

**Reference:**  
16/01540/FUL

**Site:**  
Clay Hall  
Days Lane  
Pilgrims Hatch  
Essex  
CM15 9SJ

**Ward:**  
Pilgrims Hatch

**Proposal:**  
Construction of open fronted horse drawn carriages store, hay and straw storage, roof space storage for rugs harness and costumes/hats.

**Plan Number(s):**  
1; 2; 3; 4;

**Applicant:**  
Julie Rita Stewart

**Case Officer:** Kathryn Mathews

The application has been referred by Councillor Vicky Davies for the following reasons:-

CP1 (1)

The application would not have an unacceptable impact on visual amenity of the surrounding area

- (ii) the application is not unacceptable or detrimental to nearby occupiers;
- (iii) should be of a high standard and comparable with surrounding location

GB 2

Doesn't conflict or harm openness of the green belt  
(iii) site located nearby other buildings

GB1

Very special circumstances that the open sided construction is for storage and use for activities supporting a long established equestrian business including tuition and the use of horse and carriage for weddings and funerals.

## **1.0 DESCRIPTION OF PROPOSAL**

The proposal is described as being the 'Construction of open fronted horse drawn carriages store, hay and straw storage, roof space storage for rugs harness and costumes/hats'.

The building measures 5m in width x 10m in length and a maximum of 5.5m in height ('mansard' roof with two rooflights). The building is shown to be located around 5m from the western side boundary of the site. The ground floor of the building would accommodate two carriage bays and the first floor (accessed via an external staircase) is proposed as a storage area (around 40sq.m. in area) with a balcony at one end.

The materials proposed to be used to construct the external surfaces of the building are black weatherboarding above a brick plinth for the walls, and reclaimed clay peg tiles for the roof. The building would be open-sided on two elevations at ground floor level.

The boundary treatment and vehicle access and hardstanding would remain as existing.

The existing use of the site is described as 'storage area for trailers and hay and straw'.

## **2.0 SITE DESCRIPTION**

The application site is located within the Metropolitan Green Belt at the junction of Days Lane, Crow Green Road and Ashwells Road. The Clay Hall property accommodates a dwellinghouse, a paddock area, a menage, stables and outbuildings.

## **3.0 RELEVANT HISTORY**

- 16/00826/FUL: Replacement of existing buildings, open sided timber frame Dutch barn to be multi purpose use of hay/straw/carriages storage, internal stables and storage of rugs and harnesses (Retrospective) -Decline to determine
- 14/00006/FUL: Rebuilding of derelict outbuilding/stables adding additional roof storage (Retrospective) -Application Refused
- 01/00563/FUL - demolition of an existing stable block and the erection of a stable block and a carriage store - approved

## **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/>

- **Environmental Health & Enforcement Manager-**

No response received at the time of writing report.

## **5.0 SUMMARY OF NEIGHBOUR COMMENTS**

This application has been advertised by way of individual neighbour notification letters 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/>

One letter of representation has been received which raises the following matters:-

- Concern regarding size and design of building
- Concern regarding loss of privacy due to elevated viewing platform that overlooks their rear garden
- devalues their property
- Existing building subject to enforcement notice and prosecution
- Submission of application a delaying tactic

## **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  
CP1

NPPF Sections:

Section 9  
Section 7

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 early 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 late 2017 or early 2018.

## **7.0 ASSESSMENT**

The local planning authority declined to determine (S70c of the Planning Act) a previous planning application for 'Replacement of existing buildings, open sided timber frame Dutch barn to be multi purpose use of hay/straw/carriages storage, internal stables and storage of rugs and harnesses (Retrospective)' (reference 16/00826/FUL).

The development the subject of that previous application had been refused planning permission previously (reference 14/00006/FUL) and is the subject of an extant enforcement notice reference 13/00098/UNLDEV. The applicant has been prosecuted for non-compliance with the Enforcement Notice; the situation at the time of writing this report is that the building subject to the Enforcement Notice has been only partly dismantled but remains on site. The Enforcement Notice is therefore still in force.

The current application is for the same building but in a different location within the site, adjacent to the western boundary of the site.

It is considered that the main issues which require consideration as part of the determination of the application are the impact of the development on the Green Belt, its impact on the character and appearance of the area, any impact on the amenity of the occupiers of neighbouring properties and highway matters.

### **Principle**

The NPPF (paragraph 89) states that new buildings in the Green Belt are inappropriate development unless they are one of the exceptions listed in the NPPF (such as buildings for agriculture) and as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. The current proposal is for a new storage building and does not fall within any of exceptions referred to in the NPPF. On this basis, the proposed building is inappropriate development in the Green Belt and, therefore, causes harm to the Green Belt, by definition, contrary to the NPPF (section 9) and Policy GB1.

### **Green Belt Openness**

The proposed building, as a result of its size and height, would reduce the openness of the Green Belt and would represent an encroachment of development into the Green Belt in conflict with one of the purposes of the Green Belt, contrary to the NPPF (section 9) and Policy GB2.

## Character and Appearance

The proposed building is located within a group of buildings but, as a result of its height, bulk and design (in particular its roof), would be an incongruous element in the locality and would harm the rural character and appearance of its surroundings, contrary to the NPPF (section 7), NPPG and Policy CP1 (criteria i and iii).

## Amenity of Neighbours

The proposed building is located close to the western boundary of the site and at a sufficient distance from any neighbouring property for the development not to cause material harm to the occupiers of any adjoining property by reason of dominance, loss of sunlight, loss of daylight, loss of outlook or nuisance, in compliance with the NPPF (paragraph 17) and Policy CP1 (criterion ii).

## Highways

As the proposal forms part of the existing use of the site, given the nature of the proposed use of the building and the area within the site available for parking and turning of vehicles associated with this use, it is not considered that the proposal would cause any highway safety concerns (Policies T2 and CP1, criteria iv and v).

## The Green Belt Balance

On the basis that the proposal constitutes inappropriate development in the Green Belt, there would need to be other matters which clearly outweighed the harm the development would cause by reason of inappropriateness and all other harm for there to be 'very special circumstances' to justify planning permission being granted in this case.

The applicant has not made any reference to very special circumstances and has not provided any information in support of the proposal. Officers are not aware of any matters which clearly outweigh the harm the development would cause and, therefore, there are no very special circumstances which would justify planning permission being granted in this case.

## Other Matters

The matters raised in the representation received have been covered above except for the issue of property value but this is not a material planning consideration.

## 8.0 RECOMMENDATION

The Application be REFUSED for the following reasons:-

1. The proposed development would be inappropriate development within the Green Belt and, as a result of its scale, size and height, would result in a reduction in the openness of the Green Belt. The proposal would also represent an encroachment of development into the Green Belt. As a result, the development proposed is contrary to the NPPF (in particular section 9) as well as Policies GB1 and GB2 of the Brentwood Replacement Local Plan.
2. The proposed building, as a result of its height, bulk and design (in particular its roof), would be an incongruous element in the locality and harm the rural character and appearance of its surroundings, contrary to the NPPF (paragraph 17) and Policy CP1 (criteria i and iii) of the Brentwood Replacement Local Plan.
3. There are no matters in support of the application would clearly outweigh the harm the development would cause to the Green Belt (through inappropriateness, a reduction in openness and encroachment) and to the character and appearance of the area. Therefore, no very special circumstances exist to justify the grant of planning permission for the inappropriate development proposed.

### Informative(s)

1. The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: GB1, GB2, CP1, T2; the National Planning Policy Framework 2012 and NPPG 2014.
2. The drawing numbers listed above are relevant to this decision.
3. The Local Planning Authority has acted positively and proactively in determining this 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 provide pre-application advice in respect of any future application for a revised development. Details of the pre-application service can be found on the Council's website at [www.brentwood.gov.uk/preapplicationadvice](http://www.brentwood.gov.uk/preapplicationadvice)

### 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](http://www.brentwood.gov.uk/planning)