

Reference:
17/00198/FUL

Site:
Bentley Stables
Warren Lane
Doddinghurst
Essex
CM15 0JG

Ward:
Brizes &
Doddinghurst

Proposal:
Demolition of existing mobile home and construction of a
bungalow

Parish:
Doddinghurst

Councillor Poppy has referred the application on the basis that the mobile home is in situ at present and the new build would be on the same footprint.

Plan Number(s):
SITE PLAN; BLOCK PLAN; PS 3018 REV A;

Applicant:
Mr Derek Keane

Case Officer: Mr Nick Howard

1.0 DESCRIPTION OF PROPOSAL

The proposal is for the removal of an existing mobile home and the construction of a bungalow. The proposed development would measure approximately 14m long, 5.6m high and 6.5m wide. Materials are described as facing brickwork and/or painted render and /or boarding with clay or concrete tiling. The dwelling would be in the same position as the existing mobile home.

2.0 SITE DESCRIPTION

The site comprises a stable block, paddock and an existing mobile home, the subject of this application. The mobile home sites between the stable block and the paddock. The site is accessed from a narrow lane off Warren Lane. The site is located within the Green Belt.

3.0 RELEVANT HISTORY

- : 16/01242/FUL: Demolish existing dwelling and construct detached Bungalow - Application Refused
- 02/00526/FUL: Replacement and Re-Siting of Mobile Home. -Application Permitted
- 96/00672/FUL: Replacement of Existing Mobile Home with New Bungalow. - Application Refused-dismissed on appeal.

4.0 SUMMARY OF CONSULTATION RESPONSES

Detailed below is a summary of the consultation responses, if any received. The full version of each consultation response can be viewed on the Council's website via Public Access at the following link: <http://publicaccess.brentwood.gov.uk/online-applications/>

- **Highway Authority-**

From a highway and transportation perspective the Highway Authority has no comments to make on this proposal; given the area available for parking within the site remains unchanged, and complies with Brentwood Borough Council's adopted parking standards for the proposed replacement dwelling.

5.0 SUMMARY OF NEIGHBOUR COMMENTS

This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby.

Detailed below is a summary of the neighbour comments, if any received. The full version of each neighbour response can be viewed on the Council's website via Public Access at the following link: <http://publicaccess.brentwood.gov.uk/online-applications/>

2 letters of support

6.0 POLICY CONTEXT

The starting point for determining an application is the development plan, in this instance, the Brentwood Replacement Local Plan (RLP) 2005. Applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for determining this application are the following RLP policies, the National Planning Policy Framework (NPPF) 2012 and National Planning Policy Guidance (NPPG) 2014.

RLP Policy: GB1, GB2 and GB6 all relating to Green Belt development; CP1 General development criteria.

NPPF Section 9: Paragraphs 89 and 90

Local Development Plan:

The Local Development Plan is currently at the Draft Stage (Regulation 18) and as there are outstanding objections to be resolved, only limited weight can be given to it in terms of decision making, as set out in paragraph 216 of the National Planning Policy Framework. As the plan advances and objections become resolved, more weight can be applied to the policies within it. Nevertheless, the draft Local Plan provides a good indication of the direction of travel in terms of aspirations for growth in the Borough and where development is likely to come forward through draft housing and employment allocations. The next stage of the Local Plan is the Pre-Submission Draft (Regulation 19) which is currently anticipated to be published in late 2017. Following this, the Draft LDP will be submitted to the Secretary of State for an Examination in Public. Provided the Inspector finds the plan to be sound it is estimated that it could be adopted in 2018.

7.0 ASSESSMENT

The main issues are:

- Does the proposal represent inappropriate development in the Green Belt;
- If so whether there would be harm to openness;
- If the application represents inappropriate development there are any 'very special circumstances' that clearly outweigh the harm;
- Impact on the character and appearance of the area;
- Any other considerations

Green Belt Principle :

The site is located within the Green Belt as defined in the Brentwood Replacement Local Plan. The site has a mobile home standing on a brick platform which the applicant is seeking to replace with a permanent bungalow on the same footprint and the same height as the mobile home. The mobile home has been there for several years and has by default a lawful use for the stationing of a mobile home on the site.

Paragraph 89 of the Framework provides exceptions to inappropriate development in the Green Belt. One of which is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. However, the lawful use of the stationing of a mobile home is a different situation to where there is an actual dwelling house on the site constituting operational development. As such the proposal, would not amount to the replacement of a building in the context of Paragraph 89 of the Framework. This view has been held in several appeals. Therefore, the proposal for a new dwelling would not fall within any of the exceptions set out in Paragraphs 89 and 90 and would be inappropriate development in the Green Belt.

The site has been subject to a previous appeal in 1996. Although this appeal is pre-Framework, reference is made to the Council's Local Plan policies which are still in force and also the inspector made a number of observations which are still relevant in this current application. In particular, the footnote to Policy GB6 of the BRLP which states

the policy is not intended to apply to the replacement of mobile homes. This Policy is still applied to development in the Green Belt.

More significantly the inspector concluded that 'to allow this appeal in the absence of more convincing special circumstances would tend to undermine local green belt policy aimed at safeguarding the countryside from urban encroachment'. 'Thus, it could be hard for the Council to resist similar proposals to replace caravans with permanent dwellings the cumulative effect of which, if allowed, would be more damaging to rural interest of acknowledged importance'. This view is still relevant in the current application. The application would therefore need to demonstrate that very special circumstances exist that clearly outweigh the harm caused by inappropriate development.

Is the proposal harmful to the openness of the Green Belt?

Given that the dwelling would replace a mobile home of the same height and proportions it would not result in any greater harm to the openness of the Green Belt.

If the application represents inappropriate development there are any 'very special circumstances' that clearly outweigh the harm?

Given that officers have concluded that the proposal represents inappropriate development in the Green Belt the applicant needs to demonstrate very special circumstances which clearly sets this proposal apart from similar proposals. The applicant has not provided any very special circumstances, other than the existing property is damp and he suffers from bronchitis. No medical evidence was submitted and no alternative such as insulating or replacing the existing mobile homes was suggested. The proposal therefore clearly conflicts with the policies in place to protect the Green Belt. The proposal would therefore be harmful to the Green Belt and is therefore contrary to Policies GB1, GB2 and GB6 of the BRLP.

Impact on the character and appearance of the area:

The drawing submitted suggests a barn hip roof with low eaves and a two gable wings to the rear. The application form suggests brick and render or other facing materials. It is not considered that the design would be harmful to the surrounding character and appearance of the area.

Other considerations:

Given the current use it is not considered that there would be any new highway issues arising and there are no residential amenity issues.

With regards to the letters of support, they are suggesting that the principle of the development is existing. It is noted that neither of these letters were received from the neighbours notified.

8.0 CONCLUSION

The proposal does not represent a replacement building in the context of Paragraph 89 of the Framework and therefore is regarded as inappropriate development in the Green Belt. Given the applicant has not demonstrated sufficient very special circumstances the proposal is contrary to the Council's Green Belt policies and the Framework.

9.0 RECOMMENDATION

The Application be REFUSED for the following reasons:-

1. The site is situated within the Metropolitan Green Belt and the replacement of the existing mobile home with a permanent dwelling is inappropriate development and therefore harmful to the Green Belt. The proposal therefore does not accord with Policies GB1, GB2 and GB6 of the Brentwood Replacement Local Plan and the National Planning Policy Framework.
2. Other matters that may weigh in favour of the proposal have been considered individually and collectively they do not clearly outweigh the harm to the Green Belt or the other harms identified. Therefore, very special circumstances to justify inappropriate development in the Green Belt do not exist.

Informative(s)

1. The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: GB1, GB2 & GB6; the National Planning Policy Framework 2012 and NPPG 2014.
2. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly identifying within the grounds of refusal either the defective principle of development or the significant and demonstrable harm it would cause. The issues identified are so fundamental to the proposal that based on the information submitted with the application, the Local Planning Authority do not consider a negotiable position is possible at this time.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

www.brentwood.gov.uk/planning