

Appeal Decision

Site visit made on 1 July 2024

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 15 November 2024

Appeal Reference: APP/H1515/D/23/3333875

'Little Warley Hall Farmhouse', Little Warley Hall Lane, West Horndon, Little Warley CM13 3EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr. I. Ellis against the decision of Brentwood Borough Council.
 - The application reference is 23/00966/HHA.
 - The development proposed is described in the application form as: "demolition of existing garage and connected building and construction of new garage and storage room".
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Decision

1. The appeal is allowed and planning permission is granted for "demolition of existing garage and connected building and construction of new garage and storage room", at 'Little Warley Hall Farmhouse', Little Warley Hall Lane, West Horndon, Little Warley CM13 3EN, in accordance with the terms of the application (reference 23/00966/HHA, dated 4 August 2023), subject to the conditions set out in the attached Schedule of Conditions.

Preliminary points

2. A Written Ministerial Statement entitled "Building the homes we need" was published on 30 July 2024, together with a consultation on "Proposed reforms to the NPPF and other changes to the planning system". In this case, however, I am satisfied that they do not materially affect the considerations that have led me to my decision. I am convinced, therefore, that there is no requirement to seek further submissions on these publications and that no party would be disadvantaged by such a course of action.

Main issues

3. The first main issue to be determined in this appeal is whether or not the proposal is "inappropriate development" having regard to the 'National Planning Policy Framework' and any relevant development plan policies.
4. If the proposed development is to be categorised as "not inappropriate", it is nonetheless necessary, in this case, to consider the impact of the proposed development on the character and appearance of the surroundings, including the existing house.

Reasons

Background

5. The appeal site is located in Essex a short way to the east of the M25 and close to the A127 (which is to the north). There is a small group of buildings around St. Peter's Church but the area is predominantly rural in character, with scattered hamlets and individual sites, including commercial premises as well as residential properties.
6. 'Little Warley Hall Farmhouse' is sited on a small lane that runs alongside the church to give access to a number of dwellings, though there is a large petrol station (serving the A127) to the north of the site. A public footpath runs along the northern boundary of the property, although the site is nevertheless well screened.
7. The house itself is a detached dwelling in a traditional form, which has been extended over the years. It is set in a large plot and a separate double garage and connected outbuilding is located to the north of the house, adjacent to the northern boundary of the garden (and the footpath). This is a poor quality building, though functional, with rendered walls and corrugated iron sheeting laid to a very shallow pitch on a large part of the roof.
8. It is now proposed to demolish the garage and outbuilding and to replace it with a new, larger double garage (incorporating storage space).

Policy context

9. The 'National Planning Policy Framework' makes it plain, at paragraphs 152-156, that the construction of new buildings is not normally acceptable in the Green Belt and that they should only be permitted in "very special circumstances", subject to certain exceptions. Nevertheless, the replacement of an existing building in the Green Belt can be acceptable, as one such exception, "provided the new building is in the same use and not materially larger than the one it replaces".
10. More generally, the 'National Planning Policy Framework' also emphasises the aim of "achieving well designed places" in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity. It is aimed at achieving good design standards generally, by adding to the overall quality of the area and being visually attractive and sympathetic to local character and history (while not preventing or discouraging appropriate innovation or change).
11. The 'Brentwood Local Plan 2016-2033' was adopted in March 2022 and Strategic Policy MG02 defines the Green Belt in the Borough, including by reference to national planning policy. Other policies focus on broader design issues, noticeably Policy BE14 which identifies the importance of high design standards.

Green Belt considerations

12. The proposed new outbuilding would provide a new double garage together with areas for storage. The new building would adopt a more traditional form than the existing structure, with a pitched roof and better headroom,

generating a higher ridge line for the finished building. The footprint of the building would be enlarged by only a modest amount but the overall volume would be larger than that of the existing outbuilding. The finished building would still be relatively small, however, and relevant to its function as a domestic garage and store. In considering the question of proportionality I have taken account of all these factors.

13. In assessing whether the scale of the new building would be materially larger, it is noted that the building would be physically larger than the existing outbuilding in volumetric terms. I have concluded, however, that in all the circumstances of this case it can be categorised as “not materially larger” than the outbuilding that it would replace, in its specific context.
14. It follows that the new garage and outbuilding can fairly be described as “not inappropriate” development in the Green Belt, in the terms of the ‘National Planning Policy Framework’ and the ‘Brentwood Local Plan 2016-2033 (notably Policy MG02)’. Nonetheless, other material planning considerations must be taken into account.

Character and appearance

15. It is necessary, in this case, to consider the impact of the proposed development on the character and appearance of the surroundings. The proposed new outbuilding would replace an existing outbuilding that serves a similar ancillary domestic purpose, and it would not be unduly large for its domestic function, although it would be of much improved construction. Visually, the site is very secluded, however, and the proposed new building would not have a significant visual impact on the open character of the countryside or on the immediate setting of ‘Little Warley Hall Farmhouse’.
16. Moreover, the proposed new building would be located some distance away from St. Peter’s Church and even further from ‘Little Warley Hall’, which are both ancient historic buildings and both designated as listed buildings (Grade I and Grade II* respectively). The outbuilding would not have any adverse effect on the setting of those listed buildings, bearing in mind the small scale of the proposed outbuilding, its distance from the listed buildings and the presence of intervening structures.
17. The proposed new outbuilding would have some effect on its immediate surroundings in the garden of ‘Little Warley Hall Farmhouse’, of course, but the new building would be discreetly sited adjacent to the rear boundary of the plot and it would not be unattractive even when viewed from the public footpath. It would not urbanise the surroundings and it would be an improvement on the existing building in terms of its appearance. Although it would be different in style from the existing dwelling it would be smaller and would not be out of keeping with the existing house or its setting.
18. Hence, the project would accord with both local and national planning policies that are intended to promote good design and respect local character, including, specifically, Policy BE14 in the ‘Brentwood Local Plan 2016-2033’.

Conclusions

19. I have concluded that the project would not be in conflict with the Development Plan as a whole (or with national planning policies) and that it is acceptable in planning terms. Although I have considered all the matters that have been raised in the appeal submissions, I have found nothing to cause me to alter my decision. In short, I am persuaded that the scheme before me ought to be allowed subject to conditions.
20. I have, however, also considered the need for conditions in the light of the 'National Planning Policy Framework' and, in imposing conditions, I have taken account of those suggested by the Council (without prejudice to their main arguments in the appeal).
21. In particular, I have concluded that conditions are necessary, to define the planning permission and to ensure that quality is maintained. Conditions are imposed to define the approved drawings and to impose the timetable for implementation of the planning permission. A condition to require the use of materials to match existing materials is not necessary (or even appropriate) in this case, however, since better quality materials are proposed. For the avoidance of doubt, therefore (and because the submissions provide only limited information in this respect) a more specific condition has been imposed to require the submission of details of the proposed construction materials, in due course.
22. For the reasons given above, the appeal is allowed subject to conditions.

Roger C. Shrimplin

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:
 - drawing number PL-6002_11 (Location Plan);
 - drawing number PL-6002_12 (Existing Site Plan);
 - drawing number PL-6002_13 (Existing Floor / Roof Plans);
 - drawing number PL-6002_14 (Existing Elevations);
 - drawing number PL-6002_15 (Proposed Floor / Roof Plans);
 - drawing number PL-6002_16 (Proposed Elevations);
 - drawing number PL-6002_17 (Proposed Site Plan);
 - drawing number PL-6002_18 (Existing Vs Proposed Comparison).
3. No materials shall be incorporated into the external surfaces of the development hereby permitted until samples (or specifications) of those materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the approved materials.