
Appeal Decision

Site visit made on 6 May 2025

by **L Francis BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 May 2025

Appeal Ref: APP/H1515/W/24/3358034

Land Adjacent to The Delves, Lower Road, Mountnessing, Essex

- 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 David Bailey, PNT Land Ltd against the decision of Brentwood Borough Council.
 - The application Ref is 24/00339/FUL.
 - The development proposed is the erection of one infill dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area; 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

3. The Framework identifies that the construction of new buildings in the Green Belt is inappropriate development. Paragraph 154 of the Framework sets out the categories of development which are exceptions to this which includes 154(e) that allows limited infilling in villages. Furthermore, following the December 2024 revisions to the Framework, I shall also consider the appeal against paragraph 155. Policy MG02 of the Brentwood Local Plan 2022 (BLP) broadly reflects the approach of the Framework in that it requires the Green Belt to be protected from inappropriate development.
4. The Framework does not define the terms 'limited infilling' or 'village' for the purposes of applying Green Belt policy. The parties' dispute that the site is firstly within a village, and secondly that the proposal would comprise limited infilling.

5. Lower Road is characterised by low-density, suburban style development. The dwellings are single storey or chalet-style, set back from the street in generous gardens. It forms a visually distinct enclave off Roman Road, the main thoroughfare through Mountnessing. The appeal site comprises a parcel of land located between the boundaries of Mount Lodge and The Delves. The site has an access and field gate. It is currently undeveloped, covered with grass, brambles and trees. The area opposite the appeal site is also undeveloped land, at the corner of Lower Road and Roman Road.
6. I observed on my site visit that most of Mountnessing's shops and services are located along Roman Road running to the north-east of the school and around the junction with Church Road. These services include pubs, a small parade of shops, a primary school and nursery, play area, church and village hall. They would be accessible from the appeal site in around 10-15 minutes' walk along a paved footway. However, I note the appeal site is located around 600m south of the village settlement boundary.
7. Whilst I acknowledge that there is a degree of ribbon development along Roman Road running to the south-west of the centre of the village, this development takes various forms and does not comprise a continuous ribbon of street facing buildings. From my observations on site, built development fronting Roman Road becomes more sporadic to the south of the lane leading to Hillrise Farmhouse and cottage, with some areas of undeveloped land and some extremely large plots with houses set back from the highway. There is more natural vegetation lining the street boundaries and a greater sense of space. The verdant character and sporadic pattern of development around the junction of Roman Road and Lower Road lends the immediate area a semi-rural character.
8. Taken together, the features described above provide a physical separation and visual distinction between Lower Road and the village. Even though the appeal site is located within a 10-15 minute walk of the main village services, given the factors set out above, I do not consider that it would lie within the village of Mountnessing for the purpose of applying Green Belt policy.
9. Given that I have found that the appeal site is not within a village, it is not necessary for me to go on and consider whether the proposal would amount to 'limited infilling' as I have already established that the proposal would not meet the exception under paragraph 154(e) of the Framework.
10. The appeal proposal does not fall within any category of development which under the development plan or Framework requires an assessment of whether the development would conflict with the purposes of including land within the Green Belt. Nevertheless, I consider that by virtue of the proposal being on undeveloped land, there would be a degree of encroachment through the erection of the dwelling and associated garden which would diminish the spatial and visual openness of the undeveloped land. The proposal would therefore be contrary to paragraph 143(c) which describes one of the purposes of the Green Belt is 'to assist in safeguarding the countryside from encroachment'.
11. Framework paragraph 155 states that the development of homes in the Green Belt should also not be regarded as inappropriate where all the following apply: a) the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the

plan; b) there is a demonstrable unmet need for the type of development proposed; c) the development would be in a sustainable location and d) where applicable, the development proposed meets the 'Golden Rules'.

12. The appeal proposal would not meet the requirements set out by paragraph 155 in that there is no demonstrable unmet need for housing, since the Council confirm that their land supply for housing development stands at the equivalent of 5.01 years, and the Housing Delivery Test 2023 measurement is 129%.
13. From the evidence before me, I have no reason to conclude that the proposed development would meet any of the other exceptions set out in the Framework and therefore the proposal would amount to inappropriate development in the Green Belt, contrary to BLP Policy MG02 and the provisions of the Framework.

Openness

14. Openness is an essential characteristic of the Green Belt; it can be perceived both spatially and visually. Given that there is currently no built development on the appeal site, the footprint of the proposed house would significantly reduce its spatial openness.
15. Whilst the trees and landscaping would offer a small degree of screening, the scale and bulk of the proposed house would nevertheless be highly visible from the street. This would be harmful to the existing visual openness of the appeal site.
16. I do not accept that the proposed green roof would reduce the effect of the proposal on the visual or spatial aspect of openness. Whilst there would be a greater amount of formal 'soft' landscaping, it would not mitigate the effect of the proposal on the openness of the site. Similarly, the presence of other built development in the vicinity means that the setting of the appeal site is not surrounded by open countryside, but the presence of the proposed building on site would necessarily harm the openness of the appeal site itself and the contribution it makes to the openness of the Green Belt as a whole.

Character and Appearance

17. Lower Road predominantly comprises single storey and chalet-style dwellings set within generous gardens. Characteristically, the brick-built dwellings have pitched, tiled roofs, and any accommodation at first floor is generally set within the pitched roof. Mount Lodge, set on the corner of Lower Road and Roman Road, is somewhat separate from the immediate context of Lower Road as it is not highly visible. It is also traditional in form, with a tiled, pitched roof above rendered walls. To the far end of Lower Road, there is a recent development of 4 chalet style dwellings. Although timber clad, their footprint and roof form reflect the characteristics of the other houses along Lower Road.
18. Although many trees would be retained on site, the proposed building would be one of the first visible on Lower Road after turning off Roman Road. The proposed dwelling would comprise 2 storeys with a flat, green roof, set back within the site to a similar position to the existing adjacent dwellings on Lower Road. The cladding materials would include Staffordshire blue brick, timber and render.
19. Although BLP Policy BE14 does not preclude a contemporary approach, it states that proposals should respond positively and sympathetically to their context and build upon existing strengths and characteristics. The flat roofed, boxy form with 2

sheer storeys rising from ground level would be in stark contrast to its surroundings and would jar with the existing built form on Lower Road. As such, it would fail to relate well to its context in terms of both form and use of materials.

20. Whilst I appreciate that there are other examples of 2 storey dwellings along Roman Road, this is not the immediate context of the site. In any event, despite the variation in ages, the buildings along Roman Road take a more traditional form with brick elevations and pitched roofs. I note the appellant's point regarding the ratio of the building footprint to plot size and in this respect, as well as overall height, I do not consider there would be unacceptable harm arising. However, this does not overcome the harm I have identified above regarding the form and detailed design.
21. In conclusion on this issue therefore, the proposal would be harmful to the character and appearance of the area as it would fail to relate well to the surrounding context. It would conflict with BLP Policy BE14 insofar as it states that proposals should respond positively and sympathetically to their context.

Other Considerations

22. The appeal proposal would provide an additional dwelling and would align with the Framework in seeking to boost the supply of housing. The dwelling is on a small site and would be able to be built out quickly. Some socio-economic benefits would arise from the construction of an additional dwelling, including employment, the use of local supply chains and new residents using local shops and services. In addition, there would be environmental benefits including the use of a green roof, air source heat pump and high energy efficiency standards. The proposed landscaping would offer opportunities for biodiversity enhancement. These benefits, however, attract limited weight given the scale of development under consideration.
23. The Council considers that the proposals would be acceptable in relation to the effect of the proposal on the living conditions of nearby residents, standard of accommodation proposed, highway safety, trees and landscaping, sustainability and drainage. The evidence does not lead me to disagree with these conclusions. The absence of harm in these respects is a neutral factor which does not weigh for or against the proposal.

Other Matters

24. I have been referred to several allowed appeals¹ where the main parties had agreed, or the Inspector had determined, that the sites were in a village for the purposes of applying Green Belt policy. Whilst the sites referred to were generally in a context where the surrounding development pattern was relatively low density, given that the sites were determined as being in villages, none would be directly comparable to the appeal before me.

¹ APP/C1570/W/19/3241822 – land between Green Corners and Silver Birch dwellings, Little Hallingbury, Bishops Stortford
APP/R0660/W/18/3201548 – land adjoining Coppice Road, Higher Poynton, Stockport;
APP/P0240/W/18/3196341 – 10 Copper Beach Way, Leighton Buzzard;
APP/C4235/W/19/3239419 – Land adjacent to Windyridge, 65 Bridle Rd, Woodford, Stockport
APP/J1535/W/17/3186698 – Garden Centre, Crown Hill, Waltham Abbey, Essex

25. The reference to the appeal relating to land south of Heath Lane, Codicote² in Appendix 2 of the Planning Statement relates to a scheme of 167 houses and by reason of its scale is not comparable to the appeal before me.
26. My attention has been drawn to the supporting text of BLP Policy NE07 insofar as it relates to infill development, where it acknowledges that proposals will be considered on a case-by-case basis, taking into account the nature and scale of the proposed use, its context and quality of the design. This policy relates to the protection of garden land, and is not directly determinative in relation to the issues in this appeal.

Green Belt and Planning Balance

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. The appeal proposal would also be harmful to the character and appearance of the area. I have judged the magnitude of this harm as significant.
28. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. It advises that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
29. The limited benefits that would arise from the provision of an additional dwelling are not matters that clearly outweigh the harm arising from inappropriateness and the harm I have identified to the character and appearance of the area. The proposal therefore conflicts with the Green Belt protection aims of the Framework and with Policies MG02 and BE14 of the BLP. Consequently, the 'very special circumstances' necessary to justify the development do not exist.

Conclusion

30. For the reasons set out above, the proposal would conflict 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.
31. For the reasons given above the appeal should be dismissed.

L Francis

INSPECTOR

² APP/X1925/W/21/3273701