



Appeal Decision

Site visit made on 20 March 2018

by **Chris Forrett BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: Monday, 04 June 2018

Appeal Ref: APP/H1515/W/17/3190756

Land to the rear of Hatch Road, Pilgrims Hatch, Essex CM15 9QB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by M.C.C. Developments Ltd against the decision of Brentwood Borough Council.
 - The application Ref 17/00057/OUT, dated 13 January 2017, was refused by notice dated 16 June 2017.
 - The development proposed is an outline Application for the demolition of existing commercial units, former vehicular garages, and clearance of site previously used for garden nursery – the erection of 49 dwellings; new commercial premises, doctors surgery and associated parking; creation of public open space; new vehicular access; and associated landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal application was submitted in outline with the access considered at the outline stage. I have therefore dealt with the appeal on this basis. Notwithstanding that an illustrative masterplan layout, and some building elevations, were also submitted with the application. However, as these details are not being considered at the outline stage, I have treated these drawings as being indicative to show a possible way of developing the site.
3. The Council have described the proposed development as the 'Outline Application for the demolition of existing commercial units, former vehicular garages, and clearance of site previously used for garden nursery, and construction of 49 dwellings, new commercial premises, doctors surgery and associated parking, creation of public open space, new vehicular access, and associated landscaping (Appearance, Landscaping, Layout and Scale reserved matters)'. The address of the site has also been altered from 'Land rear of 146 and 148 Hatch Road'. It is noted that the Appellant has also utilised the revised address and description on the appeal form. Given that this description reflects the proposed development, I have dealt with the appeal on this basis.

Main Issues

4. The main issues are:
 - (i) whether the proposal is inappropriate development in the Green Belt;
 - (ii) the effect on the openness of the Green Belt;

- (iii) other considerations; and
- (iv) 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 the proposal is inappropriate development in the Green Belt

5. The National Planning Policy Framework (the Framework), at paragraphs 89 and 90, set out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. It is common ground between the main parties that the proposal would not fit into any of the exemptions outlined in paragraphs 89 or 90, or that the site is previously developed land, and I have no reason to disagree with that view.
6. Given the above, the proposal would be inappropriate development in the Green Belt.

Effect on the openness of the Green Belt

7. Paragraph 79 of the Framework outlines a fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.
8. From the evidence before me the main part of the appeal site (to the rear of the existing development) has been historically used as a commercial nursery. However, this use has long since ceased and the site has since blended back into the landscape. From my site visit I saw that there are some brick foundations still visible, but the overriding character is an undeveloped site. I also consider that the site has the characteristic of being countryside.
9. One of the five purposes of a Green Belt, outlined at paragraph 80 of the Framework, is that it should assist in safeguarding the countryside from encroachment.
10. The construction of new dwellings would result in a built development where there is not presently any buildings. The development of new buildings (and associated paraphernalia) would inevitably lead to the loss of openness. This is particularly the case as the main part of the site has no other buildings or development on it.
11. Whilst the main part of the site is not readily visible from the existing road network owing to its location to the rear of the existing development on Hatch Road, this does not overcome the loss of openness.
12. I therefore conclude that the development would lead to a significant loss of Green Belt openness and would impact on the Green Belt purpose of safeguarding the countryside from encroachment contrary to the Framework and Policies GB1 and GB2 of the Brentwood Replacement Local Plan (2005) (LP).

Other considerations

13. It is common ground between the main parties that the Council does not have a five year housing land supply. It follows that, in accordance with paragraph 49 of the Framework, the housing supply policies in the LP are out of date.
14. Turning to paragraph 14 of the Framework, this indicates that permission should be granted unless there are specific policies (in the Framework) that indicate development should be restricted¹ (such as land designated as Green Belt). Given this, I consider that the proposal cannot be considered to be sustainable development.
15. Notwithstanding that, the development would also assist in providing much needed housing and I therefore consider that it would make a positive contribution to housing provision and the viability of local services.
16. The Appellant has indicated that there are material considerations which limit the impact on the Green Belt such as the defensible boundary between the urban edge of Pilgrims Hatch and the Green Belt through the retention and enhancement of the existing landscaping, including the protection of existing trees and enhancements to the ecological value of the site. The submitted Landscape Visual Impact Assessment also provides a detailed assessment of the impact of the development on the wider area.
17. The scheme would include the retention of a significant area of woodland, which would be enhanced to provide an area of public open space. I also acknowledge that the site is located where there is access to public transport and local facilities.
18. The proposal also includes new commercial premises fronting Hatch Road which would replace the existing units, including space for a community use such as a doctors surgery. The proposal would also include a designated parking area for these units. It would also provide the opportunity to remove glass contamination from the site.
19. The Appellant has also indicated that the development would provide 35% affordable housing which if delivered would be a significant benefit. However, whilst it has been indicated that a section 106 agreement would be provided to ensure that this would be delivered, a completed agreement has not been provided to me. In the absence of such an agreement, I give the provision of affordable housing no weight in the consideration of this appeal.

Green Belt balance

20. Paragraph 87 of the Framework sets out the general presumption against inappropriate development within the Green Belt. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
21. Very special circumstances to justify inappropriate development 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.

¹ Footnote 9 to paragraph 14

22. I have concluded that the proposal would be inappropriate development and would have an adverse effect on openness. It would therefore be, by definition, harmful to the Green Belt.
23. The provision of 49 additional dwellings could be considered to be a benefit both in social and economic terms. However, the Planning Practice Guidance says that *'unmet housing need (including for traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the Green Belt²*.
24. I acknowledge that there would be some environmental benefits, including the retention and enhancement of the wooded area and the removal of glass contamination. However, these factors could also be considered to be mitigation matters to the development itself.
25. In considering the substantial weight given to Green Belt, to my mind, the benefits outlined above do not clearly outweigh the harm to the Green Belt. Therefore, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist and the development would conflict with the Framework and Policies GB1 and GB2 of the LP.

Conclusion

26. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR

² Paragraph: 034 Reference ID: 3-034-20141006