



Appeal Decision

Site visit made on 13 February 2024

by O S Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th March 2024

Appeal Ref: APP/H1515/W/23/3325752

Kiln Farm, Mountnessing Road, Blackmore, Essex CM4 0NX

- 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 M Wisdom against the decision of Brentwood Borough Council.
 - The application Ref 23/00434/FUL, dated 6 April 2023, was refused by notice dated 6 June 2023.
 - The development proposed is the demolition of all buildings and construction of a detached two storey dwelling and cartlodge/swimming pool.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In late 2023 a revised version of the National Planning Policy Framework (the Framework) was released. My Decision is made on the basis of the revised Framework. The changes were not material to this appeal and I have not, therefore, needed to request comments from the main parties.
3. Some of the barns on the appeal site benefit from a prior approval under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)¹. If implemented, this would convert the barns into five dwellings. The prior approval has not been implemented. I refer to this as appropriate throughout my Decision.

Main Issues

4. The main issues are:
 - if the proposal would be inappropriate development in the Green Belt; and,
 - the effect of the proposal on the special architectural and historic interest of the Grade II listed building 'The Barn at Belladale, Mountnessing Road'², with regard to its setting.
5. If the proposal is inappropriate development in the Green Belt, then a further consideration will be whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the 'very special circumstances' necessary to justify it.

¹ Ref 21/02113/PNCOU, dated 18 February 2022

² List number 1205182

Reasons

Inappropriate development

6. The appeal site is in the Green Belt. It is proposed to erect a new building to create a house, to replace several barns. The barns are permanent structures. The prior approval consent has not been implemented and all the barns are in agricultural use. The appeal site is not, therefore, 'previously developed land' as defined by the Framework. As set out at Paragraph 154 of the Framework, the construction of new buildings is inappropriate development in the Green Belt. There are seven exceptions to this but none of them apply to the appeal site and proposal because there is a proposed change of use, it is not for affordable housing and it is not previously developed land. The proposal is therefore inappropriate development in the Green Belt.

Heritage

Significance

7. The listed building is a former barn that is now a house. It lies on the opposite side of Mountnessing Road from the appeal site, directly accessed from the road. It's immediate setting is strongly agricultural and rural, to both sides of the road and including the appeal site. However, it is the land to the south of Mountnessing Road, with the fields leading directly from the barn, that are most associated with the barn. The agricultural land, including the appeal site, to the opposite side of the road is visually and physically divorced from the setting of the barn by the road.
8. The significance of the barn, with regard to its setting, is therefore largely related to the agricultural setting to the south side of Mountnessing Road. The areas to the other side of the road, including the appeal site, are of lesser importance. In addition, the appeal site is a fairly significant distance from the barn and there is only limited inter-visibility, and no direct physical relationship. The contribution of the appeal site to the setting and significance of the listed building is therefore limited.

Assessment

9. The proposed development would result in a significant change in the character of the appeal site from the change from agricultural barns and hardstanding to a clearly domesticated site including a fairly substantial dwelling. However, the barn is distant, this area is visually and physically separated from the barn by the road and there is limited inter-visibility. In addition, the primary setting, both physical and formerly functional, of the barn is the agricultural fields to the south of the road. Therefore, any effect on the setting of the barn would be negligible.
10. There would not, therefore, be any material harm to the special architectural or historic interest of the Grade II listed building, with regard to its setting. The proposal therefore complies with Policies BE14 and BE16 of the Brentwood Local Plan 2016 – 2033 (the LP), which expect development to make a positive contribution to the significance of heritage assets and their settings, and with Paragraph 203 of the Framework, which highlights the desirability of sustaining and enhancing the significance of heritage assets. It also complies with S66 of the Planning and Listed Building and Conservation Areas Act 1990 (as amended), which states that local planning authorities should have special

regard to the desirability of preserving listed buildings and their setting or any features of special architectural or historic interests which they possess.

Planning Balance

Very special circumstances

11. As set out in Paragraph 152 of the Framework, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. Paragraph 153 of the Framework confirms that 'very special circumstances' only exist if the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Harm to the Green Belt

12. Paragraph 142 of the Framework finds that the essential characteristics of Green Belts are their openness and their permanence. The proposal is for a new dwelling and there is no reason to believe it would not be a permanent structure. With regard to openness, the barns have solid walls to at least three sides and solid roofs. They are prominent on the site and can be seen from surrounding land, including from the road. All the barns would be demolished. The proposed replacement building would be largely within the footprint of some of the existing barns. In addition, the proposal would result in a significant reduction in built form on the appeal site, both measured by footprint and volume. The proposal would, therefore, increase both the visual and spatial openness of the Green Belt.
13. Paragraph 143 of the Framework highlights the five purposes of the Green Belt. Despite introducing a domesticated character and appearance across the appeal site, the proposal would not result in unrestricted sprawl of large built-up areas because it relates to a site surrounded by the countryside and not in a large built-up area. It would not contribute to neighbouring towns merging into one another, for the same reason. The proposal would not affect the setting or special character of a historic town.
14. It would, however, result in encroachment into the countryside. Although the footprint of the proposed building is largely within the footprint of the existing barns, there would be domestication of the surrounding proposed garden area. Although within an enclosed, developed area of land that includes the barns and the surrounding hardstanding, there would be a clear visual and functional domestication of a relatively large area, and it would be visible from the road. In addition, there would also be conflict with the purpose to encourage the recycling of derelict and other urban land, because the proposal would provide a dwelling on land that is neither urban nor derelict thereby discouraging the use of such land.

Other harm

15. The only non-Green Belt harm identified by the Council is with regard to the effect of the proposal on the setting of the listed barn. However, as set out above, I do not find harm to this heritage asset. I also do not find harm from the proposal in any other regard.

Other considerations

16. The prior approval has not yet been implemented. It only relates to approximately half of the existing barns on the appeal site. The approved drawings detail floorplans where one of the proposed dwellings would have an extremely large living area to the centre of the barn, which would create an unusual and impractically large layout. All five dwellings would be accessed directly from a shared space with the existing agricultural setting and landscaping surrounding the barns, with no private outside space demised to the properties. They would be directly adjacent to the retained barns. The quality of the residential environment that would be created would therefore be low. However, it is possible that the conversion could take place if the appeals are dismissed. The prior approval works are, therefore, a realistic prospect and therefore constitute a fallback position.
17. The existing buildings, whilst large, are characteristic of the surrounding area and of the agricultural land use. Despite their relatively large impact on openness of the Green Belt, they assimilate into the landscape. The prior approval works would not fundamentally alter this character or appearance because the restrictions on prior approval prevent material changes to the external appearance of the barns. It would also not result in changes to the external space and there would be no domestication of this wider area.
18. By comparison, the proposal is for a clearly domestic property, with significant expanses of glazing, and the domestication of the entire appeal site through the creation of a garden and the associated domesticated paraphernalia that would likely follow. It would, therefore, introduce a harmful character and appearance in comparison to the fallback position. Any reduction in vehicle movements because fewer dwellings are proposed would be negligible. I therefore place limited weight on the fallback position.
19. A dwelling is proposed. Providing housing is one of, if not the most, important aspirations of national and local planning policy. I place significant positive weight on this factor.
20. There would be short-term economic benefits from construction of the proposal and long-term benefits from expenditure in the local economy by the future occupants. Only one dwelling is proposed, limited the scale of these benefits, and I place moderate positive weight on this factor.
21. It could be controlled by condition that the proposal provide a biodiversity net gain. In the absence of any specific proposals in this regard, or commitment to go beyond minimum policy standards, I place limited positive weight on this factor.
22. There are no other harms on either technical, policy or other grounds. However, there is also no commitment to go above and beyond Building Regulations or planning policy minimum standards. This, therefore, does not constitute another consideration in favour of the proposal, and rather is a neutral factor.
23. The appeal decision at 5 School Lane³ relates to a different form of development for three homes and on a landscape contractors' yard, rather than

³ Appeal Ref APP/H151/W/22/3293620, dated 15 February 2023

an agricultural setting. The planning application at Meadow Hall Barn⁴ relates to a proposal where there is a realistic fallback position and in a different local authority with a completely different Development Plan. The planning permission at The Hyde⁵ is on a different site in a different context and also has a realistic fallback position. I therefore place limited weight on these proposals.

Balance

24. I have identified harm to the Green Belt because the proposal is inappropriate development and because of the harm to the purposes of encroachment into the countryside and encouraging the recycling of urban and derelict land. In accordance with Paragraph 153 of the Framework, I place substantial weight on this harm. I find that the other considerations in this case, including the fallback position, do not clearly outweigh the harm that I have identified. Consequently, the 'very special circumstances' necessary to justify the development do not exist. The proposal therefore fails to comply with Policy MG02 of the LP, which reflects the provisions of the Framework.

Conclusion

25. For the reasons above, the appeal is dismissed.

O S Woodward
INSPECTOR

⁴ Application Ref 22/00069/FUL

⁵ Application Ref 20/01905/FUL, dated 26 February 2021