

**SITE PLAN ATTACHED**

**05. THE OLD BARN NORTH DRIVE HUTTON ESSEX CM13 1SH**

**REDEVELOPMENT OF SITE TO CREATE THREE BEDROOMED BUNGALOW**

**APPLICATION NO: 16/00748/FUL**

<b>WARD</b>	Hutton North	<b>8/13 WEEK DATE</b>	01.08.2016
<b>PARISH</b>		<b>POLICIES</b>	NPPF NPPG GB1 GB2 CP1 CP2 T2
<b>CASE OFFICER</b>	Mrs Charlotte White	01277 312500	
<b>Drawing no(s) relevant to this decision:</b>	DESIGN AND ACCESS STATEMENT; 007; 005; 002; 006; 004; 003; 001;		

This application was referred by Cllr Sanders for consideration by the Committee. The reason(s) are as follows:

I do not have any concerns with the proposed development. This proposal presents an ideal infill opportunity towards our housing supply needs.

I am writing as ward councillor in support of the above application. Its existing lawful use as an active commercial yard/brownfield site that is not conducive with either Green Belt or the residential area in which it is situated. Both myself and my ward colleague Chris Hossack feel the re-development to build a single storey, three bedroom bungalow will make good use of the site. We both agree with the tasteful style and design of the proposed bungalow and feel it would be in keeping with the surrounding area. I am also pleased that a bungalow will help towards out lifelong homes need.

**1. Proposals**

Planning permission is sought to remove the existing port-a-cabin, barn/shed structure and shipping containers from the site and to construct a replacement, detached three bedroom dwellinghouse on the site.

The application has been submitted with 15 identical letters of support signed by residents of Rayleigh Road and North Drive.

## 2. Policy Context

Planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise: the Brentwood Replacement Local Plan 2005. The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are material considerations in planning decisions.

NPPF - National Planning Policy Framework  
NPPG - National Planning Practice Guidance

Local Plan Policies

GB1 - New Development in Green Belt

GB2 -Development Criteria

CP1 -General Development Criteria

T2 - New development and highway considerations

PC1 - Land contaminated by hazardous substances.

## 3. Relevant History

- 13/01213/OUT: Construction of dwelling (Outline application with all matters reserved) -Application Refused

## 4. Neighbour Responses

19 neighbour letters were sent out and a site notice was displayed.

1 letter of objection has been received which makes the following comments:

- Proposal has little merit.
- Financial gain for owner.
- Is Green Belt land.
- Was not included in Local Plan submission - should not be ignoring plan.
- No change of use in the Local Plan.

## 5. Consultation Responses

- **Arboriculturalist:**

It would appear to not have any trees on the site, but there are trees around the site which should have RPAs (root protection areas) calculated and these protected.

- **Highway Authority:**

North Drive is a private road so ECC Highway Authority's only comment is that a condition be attached to any permission requiring a residential travel pack.

- **Design Officer:**

I am unable to recommend this scheme is of Good Design, there is very little effort evident in these proposals which demonstrates the design has been developed with

consideration to context and has longevity as a building which contributes to the local distinctiveness.

The Design and Access Statement is somewhat misleading, with the development described as being developed with consideration to other surrounding properties - I advise you the proposed design is not comparable to other domestic dwellings with the wider context of the site and will not 'fit seamlessly with its surroundings' (Design and Access Statement). The design is materially harmful to the local character of the location.

Should the principle of development be acceptable in planning terms given the Green Belt Location; I strongly advise pre-application advice is undertaken to develop a design which is appropriate to its context and not of a lightweight temporary appearance resulting in a low value design. The detailing and elevational treatment is also of concern, with fenestration being repetitive openings of no hierarchy; the roof in particular is of an extremely shallow pitch - not something typical of the Essex Vernacular.

In addition landscaping should be dovetailed in the application, to date I have not received details of any proposals for landscaping as part of these proposals; given the verdant context of the location this should be addressed.

Consequently I advise this is a substandard design which is not supported.

## **6. Summary of Issues**

### Site analysis

The application site is located to the west of North Drive and is currently used as a 'builders yard' with a number of structures on the site including containers, a port-a-cabin and a large wooden shed (called the barn by the applicant). The site is located in the Green Belt and as such the main considerations in this case are the impact of the proposal on the Green Belt, its impact on the character and appearance of the area, residential amenity, living conditions for any future occupiers, parking and access issues and landscaping considerations.

### Relevant History

Planning permission was recently refused for outline permission to construct a three bedroom bungalow on this site (ref. 13/01213/OUT) for the following reason:

The site is located within the Metropolitan Green Belt and the proposed new dwelling which replaces temporary buildings or containers on the site constitutes inappropriate development in the Green Belt. There are no very special circumstances that justify the inappropriate development, and if approved the proposed development would result in significant and demonstrable harm to the

openness of the Green Belt, contrary to Chapter 9 of the National Planning Policy Framework (NPPF) and Policies GB1 and GB2 of the Brentwood Replacement Local Plan 2005.

In dismissing that appeal, the Planning Inspector noted that although the site could be considered as previously developed land (PDL), it should be noted that:-

- o The containers are temporary structures and the portacabin has not been demonstrated to be a permanent building.
- o The existing shed/barn is in an enclosed/recessed part of the site and has negligible impact on openness.
- o The new dwelling would have an enclosing impact on the site and a greater impact on the openness of the site than the existing situation.

The Inspector concluded that the development is inappropriate development in the Green Belt, would harm the openness of the Green Belt and would conflict with one of the purposes of including land in the Green Belt; would result in encroachment into the countryside and would have an urbanising impact on the countryside. There were no very special circumstances that outweighed the harm.

That appeal decision is a material consideration in the determination of this application and is afforded great weight in this assessment.

## 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 NPPF 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 NPPF 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 and is in the same use as the one it replaces. 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 NPPF definition of previously developed land excludes temporary buildings.

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.

The proposed new building would not be in the same use of any of the buildings, temporary or permanent, on the site and therefore does not fall within the exception to inappropriate development as listed in paragraph 89 regarding replacement buildings.

The only permanent building on the site is the wooden shed/barn and the proposed new dwelling would clearly be materially larger than that structure and 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.

Therefore, the proposal would not fall into the categories of development that may not be inappropriate as indicated in paragraph 89 of the NPPF. It would therefore be inappropriate development.

Paragraph 88 of the National Planning Policy Framework states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. '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.

### Sustainability

There are limited local facilities, services and public transport available in the area, and the occupiers of the site would largely depend on the use of private motor vehicles for their journeys to/from the site. As a result, it is considered that the proposal would not be a sustainable form of development; however, it is recognised that the site gives rise to existing travel movement and the development would be unlikely to increase the number of those movements.

### Design and Character and Appearance of the Area

Surrounding dwelling houses are predominantly bungalows and chalets but the Council's Design officer objects to the design of the new dwelling, in particular the shallow pitch roof and fenestration. It would be out of keeping with the design of surrounding development, and be harmful to the character and appearance of the area. Since both the NPPF and the Local Plan Policy CP1 expects new development to be of high quality design that respects and enhances the area, based on the comments from the Design Officer, the proposed dwelling would clearly not achieve these criteria.

In addition, the introduction of associated parking and other ancillary features will result in the urbanisation of the area, to the detriment of the character and appearance of the area. This would be in conflict with the aims and objective of Chapter 7 of the NPPF and Policy CP1(i) and CP1(iii) of the Local Plan.

### Residential Amenity

Given its siting the new dwelling would not harm the residential amenity of nearby neighbours.

### Living Conditions

The proposed bungalow is of an acceptable size and provides an adequate sized garden.

### Parking and Access Considerations

The proposed development seeks to provide 2 parking spaces at the front of the site, which is acceptable.

### Tree and landscaping Considerations

The Council's Arboricultural Officer has suggested a condition be imposed requiring tree protection for any trees that surround the site.

### Other Matters

In terms of the neighbour concerns raised, the following points are made:

- The design and Green Belt considerations have been considered above.
- Whilst the site has not been allocated as a development site in the draft local plan, that is not in itself a reason to refuse a planning application.
- Financial gains are not a material planning consideration.

### Green Belt Conclusion:

The proposed development constitutes inappropriate development in the Green Belt and would harm the openness of the Green Belt. It would also conflict with one of the purposes of including land within the Green Belt, by representing an encroachment into the countryside. Further harm is identified in the poor design of the building.

The applicant has not indicated why the Council should grant permission for inappropriate development in this case. There have been no fundamental changes to policy or site circumstances since the last refusal by the Council, the reasons for which were endorsed by the Planning Inspectorate. One new dwelling will have a

negligible impact on housing figures for the borough and national guidance makes it clear that an unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to be 'very special circumstances' to justify inappropriate development. Replacing one form of inappropriate development with another does not clearly outweigh the harm from policy definition or from the other harm identified.

On this basis the development is recommended for refusal.

## **7. Recommendation**

The Application be REFUSED for the following reasons:-

R1 U14174

The site is located within the Metropolitan Green Belt and the proposed dwelling would constitute inappropriate development in the Green Belt. There are no very special circumstances that justify the inappropriate development, and if approved the proposed development would result in significant and demonstrable harm to the openness of the Green Belt and would conflict with one of the purposes of including land in the Green Belt, contrary to Chapter 9 of the National Planning Policy Framework (NPPF) and Policies GB1 and GB2 of the Brentwood Replacement Local Plan 2005.

R2 U14196

The proposed dwelling is not comparable to other dwellings in the wider context and includes unusual design features, such as a very shallow roof pitch. The construction of a dwelling on this site would result in the material urbanization of this rural area. The development would therefore result in significant and demonstrable harm to the character and appearance of the rural area, contrary to Policies CP1(i) and CP1(iii) of the Brentwood Replacement Local Plan 2005 and Chapter 7 of the National Planning Policy Framework (NPPF).

### Informative(s)

1 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: GB1, GB2, CP1, CP2, T2 the National Planning Policy Framework 2012 and NPPG 2014.

2 INF20

The drawing numbers listed above are relevant to this decision

3 U03208

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 via pre-application advice in respect of any future application for a revised development.

*BACKGROUND DOCUMENTS*

**DECIDED:**