
Appeal Decision

Site visit made on 24 November 2023

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th December 2023

Appeal Ref: APP/H1515/W/23/3319613

Land Adjacent to 5 St Vincents Hamlets, Weald Road, South Weald, Essex CM14 5QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Ademola Odutola against the decision of Brentwood Borough Council.
 - The application Ref 22/01204/OUT, dated 22 August 2022, was refused by notice dated 4 November 2022.
 - The development proposed is described as 'Outline application for the construction of 1no. dwelling (All matters reserved)'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was in outline, with all matters reserved. Therefore the scale of the proposed development, its layout, appearance, landscaping and the proposed means of access are all reserved for future consideration. I have considered the appeal on that basis. I have however noted that the submitted block plan identifies the proposed point of access to the public highway.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies,
 - the effect on the character and appearance of the area, and
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development in the Green Belt

4. The appeal site is a plot of unoccupied land between two dwellings. It was originally part of the garden to 5 St Vincents Hamlets, but is now separated from that property. There is a single garage and greenhouse at one side of the plot and access is available to the highway.

5. The site is within the Green Belt. Policy MG02 of the Brentwood Local Plan 2022 (BLP) states amongst other things that development proposals in the Green Belt will be assessed in accordance with national planning policy and that the Green Belt will be preserved from inappropriate development, to continue to maintain its openness. In the National Planning Policy Framework (the Framework), Paragraph 149 states that construction of new buildings should be regarded as inappropriate in the Green Belt. However, it goes on to set out a number of exceptions, which include limited infilling in villages (paragraph 149e) and redevelopment of previously developed land, subject to the effect on openness (paragraph 149g).
6. The question of whether a particular proposal is limited infilling in a village depends on the circumstances of each individual case and is not restricted to locations within defined settlement boundaries. In this case, the existing development at St Vincents Hamlets comprises a small number of mainly residential properties, spread out rather loosely, mainly along one side of the road and lacking any clear focal point. This ribbon of development has neither the scale or cohesion generally associated with a village. The appellant suggests that it could be described as a hamlet, rather than a village. Based on the above, even if I were to conclude that development on the site amounted to infilling, the proposal falls outside the scope of paragraph 149e since the site is not within a village.
7. The site was last used as a residential garden and contains outbuildings originally linked to that use. These show signs of disrepair and the land around them is overgrown. However, they are reasonably intact and have not blended into the landscape. Based on the presence of these existing buildings, the site includes previously developed land as defined in Annex 2 of the Framework. However, Annex 2 also makes clear that it should not be assumed that the whole curtilage of a building should be developed. Furthermore, while Framework paragraph 149g allows in principle for redevelopment of previously developed land, this is subject to an assessment of the effect on openness, compared to the existing situation.
8. Aside from the garage and greenhouse, the site is currently level and laid to rough grass. A hedgerow provides some screening along the front boundary, but this does not prevent the site having an open character, which offers a clear sense of separation between the dwellings to either side.
9. The application does not specify the scale of the proposed dwelling, although both parties have proposed likely minimum floorspace figures, consistent with BLP Policy HP06 and the nationally described space standard¹. Even the smallest figure proposed would imply a rather larger building than the modest garage and greenhouse currently present on the site. Therefore the erection of even a small dwelling would increase the volume of built development.
10. Formation of a separate residential curtilage is also likely to lead to increased occupier requirements for features such as parked vehicles, garden furniture, washing lines etc. Therefore, notwithstanding the site's historic use as a garden, the proposal would increase both the scale of built development and likely level of domestic paraphernalia present on the site. This would adversely affect the openness of the Green Belt in both spatial and visual terms.

¹ Technical Housing Standards – Nationally Described Space Standard, published by Department for Communities and Local Government, March 2015

11. Paragraph 149g sets out a different threshold for the effect on openness where proposed development would contribute to meeting an identified affordable housing need. However, the application form specifies that the proposal is for market housing. Even if a very small dwelling is proposed, there is no substantive evidence that it would contribute to the availability of affordable housing as defined in the Framework.
12. For the above reasons, the proposal does not meet the exceptions at Framework paragraphs 149e or 149g. Nor does it meet any of the other exceptions in the same paragraph. I therefore conclude that it would comprise inappropriate development in the Green Belt, contrary to the provisions of the Framework. It would also conflict with Policy MG02 of the BLP, which amongst other things preserves the Green Belt against inappropriate development, so as to continue to maintain its openness.

Character and Appearance

13. Although there is a row of existing dwellings to either side of the site, they are irregularly spaced and stand in gardens of varying sizes. Several of the plots include garden land alongside the dwelling, adjacent to the road. This opens up views into the surrounding fields. As a result, the loose knit ribbon of development is set within a clearly rural context and is visually well connected with the surrounding countryside.
14. As described above, the proposal would introduce a more intensive form of development onto the site. The increased building mass and any additional domestic paraphernalia would erode the clear sense of separation between the dwellings to either side. Since the site is within an established ribbon of housing, the proposed development would not encroach further into the surrounding countryside. However, views into the fields would be more restricted, which would undermine the spacious quality of the existing housing and its close relationship with the rural surroundings.
15. The appellant confirms that the design of the proposed dwelling would reflect that of its neighbours. This could be secured through the reserved matters. However, that would not in itself be sufficient to overcome the harm arising from the erosion of the area's spacious and rural character.
16. I conclude that there would be some harm to the character and appearance of the area. That harm would be moderate in extent, given that the site has historically been garden land and is within an established ribbon of residential development. Nevertheless, the proposal would conflict with Policy BE14 of the BLP which requires, amongst other things, that proposals should respond positively and sympathetically to their context and retain existing features which make a positive contribution to the character or appearance of the local area.

Other Considerations

17. I have noted that planning permission has been granted for four new dwellings at Wrightsbridge Farm². However, in that case the Council concluded that the proposed development would not have a greater impact on openness than the buildings which previously existed on that site and that it did not amount to inappropriate development in the Green Belt. As such, the circumstances

² Brentwood Borough Council planning application ref 18/01384/FUL

leading to planning permission being granted were clearly different from the current proposal, which I have considered on its own merits.

18. The proposal would contribute one dwelling to the supply of housing. It would be within an existing ribbon of dwellings and gardens. However, the nearest services and facilities are around one mile away, at South Weald, and are of limited extent, consistent with their village location. The intervening rural lanes lack pavements, street lighting or dedicated cycle facilities. Therefore, the likelihood is that future occupiers would travel largely by car. That being the case, there is little evidence that they would support these rural facilities, in preference to the only slightly longer journey into the larger urban areas at Harold Wood or Brentwood.
19. In any case, since the proposal is for a single dwelling, any contribution to the vitality of rural communities or the local economy would be very limited. Similarly, any economic benefit arising from the construction process would also be very limited.
20. The Council has stated that a five year supply of housing land is in place and that housing land supply is on an upward trajectory. I have not been presented with any evidence to the contrary. Even if housing on suitable windfall sites in the Green Belt forms a component of anticipated housing supply, that does not imply that such development should be permitted where it is contrary to the Framework and the development plan.
21. Specific design points raised by an interested party could be addressed through the reserved matters and no harm has been alleged in relation to highway safety or parking. However, these are neutral factors which weigh neither for nor against the proposal.
22. While I have noted that very high energy efficiency standards are intended, along with measures to limit carbon emissions, no detailed proposals are before me since the application is in outline. The provision of appropriate soft landscaping and biodiversity measures also does not weigh in favour of the proposal, since these measures do not go beyond what is required under other policies of the development plan and the Framework.

Green Belt Balance

23. I have concluded that the proposal would be inappropriate development in the Green Belt as defined in the Framework and relevant development plan policies. It would be harmful to the openness of the Green Belt. There would also be moderate harm to the character and appearance of the area.
24. Framework paragraph 148 requires that the harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal be given substantial weight. While a number of factors have been highlighted in favour of the proposed development, I have given those factors limited weight for the reasons set out above. Whether considered individually or cumulatively, the harm to the Green Belt, and other harm, is not clearly outweighed by those other considerations. In consequence, the very special circumstances necessary to justify the proposal do not exist.

Conclusion

25. For the reasons set out above, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Jane Smith

INSPECTOR