



Appeal Decision

Site visit made on 12 November 2024

by L Francis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th February 2025

Appeal Ref: APP/H1515/W/24/3341922

Wheelers Farm, Coxtie Green Road, Pilgrims Hatch, Brentwood CM14 5RP

- 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 George Lock against the decision of Brentwood Borough Council.
 - The application Ref is 23/01599/FUL.
 - The development proposed is described as "The Retrospective Application to confirm the change of use from Agricultural Barns to Commercial use due to change in family circumstances".
-

Decision

1. The appeal is dismissed.

Background and Preliminary Matters

2. The appeal site contains two large barn style buildings which the Council confirm were constructed pursuant to two prior approvals of agricultural buildings under Class A, Part 6, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)¹.
3. The Council's view is that neither building is lawful as the agricultural use ceased within 10 years from the date the development was substantially completed and that no planning permission was granted for an alternative use within 3 years of the date the agricultural use ceased, as set out in A2 – Conditions (5) of Class A, Part 6, Schedule 2 of the GPDO. It is not for me, under a section 78 appeal, to determine the lawfulness of the buildings or any other elements on the site including the shipping containers. It is open to the appellant to apply to the Council for a separate determination under sections 191/192 of the Act regardless of the outcome of the appeal.
4. At the time of my site visit I saw that there were two buildings on site in the locations shown on the submitted drawings. There were also 43 shipping containers of varying sizes, a mobile home, parking area and various other paraphernalia. The site is surrounded by close boarded fencing to its north and a combination of fencing and planting elsewhere.
5. The additional paraphernalia described above was not referenced on either the application form or within the description of development and neither was it shown on the drawings. The design and access statement accompanying the application referred to regularising the use of the two barns. Given that the additional paraphernalia was not specifically mentioned within the application, I

¹ Reference 17/01890/AGR dated 2 January 2018 and 21/00230/AGR dated 17 March 2021.

have not considered it in my decision. My decision is made in relation to the two former barns used for commercial purposes as shown on the drawings and described on the application form.

6. The National Planning Policy Framework (the Framework) was updated in December 2024, during the consideration of the appeal. The Council and the appellant were given the opportunity to comment upon the revisions insofar as they relate to the appeal and I have taken the comments received by both parties into consideration in my decision.

Main Issues

7. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, including any effect on openness having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the living conditions of nearby residential occupiers, with particular regard to noise disturbance and light pollution; and,
 - 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

8. The appeal site comprises a parcel of land located within open fields to the north of Coxtie Green Road and accessed by a tarmac track. To the east and west, on the other side of the intervening fields, there are several dwellings located along Warwick Place and Wheelers Lane from which the appeal site is visible. To the south side of Coxtie Green Road, there is sporadic residential development as well as agricultural holdings and a golf course. The buildings on site are used for commercial purposes by a patio furniture supplier as a mixture of storage, distribution and office functions which the Council consider fall within Use Classes B8, B2 and E.
9. The Framework identifies that the construction of new buildings in the Green Belt is inappropriate development. Paragraph 154(h) of the Framework sets out that other forms of development are not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. The main parties' evidence considers the scheme against Paragraph 154(h) which allows the re-use of buildings provided that the buildings are of permanent and substantial construction. Policy MG02 of the Brentwood Local Plan 2022 (BLP) broadly reflects the approach of the Framework. Following the revisions to the Framework, I shall also consider the appeal against paragraph 155 regarding grey belt land.
10. In relation to paragraph 154, the existing buildings are of a permanent and substantial construction, largely comprising concrete and metal cladding. The principle of their re-use then falls to be considered against the effect on

openness and whether the appeal scheme conflicts with the purposes of including land within the Green Belt.

11. Openness is an essential characteristic of the Green Belt; it can be perceived both spatially and visually. A significant proportion of the footprint of the site is occupied by the two former agricultural buildings. The site coverage, location and scale of buildings in relation to the overall size of the plot has the effect of significantly reducing the spatial openness of the Green Belt in this location.
12. In visual terms, the main public vantage points of the appeal site are from Coxtie Green Road and to a lesser degree, Wheelers Lane. There are also private vantage points from the dwellings along Wheelers Lane and Warwick Place. Although there is a degree of screening provided by planting, due to the height and prominent location of the site in an open, semi-rural landscape, the structures on site are highly visible. As such, there is a harmful effect upon the visual openness of the Green Belt as a result of the appeal scheme.
13. The Framework describes the Green Belt as serving five purposes. Paragraph 143(c) sets out one of those purposes is 'to assist in safeguarding the countryside from encroachment'. The effect of development as encroachment on the countryside may be in the form of loss of openness or intrusion, and through the loss of openness, there can be an intrusion or encroachment into the countryside. The proposal has an impact on the openness of the Green Belt, resulting in an encroachment onto land that was formerly free from development and therefore would be contrary to the purpose of including land within it. The proposal, when judged against the criteria of paragraph 154 of the Framework and BLP Policy MG02 is therefore inappropriate development in the Green Belt.
14. Following the revisions to the Framework, my attention has been drawn to the definition of grey belt land, referred to in paragraph 155, which sets out criteria for the development of homes, commercial and other development in the Green Belt. Under paragraph 155 development is not inappropriate where it utilises grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan, where there is a demonstrable unmet need for the type of development proposed and where it would be in a sustainable location. Grey belt is defined by the Framework as land in the Green Belt comprising previously developed land and/or any other land that in either case, does not strongly contribute to any of purposes a, b or d in paragraph 143.
15. The appeal site falls within the Framework's definition of grey belt land. This is because due to its location, it plays a limited role in checking the unrestricted sprawl of built-up areas; preventing neighbouring towns merging into one another, or preserving the setting and special character of historic towns.
16. Whilst I acknowledge that the buildings on site may provide the accommodation required by the current occupier, there is no substantive evidence before me regarding an unmet need for this type of operation in this location. In terms of sustainability of the location, I accept that the operation is reliant on road transport and I note the highway authority had not raised objection to the principle of the location for commercial development. As such I do not consider the location inherently unsustainable.
17. Although the appeal site would reasonably be considered as grey belt land as defined by the Framework, there is little compelling evidence to suggest that

there is a demonstrable unmet need for this type of commercial development in this location. As such, the appeal proposal, when judged against the criteria set out in paragraph 155 of the Framework, would also constitute inappropriate development.

Character and appearance

18. The area surrounding the appeal site is semi-rural in nature. The immediate area is mostly flat, with cultivated fields and woodlands punctuated by sporadic residential and commercial development. I acknowledge that for their originally intended agricultural purposes, the Council had deemed the two barns appropriate in their appearance. However, the development before me is not for agricultural purposes. It falls to be considered under the policies of the development plan and not under the provisions of the GPDO.
19. The two buildings are highly visible in the landscape and are industrial in their appearance. The buildings on site are at odds with the open fields and woodlands particularly to the north of the appeal site. They are visible in far reaching views across the landscape, largely due to the relatively flat topography.
20. I acknowledge that the landscape locally contains other commercial and agricultural uses, with associated buildings and structures. I have little evidence before me regarding whether these uses or buildings are authorised. Despite the presence of these other buildings and uses, the character and appearance of the area remains semi-rural, with the appeal site being located in an area of open countryside.
21. The appellant has indicated their agreement to conditions which would require the removal of all the other structures surrounding the former barns. However, I have limited information before me regarding how the use would function were this to take place. Given my conclusions regarding the effect on the Green Belt, such a condition would not make the development acceptable.
22. The buildings would be harmful to the semi-rural surroundings due to their location, scale and bulk. The appeal scheme therefore conflicts with BLP Policy BE14 which, amongst other things, requires proposals to respond positively and sympathetically to their context and enhance the natural environment.

Living conditions

23. The nearest dwellings lie on the other side of Coptie Green Road, and across the fields to the east and west. The appeal site is visible from these properties. I note that representations from interested parties state that they can frequently hear vehicles and other operations on site, which they consider intrusive, along with the floodlights being visually intrusive at night.
24. There is little evidence before me regarding the extent of activity on site, including operating hours, number or frequency of deliveries, or any detail regarding the lighting installed. The design and access statement submitted with the planning application indicates that vehicle movements may be restricted between 0630 and 1930 Monday to Friday and Saturday 0700 to 1900, although it is unclear if this tallies with the operating hours of the use. Although I understand that some activity may be audible from nearby properties, I do not consider that this would be above and beyond that which may have been audible when the site was used in connection with the agricultural holding it was

originally developed for. The hours of operation and vehicle servicing could be controlled by appropriate planning conditions.

25. I also viewed the site whilst it was dark and noted one light in particular was visible from Coxtie Green Road and Warwick Place; it appeared bright from the distance of the nearest dwellings. However, I am satisfied that the lighting intensity and direction could reasonably be controlled by an appropriate planning condition.
26. In this respect therefore, the commercial use in this location would not unacceptably harm the living conditions of nearby residential occupiers, and subject to appropriate conditions would be in line with the aims of BLP Policy BE14(j) which seeks to ensure development proposals safeguard the amenity of adjacent residents.

Other considerations

27. I have found that the proposal would be inappropriate development in the Green Belt, a matter to which the Framework requires me to attach substantial weight. I have also found harm to the character and appearance of the area, contrary to BLP Policy BE14, to which I attach moderate weight.
28. Whilst my attention is necessarily focussed upon the planning merits of the scheme before me, I acknowledge the personal and family circumstances that have been outlined by the appellant. I attach some, albeit limited, weight to these circumstances in the overall planning balance.
29. The appeal scheme provides a commercial use which the appellant states employs 20 people. It aligns with the aims of the Framework in contributing to economic growth and economic and social benefits through employment. I attach moderate weight to these benefits.
30. The moderate benefits that arise from the commercial use and consequent employment, along with the personal circumstances of the appellant, are not matters that clearly outweigh the harm arising from inappropriateness, including harm to the character and appearance of the area. The proposal therefore conflicts with the Green Belt protection aims of the Framework and with BLP Policies MG02 and BE14. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

31. For the reasons set out above, the appeal proposal conflicts with the development plan when read as a whole. The material considerations in this case, including the Framework, do not indicate that the decision should be taken otherwise than in accordance with the development plan.
32. For the reasons given above the appeal should be dismissed.

L Francis

INSPECTOR