

**SITE PLAN ATTACHED**

**05. PROPOSED NEW DWELLING COTTAGE GARDEN BEADS HALL LANE  
PILGRIMS HATCH ESSEX CM15 9QP**

**CONSTRUCTION OF DETACHED TWO-STOREY DWELLING AND DOUBLE  
GARAGE TO REPLACE STATIC CARAVAN.**

**APPLICATION NO: 14/01069/FUL**

<b>WARD</b>	Pilgrims Hatch	<b>8/13 WEEK DATE</b>	24.11.2014
<b>PARISH</b>		<b>POLICIES</b>	NPPF NPPG CP1 GB1 GB2
<b>CASE OFFICER</b>	Caroline McCaffrey	01277 312603	
<b>Drawing no(s) relevant to this decision:</b>	081 REV PO1; 010 REV PO1; 080 REV PO1;		

This application was referred by Cllr Aspinell from Weekly Report No 1667 for consideration by the Committee. The reason(s) are as follows:

1. The foundations, including the chimney of the former cottage are clearly visible and so cannot be described as having blended into the landscape.
2. The former cottage also had a number of outbuildings such as greenhouses which sets a precedent for development on the site.
3. There is no street scene comparison as the proposed building is set well back from the main highway.

**Update since publication of Weekly List 1667**

**The Highway Authority have no objections.**

**1. Proposals**

The main body of the application site is a rectangular area of land on the east side of Beads Hall Lane. The site is mainly laid to grass and the only building on the land is the remains of part of the chimney of a former dwelling that was demolished many years ago. The applicant's land extends to the east of the application site and is partly-occupied by a static residential caravan on a concrete base.

It is proposed that the static caravan on land outside the application site would be removed to be replaced by a two-storey house on the application site. The house is proposed to be built on a roughly "L" shaped plan with a two-storey wing running parallel to the road at the front of the dwelling. A single-storey projection would extend back from the front wing at the rear of the house. It is indicated that the house would provide 2/3 bedrooms at first floor level with a fully accessible bedroom on the ground floor, together with an open plan room extending into the single-storey projection accommodating the living, kitchen and dining areas. In addition a pitched roof double garage is proposed behind the house.

## **2. Policy Context**

National Planning Policy Framework (March 2012) Part 9 - Protecting the Green Belt, paragraphs 89 and 90 are relevant  
National Planning Policy Guidance (2014)

Local Policies:

CP1 - requires new development to be keeping with locality and not detract from the character and appearance of the area

GB1 - Development that is inappropriate in the Green Belt will only be allowed in very special circumstances

GB2 - New development should harm the openness of the Green Belt.

## **3. Relevant History**

- 05/01100/FUL: Retention Of Residential Use Of Land And Associated Hardstanding Together With The Siting Of Mobile Home -Application Permitted
- 09/00414/FUL: Permanent Retention Of Residential Use Of Land And Associated Hardstanding Together With The Siting Of Mobile Home, Erection Of Day Room And Erection Of Stables. -Application Permitted
- 11/01083/FUL: Continuation of use of site for mobile home and hardstanding for a temporary period of 2 years -Application Refused

## **4. Neighbour Responses**

None.

## **5. Consultation Responses**

- **Highway Authority:**

The Highway Authority would not wish to raise an objection to the above application, given the previous approvals, the existence of the site and its access and the area available for parking within the site

## 6. Summary of Issues

### Green Belt

The site lies within Green Belt countryside and the proposal must therefore be considered against the local and national policies that apply in the Green Belt. The National Policy for Green Belts appears in Part 9 "Protecting Green Belt Land" of the National Planning Policy Framework. The Framework indicates that openness is one of the essential characteristics of Green Belts and paragraph 80 sets out the five purposes of the Green Belt.

The Framework indicates that within Green Belts inappropriate development is harmful and should not be approved except in very special circumstances. With a few exceptions the construction of new buildings in the Green Belt is inappropriate development. Paragraph 89 the Framework indicates that the replacement of a building may not be inappropriate provided that the replacement building is not materially larger than the existing building. It also indicates that the redevelopment of previously developed sites may not be inappropriate provided that the new development would not have a greater impact on openness and the purposes of including land in the Green Belt than the existing development. The Framework definition of previously developed land excludes land where the remains of the permanent structure have blended into the landscape in the process of time.

Although adopted some years before the Framework the aims of the general Green Belt Policies (GB1 and GB2) within the Brentwood Replacement Local Plan (RLP) are consistent with those of the Framework and therefore they still carry weight. The RLP has no policies that would enable the development of a dwelling in the Green Belt unless it was essentially required for agriculture.

Whilst there was previously a dwelling on this site it was demolished many years ago. The only building on the site is the chimney of that house and the proposed new dwelling would clearly be materially larger than that structure. Although the chimney remains the house has disappeared and it is considered that the structure has blended into the landscape. For that reason this is not considered to be previously developed land (PDL). If it was PDL the proposed dwelling would have a significantly greater effect on openness than the existing building and a new house here would represent an encroachment of development into the Green Belt in conflict with one of the purposes of the Green Belt. In either eventuality and for the reasons set out above the proposal would not fall into the categories of development that may not be inappropriate as indicated in paragraph 89 of the Framework. It would therefore be inappropriate development.

As indicated above the proposed dwelling would have a greater effect on openness than the remains of the previous dwelling. The proposal would result in the removal of the caravan; however that is not a permanent structure and its presence on the land is unlawful, being in breach of conditions of the 2009 planning permission. Even if the caravan were taken into account the dwelling and its garage would be significantly more prominent and bulkier and would materially detract from openness.

#### Green Belt - other matters

The Planning Statement submitted on behalf of the applicant makes a number of references to the Framework but no reference is made to paragraphs 89 and 90 which are fundamental to the consideration of development proposals in the Green Belt. Nevertheless Part 6.2 of the Planning Statement is headed "Very special circumstances" and, in the context of the Framework, this suggests that the applicant accepts that the proposal is inappropriate development. It is necessary to examine other matters advanced in support of the proposal to determine whether they amount to "very special circumstances" that would overcome the harm to the green belt identified above.

In support of the application the applicant indicates that he has lived at the site since 2001 and that until about 3 years ago he lived in a substantial mobile home that was destroyed by fire. He indicates that the site is well-screened by mature trees and within 30m to the south the lane is fronted by residential properties. He draws attention to the facilities in the area.

Attention is drawn to the previous personal permissions which were granted in recognition of the applicant's gypsy status and the circumstances of his daughter's health. The applicant indicates that his daughter's disabilities mean that she is wheelchair bound and requires constant care and attention which is partly provided by an independent carer. He indicates that the static caravan does not provide sufficient or suitable accommodation for his daughter and her carer and that the purpose-designed open plan dwelling would enable his daughter to stay with him during her adult years.

## Comment on other matters

In granting temporary permissions for the caravan/mobile home the overwhelming justification for the development in the Green Belt was the absence of sufficient identified sites for gypsies/travellers. Unlike those proposals for caravans/mobile homes this proposal would not create accommodation that would assist in the reduction of any shortfall in sites for travellers. The Council cannot currently identify sufficient land for housing that would satisfy the requirements of the Framework; however a recent (6 October 2014) revision to the on-line Planning Practice Guidance (Paragraph: 034 Reference ID: 3-034-20141006) made it clear that when taking decisions in respect of proposals in the Green Belt an unmet need for housing (including for traveller sites) is unlikely to outweigh the harm to the Green Belt such as to constitute very special circumstances justifying inappropriate development within the Green Belt.

The applicant indicates that at present his daughter does not reside with him because of difficulties in accessing the caravan. The proposed dwelling has been specifically designed to enable wheelchair access and to provide accommodation for a carer which would enable the applicant's daughter to visit and stay with him. The particular circumstances of the applicant are noted and in the past they were accommodated by imposing conditions on the permissions for the mobile home. However Planning Practice Guidance indicates that, in the case of permission for the erection of a permanent building, a condition used to grant planning permission solely on grounds of an individual's personal circumstances will scarcely ever be justified. Therefore unlike a mobile home it would not be reasonable to impose a personal permission on a new dwelling that would require a significant financial investment. In reality therefore the proposal would result in a new house in the Green Belt with no limitations on occupancy.

## Conclusions on Green Belt

The applicant raises a number of matters concerning the design and materials of the proposal and its location in relation to services. However all dwellings are expected to be well designed and locationally sustainable and these matters do not weigh heavily in the Green Belt balance.

The proposal would be inappropriate development that would materially detract from openness. The development of a dwellinghouse here would represent an encroachment of development into the countryside thereby conflicting with one of the purposes of the Green Belt. It would therefore conflict with RLP Policies GB1 and GB2 and the objectives of the Framework as regards development in the Green Belt. The applicant's reasons for submitting the application are noted; however personal circumstances will not normally outweigh other planning considerations and it is considered that there is no reason why they should do so here. Taking all of the matters raised by the applicant into account it is concluded that they do not clearly outweigh the harm to the Green Belt. Therefore very special circumstances to justify inappropriate development in the Green Belt do not exist.

#### Other harm

The application site is within an open field in the countryside beyond the settlement boundary. Whilst trees and hedges provide a degree of screening a dwelling here would be clearly in view from Beads Hall Lane and the proposal would represent an encroachment of built development beyond the built-up area. It is considered that the proposal would materially detract from the character and appearance of the countryside and would conflict with RLP Policy CP1. This partly-wooded countryside is characteristic of the undeveloped part of the Borough and is valued by those who live in both the urban and more rural areas. The erosion of the character of these areas by built development conflicts with one of the objectives of the Framework which indicates that the intrinsic character of the countryside should be recognised and that valued landscapes should be protected and enhanced.

#### Conclusion

The proposal would be inappropriate development in the Green Belt which would detract from openness and from the character and appearance of the countryside. The other matters raised by the applicant in support of the proposal do not clearly outweigh the Green Belt harm and do not outweigh the other harm that has been identified. Very special circumstances do not exist and the application should be refused permission.

## 7. Recommendation

The Application be REFUSED for the following reasons:-

R1 U08949

The proposal would be inappropriate development in the Green Belt as defined by the National Planning Policy Framework (The Framework). It would detract from the openness of the Green Belt and would represent an encroachment of development into the Green Belt countryside. The proposal would therefore conflict with Brentwood Replacement Local Plan Policies GB1 and GB2 the objectives of which are fully consistent with the objectives of the Framework as regards development in Green Belts. The Framework indicates that within Green Belts inappropriate development is harmful and should not be approved except in very special circumstances. The Framework goes on to indicate 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. The considerations set out by the applicant do not clearly outweigh the harm to the Green Belt arising from this proposal and it follows that the "very special circumstances" needed to justify the approval of inappropriate development in the Green Belt have not been demonstrated.

R2 U08950

The proposal would detract from the character and appearance of the countryside in conflict with Policy CP1(i) of the Brentwood Replacement Local Plan and one of the core planning principles set out in the Framework which indicates that the intrinsic character and beauty of the countryside should be recognized.

### Informative(s)

1 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, GB1, GB2 the National Planning Policy Framework 2012 and NPPG 2014.

2 INF20

The drawing numbers listed above are relevant to this decision

### 3 INF25

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

#### *BACKGROUND DOCUMENTS*

#### **DECIDED:**