

07. Cottage Garden, Beads Hall Lane, Brentwood - 14/01069/FUL

Introduction

As set out in Minute 363 of the January meeting of the Committee, the issues raised for Call-in to the Committee included an examination of the status of the site as Previously developed land and also very special circumstances for specialist needs housing with a legal agreement to secure site improvements and long term occupation restrictions without sale or disposal.

The previous report to the Committee is attached and the recommendation is unchanged. However, an examination has been undertaken of the site and its status as previously developed land. The assessment is set out below.

There is an additional report in private session regarding the issues regarding specialist housing needs which are exempt from consideration in public. The draft legal agreement is included in the Part II report item.

Since the Committee in January the Agent has indicated that if the principle for a permanent dwelling is accepted, the height and design can be altered by negotiation.

Previously Developed Land/Brownfield Land - Assessment

“Inappropriate development”

Paragraph 89 of the National Planning Policy Framework sets out categories of development that may not be “Inappropriate” in Green Belts. This is a fundamental issue when considering any development within the Green Belt. The final bullet point of that paragraph refers to the development of “previously developed sites (brownfield land)”. These terms are not defined but “previously developed land” (PDL) is defined in Annex 2 of the Framework and it is considered that whilst the terminology is different this is a good starting point for the interpretation of that bullet point.

It should be noted that the inclusion of a site within the definition of PDL is not sufficient for a proposal to be not “inappropriate development”. The bullet point goes on to indicate that to be not “inappropriate development” the proposal must not have a greater impact on openness and the purposes of including land in the Green Belt than the existing development. It should also be noted that the reference point is the existing development not any previous development.

PDL includes land that “is or was occupied” by a permanent structure. Certain types of land are excluded, including land in built-up areas such as private residential gardens. Land that was previously-developed but where the remains of the permanent structure have blended into the landscape in the process of time is also excluded.

Cottage Garden was previously occupied by a dwelling house. It is considered that the plot is outside the urban area and therefore it would not be excluded from PDL by virtue of being a private residential garden. The house was demolished many years ago but parts of the structure remain. The most obvious of these is the chimney stack which now stands in the grounds of the mobile home. The occupier of the site indicates that a low brick wall and footings of the house also remain; the brick wall having been incorporated into a planter.

The planter appears to be purpose-built with a wide space between the walls to accommodate soil. The walls on each side of the planter are built in matching bricks and similar bricks have been used to construct other small structures on the site. The bricks are different from the chimney. There is no evidence to indicate that the walls of the planter formed part of the walls of the house and on the balance of probabilities it is considered that they did not.

In determining whether the land is PDL it is necessary to consider whether the remains of the structure have blended into the landscape. The "landscape" of the site comprises the access way, hard standings, a concrete base beneath and around the mobile home with grassed areas at the front and rear of the site. All of this is enclosed by close-boarded fences. Beyond the site the wider landscape comprises open fields and woodland. To the front the site is bounded by a hedgerow and trees and there are further hedges outside the fences.

It is considered that the walls within the planter were not part of the building; however the following assessment of the footings, walls and the chimney is on the basis that they were.

The footings are at ground level, from within the site they blend into the hardstanding and rough grass areas. They cannot be perceived from outside the site.

The walls are now part of a planter that divides the grass area at the front of the site from the hard standings beyond. Any function that the walls may have had as part of a dwelling has ceased and they have blended into the site as garden features. From outside the site the planter (which is about 0.5m high) can be seen through the site entrance; however it appears to be a garden feature.

The chimney is the most obvious element of the remains of the building. It is now part of the grounds around the mobile home and is used to support a floodlight. The remains of old or disused buildings are often found within the landscape; these can range from largely intact but derelict buildings to small remnants of an original building. The extent to which they may have blended into the landscape will depend on their size, their condition and the nature of the landscape. For example a structure that has been over grown with ivy may be considered to have blended in whereas if the ivy was removed it may not. The chimney can be seen from outside the site but it is considered that within the wider landscape it is an inconspicuous structure that no longer performs its original function. It is considered that in the absence of the house of which it was originally a part it has now blended into the landscape.

Conclusion

It is concluded that all of the remains of the dwelling as indicated by the applicant have blended into the landscape and that the site is not previously developed land as defined by the Framework.

There are no “rules” to determine whether structures have blended into the landscape and this is a matter of judgment; therefore others may have different views. In recognition of this the original report also addressed the proposal on the basis that the land was PDL. Paragraph 89 of the Framework indicates that when redeveloping previously developed sites proposals should not have a greater impact on the openness of the Green Belt than the existing development. There can be no doubt that the proposed dwelling would have a significantly greater impact on the openness of the Green Belt than the chimney, planter and footings. Therefore if the site was considered to be PDL the proposal would not fall within the categories of development that may not be inappropriate development. It would therefore be inappropriate development in the Green Belt.