



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

Appeal Ref: APP/H1515/W/24/3336621

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr M Wisdom against the decision of Brentwood Borough Council.
 - The application Ref is 23/01014/PIP.
 - The development proposed is Permission in Principle for demolition of existing buildings and construction of 5 dwellings using existing access.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is for Permission in Principle for residential development. This consent route has two stages. The first stage establishes whether a site is suitable in principle. The second stage forms the technical details consent, where the detailed development proposals are assessed. The appeal relates to the first stage and therefore I have considered only the principle of the scheme.
3. The scope of the considerations for the first stage is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details stage if permission in principle is granted. I have determined the appeal accordingly.
4. The appellant has included a proposed layout as part of the submission which suggests how a 5-plot scheme could be laid out within the site. Such information is to be taken as indicative for the purposes of this first stage of the Permission in Principle process.
5. I have also dealt with another appeal at this site¹. That appeal is the subject of a separate decision.

Main Issues

6. The main issues are whether the site is suitable for residential development, having regard to its location, land use and amount of development, with particular regard to:
 - whether the proposal would be inappropriate development in the Green Belt, including its effects on the openness of the Green Belt;

¹ APP/H1515/W/24/3337932

- whether the proposed development would preserve the setting of Grade II listed building, The Barn at Belladale; and
- if the development is inappropriate, 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 the development.

Reasons

Whether inappropriate development and openness

7. 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.
8. 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. Another exception 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.
9. 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.
10. 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. The existing buildings 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 do not meet any of the other exceptions under paragraph 154.
11. 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.
12. Although the submitted plans are indicative, I am obliged to consider the effects on openness. I consider there to be harm in this respect based on the redevelopment of the site to provide five dwellings. Rather than a reliance simply on ground covered, the combination of factors, including the introduction of domestic paraphernalia associated with five individual dwellings would all inevitably lead to a loss of openness, both physically and visually. That the neighbouring site (Kiln Farm) is in domestic use and features such as mature trees and landscaping would be retained and enhanced does not change this effect on openness. Even were I to find no harm to openness, this would not overcome the policy conflict identified above.

13. 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 fail to preserve openness, although in the light of mitigating factors, adverse effects to openness would fairly be described as moderate. 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

14. The Barn at Belladale² (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 18th century and is of timber-frame construction with a red clay roof over.
15. 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.
16. 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

17. 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.
18. 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.
19. 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

² List Entry Number: 1205182

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

20. 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 would provide a contribution of five dwellings 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 inevitably be relatively limited. I afford these matters moderate weight.
21. I accept that the scheme would meet some other technical planning requirements, and could achieve environmental and biodiversity benefits. However, these matters are not for my consideration during this stage of the Permission in Principle procedure. I give this matter minimal weight.
22. 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.
23. The submitted illustrative layout for five dwellings under this appeal, comprises development around a central courtyard and turning space, each served by individual gardens, and in most cases garages and parking areas. I am aware that this layout is only indicative, that the appellant is not tied to that scheme, and that it is not a technical requirement for submission. I also acknowledge that a number of alternative schemes may come forward in the future. Nevertheless, it is the only evidence before me of how five dwellings could realistically be achieved at the site following the demolition of the existing buildings.
24. There would likely be a similar number of vehicle movements associated with the fallback and appeal schemes. I also note that the proposed development would likely be constructed using a vernacular design with more opportunities for landscaping, unlike the fallback scheme which would make use of the existing buildings. However, functional agricultural buildings, such as those on the appeal site, are a typical feature of the countryside and due to their age, in this case, have a neutral impact on the site and surrounding area.
25. While both schemes would inevitably include residential paraphernalia typical of a domestic context, the appeal scheme, through the redevelopment of the site, would in all likelihood create five areas of independent garden space. This is in addition to parking spaces and turning areas. Moreover, the appeal scheme would also undoubtedly feature a more overtly domestic, almost suburban, character compared with the fallback scheme, which would retain the existing, neutral barn buildings. Overall, I conclude that the appeal scheme would be significantly more harmful than the fallback scheme. I therefore attach limited weight to this consideration.
26. A number of other Green Belt schemes have been brought to my attention. From the limited evidence before me, the Hardings Farm and Holly Lodge cases appear to have met exceptions under paragraph 154 of the Framework,

including the replacement of a dwelling and forming equestrian rather than agricultural land. This is in stark contrast with the scheme before me which relates to buildings last used for agricultural purposes.

27. I note the findings in the cases at Peartree Lane and Oak Lodge Farm and that these include a fallback position. In particular, I note that the Oak Lodge Farm case includes a Class Q conversion fallback. Be that as it may, the existence of that Inspector's decision, on another site and for which I have limited information, does not mean that all similar cases must automatically be allowed. In any case, I have found that the appeal scheme would be significantly more harmful than the fallback scheme. I therefore give this consideration limited weight.

Green Belt Balance and Conclusion

28. 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.
29. 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.
30. 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