



Appeal Decision

Site visit made on 20 October 2025

by **Mark Philpott BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 December 2025

Appeal Ref: APP/H1515/W/25/3369852

Moudaire Farm, Church Lane, Doddington, Essex CM15 0JB

- 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 Ian Goller against the decision of Brentwood Borough Council.
 - The application Ref is 24/01339/FUL.
 - The development proposed is described as: 'Proposed redevelopment comprising of the demolition of the existing Warehouse's, Outbuildings and Menage, the construction of 6no dwellings and Carports, to re-form an existing access from Church Lane with new access road, provision of new wildlife pond, wildlife lake and landscaping'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A unilateral undertaking (UU) was submitted during the appeal. The Council has provided comments on it and so I have taken it into account. Among other things, this has led to concerns that the appellant's site ownership certificates are incorrect since parts of the site are owned by others. However, this has seemingly been addressed by the appellant serving notice on the other owners such that they have had an opportunity to comment. I have therefore determined the appeal, as set out, as there is no compelling evidence indicating that I should do otherwise.

Main Issues

3. The main issues are: (i) whether the proposal would be inappropriate development in the Green Belt, including its effect on the openness of the Green Belt; (ii) the effect of the proposal on the character and appearance of the site and the surrounding area; and (iii) if the proposal would be inappropriate development, 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 development.

Reasons

Whether inappropriate development

4. The site is in the Green Belt. It features a residential property including a detached dwelling, swimming pool and outbuildings near to the site's access tracks from Church Lane. A paddock that is outside the site and reportedly in separate ownership is located opposite. Two buildings identified in the evidence as 'warehouses', a manège and a few smaller buildings that are set back from Church Lane are also within the site. When I visited, one of the warehouses was being

used as a stable whereas the other stored mostly plant and machinery. The perimeter of the manège and land to the rear and side of the residential property feature fencing, but the site otherwise largely comprises open grassland on part of which horses were grazing during my visit.

5. The scheme would entail the demolition of the warehouses, some of the other buildings and the manège. This would facilitate the construction of six residential properties that would include detached dwellings, carports and gardens. All but one of the properties would be laid out in a crescent-like arrangement around a wildlife pond. Additionally, a wildlife lake with an island would be created in the north-eastern part of the site. Access would be gained via a driveway beside the paddock, around the pond, and alongside and to the rear of the existing residential property, which would join Church Lane near Place Farm Lane.
6. Policy MG02 of the Brentwood Local Plan (LP) states that all development proposals within the Green Belt will be considered and assessed in accordance with the provisions of national planning policy. In this regard, paragraph 153 of the National Planning Policy Framework (Framework) explains that inappropriate development in the Green Belt should not be approved except in very special circumstances, with exceptions to inappropriate development detailed at paragraphs 154 and 155. The main parties' submissions contemplate the exceptions at paragraph 154(b), 154(g) and 155.
7. Paragraph 154(g) relates to 'limited infilling or 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'. Annex 2 of the Framework defines 'previously developed land' as including '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)'.
8. The proposed residential properties would be set back from Church Lane and away from buildings aside from those that would be retained within the site. Consequently, the scheme would not constitute limited infilling for the purposes of paragraph 154(g) of the Framework.
9. Limited evidence has been provided as to the specific uses and functions of the various parts of the site and the spatial extent to which the site may potentially constitute previously developed land in the terms of the Framework. However, the proposed properties would be sited partially in the location of the open grassland and thus beyond the footprint of the warehouses, the manège and the existing access tracks. Furthermore, even with much of the site in the appellant's ownership, there is nothing firm before me which indicates that the grassland is so intimately connected with the developed land that it constitutes part of its curtilage. As such, it has not been demonstrated that the scheme would constitute the partial or complete redevelopment of previously developed land.
10. Additionally, the paragraph 154(g) exception requires the openness of the Green Belt to be considered. Based on the calculations in the appellant's Design and Access Statement, the floor area for the proposed dwellings and the car ports would be approximately 1599m² overall, which would be around 222m² more than

for the existing buildings, manège and hardstanding to be removed. The disparity may be greater if the proposed driveway were to be taken into account. Most of the proposed dwellings would also be taller than the existing warehouses and, moreover, the proposed buildings and hard surfaces would be dispersed across the site more than in the existing scenario. Consequently, the development would adversely affect the openness of the Green Belt spatially.

11. Further, the existing warehouses are finished in weatherboarding or metal sheeting and appear as conventional agricultural buildings subsumed in the countryside in glimpsed views behind landscaping along Church Lane, from the existing access, and through large gaps in vegetation beside Dagwood Lane to the south of the site. The manège is similarly inconspicuous. In contrast, the proposed development would be more prominent as a result of the number, height and dispersed positions of the dwellings. The openness of the Green Belt would therefore also be harmed in visual terms.
12. Overall, the harm to the openness of the Green Belt would be substantial. Consequently, even if it had been demonstrated that the scheme would comprise limited infilling or the partial or complete redevelopment of previously developed land, the exception at paragraph 154(g) would not be applicable.
13. Among other things, paragraph 154(b) of the Framework specifies that the provision of appropriate facilities for outdoor recreation may constitute an exception to inappropriate development as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The appellant alleges that this would be applicable insofar as the proposed residential gardens and the wildlife lake would be used for outdoor recreation. An appeal decision has been provided which allegedly supports the appellant's stance¹. However, even if I were to concur, the scheme would nevertheless constitute inappropriate development due to the proposed buildings.
14. Paragraph 155 of the Framework states that development should not be regarded as inappropriate subject to several specific criteria being addressed. The Council is content that the site is 'grey belt' as defined by the Framework and paragraph 155(a) is satisfied. Nothing present in the evidence indicates that I should reach different conclusions in these regards.
15. Paragraph 155(b) requires a demonstrable unmet need to exist for the type of development proposed. Footnote 56 of the Framework makes clear that, in the case of applications involving the provision of housing, this means where there is a lack of a five year supply of deliverable housing sites or the Housing Delivery Test was below 75 percent of the borough's housing requirement over the assessment period. It is not disputed that the Council can demonstrate 5.01 years of deliverable housing sites. Additionally, 129 percent of its housing requirement was delivered according to the latest Housing Delivery Test results. There is nothing present in the Framework or Planning Practice Guidance which indicates that the criterion should be applied in a different manner to that set out by the footnote. As such, the proposal does not satisfy paragraph 155(b).
16. Furthermore, paragraph 155(c) requires that the development would be in a sustainable location, with reference to paragraphs 110 and 115 of the Framework. It has been highlighted that opportunities to maximise sustainable transport

¹ Appeal reference: APP/A1910/W/22/3304045

solutions will vary between urban and rural areas, which is recognised in an appeal decision provided by the appellant². The site is a short distance to amenities in Doddinghurst, including bus services, education facilities and shops that would serve day-to-day needs. However, the route there from the site features a 60 miles per hour speed limit and no footway or street lighting. Moreover, there are few places for pedestrians or cyclists to wait for vehicles to pass clear of the carriageway due to the presence of banks and vegetation. The characteristics of the route are such that many would feel unsafe travelling to the amenities on foot or by cycle and thus the occupiers of the proposed properties would likely rely on private motor vehicles to satisfy their daily needs. While many such journeys may be short in duration, the site nevertheless fails to be in a sustainable location and thus there is conflict with paragraph 155(c).

17. A scheme for 15 dwellings is under construction adjacent to the site and accessed from Dagwood Lane³. It is put forward that this indicates that the site is a sustainable location. Full details of the circumstances of that case have not been provided. However, the main parties report that very special circumstances existed to justify that development in the Green Belt and clearly it is not directly comparable to this scheme as the amount of housing involved differs. In any event, I must determine the appeal based on its own merits, and nothing before me indicates that the accessibility issues identified above should be accepted.
18. Paragraph 155(d) in combination with paragraphs 156 and 157 of the Framework require 'Golden Rules' to be satisfied for major housing development. In the circumstances of this case, and with reference to paragraph 156 in particular, the Council contends that 50 percent of the scheme should be provided as affordable housing, and contributions to new or existing publicly accessible green spaces should be made, in order to satisfy the Golden Rules.
19. The UU principally seeks to address the Golden Rules by providing £75,000 towards off-site affordable housing provision and £25,000 to upgrading 'local facilities'. The Council has concerns regarding the effectiveness of the UU. However, setting these aside, there is no evidence indicating that the affordable housing contribution would even broadly amount to the equivalent of 50 percent of the scheme, nor has a financial viability appraisal been provided to demonstrate that a lesser contribution might be appropriate. Additionally, while I do not doubt the need for affordable housing, it is unclear how the local facilities contribution might relate to the Golden Rules and is intended to be used. It has not been demonstrated that the tests specified for planning obligations by paragraph 58 of the Framework would be satisfied in that particular respect. Accordingly, even if I were to find the UU effective, the scheme would not comply with the Golden Rules.
20. It is advanced that some of the Golden Rules could be satisfied by a condition. However, this has not been proposed for the affordable housing. I have also been referred to an appeal decision⁴ wherein it was seemingly concluded that failure to comply with the Golden Rules did not justify refusal of the scheme, but that has no bearing on the varied factors that need to be balanced for this particular appeal. Moreover, conflict with paragraph 155(b) and (c) would remain in any case.

² Appeal reference: APP/N2739/W/17/3171586

³ Council reference: 20/00704/FUL

⁴ Appeal reference: APP/Y3615/W/24/3347721

21. For the reasons given, the development would be inappropriate in the Green Belt. The harm to its openness would be substantial. Consequently, the Framework and thus LP policy MG02 require very special circumstances to exist to justify the development in the Green Belt. I return to this matter later in this letter.

Character and appearance

22. In addition to Green Belt concerns, the Council contends that the development would undermine the context of the locality. The site and the surrounding area have a prevailing open, spacious and rural character due to factors already discussed. This endures despite the nearby 15 dwelling scheme which, though visible from Dagwood Lane, is largely screened from Church Lane by vegetation.
23. The proposed housing would be comparatively more visible from Church Lane as it would be closer and set behind fewer rows of vegetation than the adjacent scheme. It would also be visible from Dagwood Lane as explained earlier. The open, spacious and rural qualities of the site and its surroundings would be undermined by the amount and extent of the built form proposed. Additionally, the housing would be somewhat arbitrarily and awkwardly located given that, notwithstanding the existing residential property, it would be surrounded by open space far from the site's boundaries. It would also be poorly juxtaposed behind the paddock when viewed from Church Lane. Consequently, the development would appear as an incongruent cluster of houses within the countryside.
24. Additional landscaping would not be able to fully remedy the harm caused. Having regard to the potential extent of its visibility, the proposal would modestly harm the character and appearance of the site and the surrounding area. The proposal thereby conflicts with LP policy BE14, which requires schemes to respond positively and sympathetically to their context.

Other considerations

25. Paragraph 153 of the Framework explains that the very special circumstances required to justify inappropriate development in the Green Belt will not exist unless the harm by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
26. The appellant's preliminary ecological assessment recommends that surveying beyond that identified therein is required in respect of bats. It also specifies that district level licensing would be needed for great crested newts. If I were minded to grant permission, I would need to consider these matters further. However, even if there were no issues in these regards, they would be neutral matters rather than considerations weighing in favour of the scheme.
27. The provision of six additional family-sized and energy efficient properties in the borough would attract modest weight given the limited amount of housing proposed and the Council's supply and delivery positions. The scheme would also bring about modest benefits associated with the construction process, from the occupiers of the dwellings spending money and engaging with local services and facilities, from open space provision, and from biodiversity net gain and wildlife enhancements associated both with the proposed water bodies and in broader terms. Furthermore, if the UU were to be found effective, the off-site affordable housing contribution would weigh in favour of the development, albeit only modestly given that the extent to which it might translate to the provision of

affordable homes on the ground is unclear. However, I could not take the proposed local facilities contribution into account for reasons already set out.

28. It has been put forward that the housing would be in a sustainable location and make effective use of land. However, I disagree insofar as the future occupiers would likely rely on private motor vehicles as explained, and due to the harm otherwise identified. In addition, though it is claimed that the proposal would avoid the use of best and most versatile agricultural land in the terms of the Framework, limited evidence has been provided to corroborate this. The appellant also specifies that the development would attract a Community Infrastructure Levy payment and Council Tax receipts, but I cannot be sure such monies would be used directly in connection with the scheme or in the surrounding area. Having regard to Planning Practice Guidance regarding local finance considerations⁵, these matters do not indicate in favour of the development. Additionally, as I have already set out that the nearby 15 dwelling scheme is not directly comparable to the proposal, it does not set a precedent or indicate in favour of the development.
29. The other considerations that I have identified above to indicate in favour of the development attract modest weight when aggregated. Conversely, paragraph 153 of the Framework explains that any harm to the Green Belt attracts substantial weight. The proposal would be inappropriate development in the Green Belt, which is harmful by definition. There would also be substantial harm to the openness of the Green Belt and modest harm to the character and appearance of the area for the reasons given above.
30. Overall, the other considerations raised do not clearly outweigh the harm identified. Therefore, the very special circumstances necessary to justify development in the Green Belt do not exist. Consequently, the Framework does not indicate in favour of the development. Furthermore, the proposal conflicts with LP policy MG02 as very special circumstances have not been demonstrated.
31. The conflicts with the specified LP policies lead me to conclude that the proposal is contrary to the development plan as a whole. Material considerations do not indicate that a decision should be taken otherwise than in accordance with the development plan.

Conclusion

32. The appeal should be dismissed.

Mark Philpott

INSPECTOR

⁵ Reference ID: 21b-011-20140612