



Appeal Decision

Site visit made on 23 January 2024

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 February 2024

Appeal Ref: APP/H1515/W/23/3325942

240 Hatch Road, Pilgrims Hatch, Essex CM15 9QR

- 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 D Adams against the decision of Brentwood Borough Council.
 - The application Ref 23/00391/FUL, dated 27 March 2023, was refused by notice dated 30 May 2023.
 - The development proposed is the demolition of existing dwelling and outbuildings, removal of containers and hardstanding and the construction of 4 new residential dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.

Main Issues

3. The main issues are:
 - a) whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies,
 - b) the effect of the proposal on the openness of the Green Belt,
 - c) the effect of the proposed development on the character and appearance of the area, and
 - d) 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

4. The appeal site is within the Green Belt, it is set along a small row of homes on the edge of Pilgrims Hatch. Policy MG02 of the Brentwood Local Plan 2022 (BLP) states that the Metropolitan Green Belt within Brentwood Borough will be

preserved from inappropriate development so that it continues to maintain its openness and serve its key functions. The policy sets out that all development proposals within the Green Belt will be considered and assessed in accordance with the provisions of national planning policy. For the purposes of this appeal, I have taken this to mean paragraphs 142-156 of the Framework and related sections of the Planning Practice Guidance.

5. Paragraph 142 of the Framework identifies that the fundamental aim of the Green Belt is to prevent urban sprawl and keep land permanently open. Paragraph 154 establishes that new buildings would be inappropriate unless it meets a listed exception. Exceptions include (e) where development may constitute limited infilling in villages and (g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development; or, 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.
6. Whilst it is agreed between the parties that two of the proposed four dwellings between 238 and 242 Hatch Road (plots 1 and 2) would constitute 'limited infilling' in accordance with paragraph 154(e) of the Framework; the scheme must be considered as a whole.
7. Plots 3 and 4 would be located behind the site frontage, on land which is presently occupied by an area of hardstanding, a few scattered outbuildings and a number of shipping containers. The appeal scheme, as a whole, would not be set within a built frontage and would not constitute limited infilling in terms of paragraph 154(e) of the Framework. It has not been suggested that these would be affordable housing in accordance with the second bullet point of 154(g).
8. Turning to paragraph 154(g) of the Framework. The proposal relates to previously developed land, and if I were to agree with the appellant that the containers on site should not be considered as temporary buildings, an increase in 59% in building volume and 22.6% increase in building footprint would occur as a consequence of the proposed development. This would result in a materially greater impact upon the openness of the Green Belt in spatial terms. Such loss of openness would not be ameliorated by repositioning the built form towards Hatch Road and through the removal of the containers. Consequently, the appeal scheme does not fall within the exemption set out in paragraph 154(g) of the Framework and constitutes inappropriate development.
9. The provision of four new dwellings in the Green Belt is inappropriate development and is, by definition, harmful to the Green Belt. The proposed development thus conflicts with policy MG02 of the BLP and the Framework.

Effect on openness

10. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. The openness of the Green Belt has both spatial and visual dimensions.

11. I accept that the removal of the current area of hardstanding and the collection of shipping containers on the site would be a benefit to the openness of the Green Belt. The containers could be regarded as operational development and may have a lifespan of 25 years or more. For the purposes of paragraph 154(g) I therefore regard these as temporary buildings. The proposed dwellings would be set further south, towards the dwellings along Hatch Road and reduce the prevalence of built form to the more northerly part of the site which gives way to fields. However, as I do not regard the containers as permanent structures in a Green Belt context, I can ascribe their removal limited weight.
12. I note the historical function of the site as a commercial use and accept that this impact would likely be comparable when considering all aspects including general paraphernalia that would go with these uses. Overall, this only amounts to a neutral consideration in my assessment.

Character and appearance

13. The area in the vicinity of the appeal site is formed of chalet bungalows at the eastern fringe of Pilgrims Hatch. It has a suburban to semi-rural character in this edge of settlement location. Although there is a relatively recent new development to the immediate south, Marconi Gardens, this is set in a very different context and is largely screened behind a row of substantial mature trees.
14. The proposed development would replace the existing detached red brick house with four detached homes. The pair to the front would be two-storey whilst those to the rear would be single-storey. The homes are all of a modern design featuring overhanging elements, brick detailing, timber cladding, curtain glazing and flat 'green' sedum roofs.
15. The design of the houses would contrast with the chalet bungalows in the area and which are prevalent along this part of Hatch Road. The use of traditional materials in a differing manner to surrounding homes would form an interesting variation on the existing street scene. The pair of homes to the front would be a similar size and height to neighbouring properties addressing Hatch Road such that they would not dominate the neighbouring buildings or appear unduly prominent. Plots 3 and 4 to the rear are of a smaller size and due to their single storey height and flat roofs would not be visible in the street scene. Overall, I find the style and appearance of the dwellings to be acceptable in pure design terms.
16. However, the position of plots 3 and 4 would constitute a form of backland development where the prevailing pattern of homes in this area address the Hatch Road frontage. Therefore, whilst I have no concerns about the individual designs of any of the proposed dwellings overall, plots 3 and 4 would fail to respect the prevailing pattern of development in the locality and would be harmful due to its failure to respect the linear form in this edge of settlement location.
17. I have taken into account the existence of other forms of backland development in the area that have been identified by the appellant. However, it appears that much of this backland development is in the form of ancillary residential outbuildings or commercial uses. I am unaware of their context and history however it seems likely these outbuildings and commercial functions have arisen organically as a consequence of the long back gardens to those

houses addressing Hatch Road. In either case, they have not been formed as new housing developments. Alderton Close, to the west of the site is within the established urban area and is clearly a longstanding residential development of a notably greater number of homes that has its own established character addressing a small cul-de-sac.

18. For these reasons, the pattern of the development and the backland nature of plots 3 and 4, does not comply with the requirements of policies BE14 and NE07 of the BLP and the Framework. These policies promote high design standards and require the form, height and layout of the proposed development to be appropriate to the surrounding pattern of development and the character of the area.

Other considerations

19. I have had regard to the potential aesthetic improvement of the site through the removal of the area of hardstanding and shipping containers and that the design of the proposed dwellings is acceptable. Paraphernalia associated with both the existing and proposed uses of the rear part of the site would be comparable. I have also had regard to the fallback position put to me by the appellant. However, I do not consider that it would have worse effects than the appeal proposal.

Very special circumstances

20. Paragraphs 152 and 153 of the Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development 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.
21. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. Paragraph 153 of the Framework requires substantial weight to be given to any harm to the Green Belt.
22. The other considerations I have identified, including the aesthetic improvement to the site, are of neutral weight in favour of the proposal. As such, the harm to the Green Belt is not clearly outweighed by the other considerations identified especially considering that my conclusions on character and appearance, do not clearly outweigh the harm identified to the Green Belt. Therefore, the very special circumstances necessary to justify the development do not exist. Accordingly, the proposal fails to adhere to the local and national Green Belt policies outlined above.
23. In reaching my conclusions here, I have had regard to the Council's housing land supply position and recent housing deliver test performance. However, paragraph 11(d)(i) of the Framework makes it clear that permission should be granted unless policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development. As I have identified a conflict with the Green Belt policies of the Framework, this paragraph is not engaged.

Conclusion

24. The proposal would be inappropriate development, harming the Green Belt and in conflict with the provisions of the development plan when read as a whole. Moreover, the appeal scheme would be harmful to the character and appearance of the area. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Nick Bowden

INSPECTOR