balanced against the well-established and legitimate planning policy aims of Green Belt policy.
27. Taken together, the other considerations do not clearly outweigh the totality of harm to the Green Belt, by reason of inappropriateness, harm to openness, encroachment into the countryside, and the harm to the character and appearance of the area. Consequently, whilst I have considerable empathy for the appellants' situation, I find that on the evidence before me in this appeal, the very special circumstances necessary to justify the development do not exist.
28. The evidence indicates that Brentwood Borough Council can demonstrate a 5-year supply of housing land through the BLP and a recent monitoring report to March 2022, and is therefore achieving the boost in the supply of housing that the Framework expects. However, even if the Council was unable to demonstrate a 5-year supply of housing land, the application of policies in the Framework that protect the Green Belt provide a clear reason for refusing the development proposed.
29. The proposal conflicts with Policies MG02 and BE14 of the BLP. It therefore conflicts with the development plan when read as a whole and the Framework. Material considerations do not indicate that a decision should be taken other than in accordance with that plan. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

G Sylvester

INSPECTOR