



Appeal Decision

Site visit made on 5 August 2025

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th September 2025

Appeal Ref: APP/H1515/W/25/3364045

Land at 200 Brentwood Road, Herongate CM13 3PN

- 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 Tony Aldridge against the decision of Brentwood Borough Council.
 - The application Ref is 24/01389/FUL.
 - The development proposed is the partial redevelopment of the site to provide nine new residential dwellings and associated access and landscaping works.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Amended plans were submitted to revise the proposed site access and provide a landscaped community garden at the rear of the site. The Council and interested parties have had the opportunity to review these drawings and provide comments on them. Considering these amendments and subject to conditions, the Highways Authority no longer objects to the proposal. Therefore, the second reason for refusal is no longer pursued.

Main Issues

3. The main issues are:
 - whether the appeal site is grey belt land and whether the proposal would be inappropriate development having regard to relevant development plan policies and the National Planning Policy Framework (the Framework); 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

Redevelopment of previously developed land

4. The site is located within the Green Belt. Paragraph 153 of the Framework sets out that substantial weight should be given to any harm to the Green Belt, and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 of the Framework states development in the Green Belt is inappropriate unless

exceptions apply. One of these exceptions (154(g)) is the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.

5. Policy MG02 of the Brentwood Local Plan 2016-2033 (Local Plan) aligns with the Framework and specifies that development proposals within the Green Belt will be considered and assessed in accordance with the provisions of national planning policy.
6. Annex 2 of the Framework defines previously developed land (PDL) as 'land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed)'.
7. While parts of the appeal site, specifically the front, contain structures and associated curtilages that meet the definition of PDL, a substantial portion of the site does not. To demonstrate that curtilage-based boundaries can exceed the strict building footprint two appeal decisions¹ are cited. This is not disputed, as it is accepted that the buildings have curtilages that exceed the building footprint.
8. It is the rear of the site which does not appear to be the curtilage to any of the lawful buildings on site. Reference is made to this area serving incidental purposes related to existing development, such as residential gardens and open space supporting commercial units. However, this is neither supported by evidence nor reflected in the site's physical condition. This is because, the residential gardens are clearly delineated by fencing and do not extend beyond the hard-surfaced area. Furthermore, the presence of shipping containers and the use of the land to the rear for home boarding and pet services are not listed among the lawful uses provided by the appellant. Consequently, these activities cannot be considered in assessing the site's PDL status. Taken together, these factors indicate that a significant proportion of the site falls outside the scope of PDL.
9. Even if the site was PDL, the proposal would fail to comply with exception 154(g) as the proposed dwellings would cause substantial harm to the openness of the Green Belt. Openness is identified in the Framework as one of the Green Belt's essential characteristics. It has both spatial and visual aspects. Due to the proposal reducing the total building volume on site, the scheme would not negatively affect the spatial aspect of openness.
10. In terms of visual impact, while the proposed dwellings are single-storey bungalows with a modest height, enhanced by landscaping and generous spacing, they would nonetheless extend substantially into the currently undeveloped portion of the site. This would result in a dispersed pattern of built form across the appeal site. Although the development does not breach the furthest extent of development on site, it introduces significant built form into areas that presently contribute to the site's openness. Consequently, the proposal would erode the visual openness of the Green Belt, resulting in significant harm to it.

¹ APP/P1940/W/24/3346997 and APP/P1940/W/24/3349084)

Grey Belt

11. Paragraph 155 of the Framework makes provision for a further exception to inappropriate development and details that the development of homes, should not be regarded as inappropriate where all of 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 suitable location, with particular reference to paragraphs 110 and 115 of the Framework and d) where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 of the Framework.
12. The term 'Grey Belt' is defined in the Framework as land in the Green Belt comprising previously developed land and/or any other land that in either case, does not contribute to any of the purposes (a), (b) or (d) in paragraph 143.
13. The parties agree that the appeal site does not strongly contribute to purposes (a), (b) or (d) in paragraph 143 and as a result the appeal site complies with criterion (a) of paragraph 155 and the definition of Grey Belt. It is therefore relevant to consider whether the proposal accords with criteria (b) to (d) in paragraph 155.
14. With reference to criterion (b), Footnote 56 details that a demonstrable unmet need, means the lack of a five year supply of deliverable housing sites, including the relevant buffer where applicable, or where the Housing Delivery Tests was below 75% of the housing requirement over the previous three years. The Council can demonstrate both a five year housing land supply (5.01 years) and a housing delivery test of 129%.
15. The appellant cites the Housing Delivery Monitoring Report and The South Essex Housing Needs Assessment which demonstrate more of a need for family sized accommodation as opposed to smaller housing typologies. Whilst the appeal scheme would contribute to this need, this is not how footnote 56 identifies unmet need. Given the Council can demonstrate the required housing land supply, criterion (b) is not met.
16. In relation to criterion (c), while the Essex Planning Officers Association parking standards are not determinative of the site's suitability, its location outside a defined settlement and at some distance from the nearest village of Herongate would suggest the site is not a sustainable location. In addition, the site is accessed via the A128, which lacks a pedestrian footpath connecting it to the public right of way leading into Herongate. Furthermore, it has not been adequately demonstrated that the site would be accessible by a genuine choice of transport modes. The bus services cited are either limited to school transport or operate infrequently, and access to the nearest railway station would likely rely on a car or bus journey. Accordingly, the proposal would not constitute development in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework and would therefore fail to satisfy criterion (c).
17. Reference is made to the proposed use resulting in a limited increase in vehicle movements and having a negligible impact on the existing road network. However, this does not address the requirement for the proposal to be in a suitable location. In addition, whilst reference is made to transport infrastructure improvements

through a contribution and provision of a unilateral undertaking, there is no evidence of such an agreement before me.

18. With reference to the Golden Rules, the parties agree that the proposal would not comply with the requirement to provide affordable housing set out in criterion (a). Considering this, and the failure to adhere to criteria (b), (c) and (d) of paragraph 155, the proposal would be inappropriate development in the Green Belt.
19. Appeal decisions² have been provided as an example of where Golden Rules were not delivered, and these were then weighed against the benefits of the scheme in the planning balance. These appeals are not wholly comparable to the proposal as unlike the appeal scheme, they were deemed to fall within exception 154(g) of the Framework and as such they were not inappropriate development.
20. For the above reasons, the proposal does not fall within the exceptions to inappropriate development listed in the Framework and would therefore comprise inappropriate development in the Green Belt. It would also result in significant harm to the openness of the Green Belt.

Other Matters

21. Reference is made to Policy BE14 of the Local Plan 'creating successful places'. This policy seeks to support good design and is not relevant to the main issue in this appeal.
22. The appellant refers to the failure of the Council to consider the revisions to the scheme during the statutory determination period. However, the Council did comment on the amended drawings as part of the appeal and advised that the Highways Authority no longer objected to the proposal.

Green Belt Balance

23. The proposed development would be inappropriate development in the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt. It would also result in harm to the openness of the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations. The benefits that would accrue from the provision of nine dwellings would not clearly outweigh the harm arising from the harm to the Green Belt identified. The very special circumstances required to justify the proposal do not, therefore, exist. The proposed development is therefore contrary to Policy MG02 of the Local Plan.

Conclusion

24. The proposal conflicts with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the above reasons and having regard to all matters raised the appeal is dismissed.

V Goldberg

INSPECTOR

² APP/P1940/W/24/3346997 and APP/P1940/W/24/3349084)