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## Appeal Decision

Site visit made on 12 November 2024

**by A Price BSc MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 06 December 2024**

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**Appeal Ref: APP/H1515/W/24/3337932**

**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 23/01230/FUL was refused by notice dated 3 January 2024.
  - The development proposed is the demolition of all buildings and construction of a detached two storey dwelling.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The proposed development relates to the setting of a listed building. Accordingly, I have had special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it may possess, as required under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. I have also dealt with another appeal at this site<sup>1</sup>. That appeal is the subject of a separate decision.

### Main Issues

4. The main issues are:
  - whether the proposed development would be inappropriate development in the Green Belt and the effect on openness;
  - whether the proposed development would preserve the setting of Grade II listed building, The Barn at Belladale; and
  - whether the 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.

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<sup>1</sup> APP/H1515/W/24/3336621

## Reasons

### *Whether inappropriate development*

5. The appeal site comprises a parcel of land to the east of Mountnessing Road. It accommodates a series of large barns and areas of hardstanding. The site is within the Green Belt.
6. National Green Belt policy in the National Planning Policy Framework (the Framework) sets out that the construction of new buildings in the Green Belt should be regarded as inappropriate development. There are, however, certain exceptions. One of those, at paragraph 154, is the limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt.
7. Policy MG02 of the Brentwood Local Plan (LP, 2022) broadly conforms to the general thrust of national Green Belt policy, setting out that all development proposals within the Green Belt will be considered and assessed in accordance with the provisions of national planning policy.
8. Whether the exception under paragraph 154(g) can apply in this case is down to its existing or last use. This is because the definition of previously developed land in the Framework's glossary excludes land that is or was last occupied by agricultural or forestry buildings. Notwithstanding any previous consents on the site, the existing buildings have not been converted and no conversion works appear to have been implemented. They remain as largely vacant barn buildings, last used for agricultural purposes. For this reason, they would be excluded from the definition of previously developed land and the exception under paragraph 154 would not apply.
9. I have also considered the exception under paragraph 154(d). This allows for the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. As set out above, the existing buildings are not in residential use, in contrast with the proposed development, and therefore this exception would not apply.
10. The Framework indicates that openness is an essential characteristic of the Green Belt and a fundamental aim of Green Belt policy is to keep land permanently open. The openness of the Green Belt has a spatial as well as a visual aspect. 'Open' can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible from the public realm. Nevertheless, I am satisfied that the proposed development, by reason of its scale and position relative to the existing barn structures would have, at most, only a limited effect on the openness of the Green Belt in spatial and visual terms.
11. For the foregoing reasons, the proposal would form inappropriate development in the Green Belt, rather than an exception permissible under Framework paragraph 154. The proposed development would also be contrary to the relevant provisions of LP Policy MG02, which seeks to protect the Green Belt from inappropriate development and to protect its openness.

### *Heritage assets – special interest and significance*

12. The Barn at Belladale<sup>2</sup> (hereafter referred to as The Barn) lies to the west of the appeal site. It is a Grade II listed former barn that is now in use as a dwelling. It originates from the early 18<sup>th</sup> century and is of timber-frame construction with a red clay roof over.
13. The special interest and significance of the listed building is largely derived from its historic and architectural interests. Important contributors in these regards are its age, illustration as a vernacular property that has evolved over time and the use of traditional materials and building methods.
14. Pertinent to the appeal, the building's special interest and significance are also derived, in part from its setting. The enclosed and landscaped grounds of The Barn have an historic, visual and functional connection with the heritage asset. These grounds form the asset's immediate setting. It is from here that the asset is best appreciated. This immediate setting contributes considerably to the asset's special interest and significance. Beyond this, the surrounding area is made up of predominantly open agricultural land, interspersed by occasional farms and dwellings. This surrounding area forms the asset's wider setting, from which only limited or fleeting views of the asset are possible. The wider setting makes only a limited contribution to the special interest and significance of the listed building.

### *Heritage assets – appeal proposal and effects*

15. By reason of the location of the proposed development, the physically and functionally separate relationship between the appeal site and listed building would be maintained and the asset's historic and architectural interest would remain unaffected by the proposed development. The retention of a considerable separation distance, intervening landscaping features and road would all reinforce this. Furthermore, the immediate setting and most of the wider setting that contributes to the asset's significance would remain undisturbed by the proposed scheme.
16. Taking these factors into account, the proposed development would not compromise the setting of the listed building, rather it would have a neutral effect that would not detrimentally alter how the asset would be experienced and would not adversely affect the ability to appreciate its significance. Consequently, the setting of the listed building and the contribution that it makes to the asset's significance would be preserved.
17. Overall, I conclude that the proposed development would preserve the setting of the nearby Grade II listed building, The Barn, and cause no harm to the significance of this heritage asset. Consequently, the proposed development would accord with the requirements of Section 66(1) of the Act and the relevant provisions of LP Policies BE14 and BE16. These policies, in summary, seek to protect heritage assets and their settings.

### *Other considerations*

18. I note the economic benefits put forward by the appellant, including during the construction period and through increased trade to local businesses upon occupation of the development. I also accept that the proposed development

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<sup>2</sup> List Entry Number: 1205182

would provide a contribution to housing supply in the district and that it would make an efficient use of land. However, given the scale and nature of the proposed development, these benefits would be limited. I afford these matters only limited weight.

19. I also accept that the scheme would meet some other planning objectives, including in respect of living conditions. However, a lack of harm is neutral in my determination of the appeal. I give this matter minimal weight.
20. I accept that the appellant is committed to achieving biodiversity and environmental enhancements. However, such enhancements are not inherently dependant on the wider redevelopment of the site. I therefore give this matter moderate weight.
21. My attention has been drawn to an extant scheme at the site. This relates to the conversion of the existing barns to residential use (5 dwellings). This was granted by means of Prior Approval under Class Q of the General Permitted Development Order. This forms the appellant's fallback position.
22. I accept that there may be a greater number of vehicle movements associated with the fallback scheme, and that the proposed development would be constructed using a vernacular design with more opportunities for landscaping. However, the fallback scheme would utilise the existing buildings, modified only to suit their conversion. Functional agricultural buildings, such as those on the appeal site, are a typical feature of the countryside and due to their age have a neutral impact on the site and surrounding area. In any case, as I have set out above, the enhancement of the site, or the removal of hardstanding or buildings, is not inherently dependant on the wider redevelopment of the site. Moreover, both schemes would inevitably include residential paraphernalia typical of a domestic context, with the appeal scheme accommodating a larger garden area. While of a smaller overall footprint, the appeal scheme would also feature a more overtly domestic character and appearance than the fallback scheme. Overall, I attach moderate weight to the consented scheme as a fallback position.
23. A number of other Green Belt schemes have been brought to my attention. While I acknowledge these, I have very limited information before me as to their context and am unable to draw direct comparisons between the schemes. I have considered the appeal scheme based on its own, individual site circumstances. I attach limited weight to the existence of these other schemes.

### **Green Belt Balance and Conclusion**

24. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
25. Cumulatively, I attach no more than moderate weight to the benefits of the proposed development which make up the other considerations. As such, the other considerations do not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist.

26. For the reasons above, having regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

*A Price*

INSPECTOR