

**SITE PLAN ATTACHED**

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

**CONSTRUCTION OF A NEW 4 BEDROOM DETACHED BUNGALOW**

**APPLICATION NO: 19/00698/FUL**

<b>WARD</b>	Hutton East	<b>8/13 WEEK DATE</b>	04.07.2019
<b>PARISH</b>		<b>POLICIES</b>	
<b>CASE OFFICER</b>	Mrs Carole Vint	01277 312500	
<b>Drawing no(s) relevant to this decision:</b>	1698/D/01A; 1698/D/02A; 1698/D/03A; Design & Access Statement;		

**This application is referred to committee at the request of Councillor Hossack.**

- The adjacent development known as “The Grange” has five dwellings on the site and this final plot will complete the development, forming 6 units, 3 each side making it a symmetrical development. Completed properties are currently unsold because of this builder’s yard adjacent the site. Design is in keeping with the five properties already built. The proposal will have no impact on the openness of the green belt.

## **1. Proposals**

This application is for the construction of a new four bedroom detached single storey dwelling.

## **2. Policy Context**

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

Brentwood Replacement Local Plan 2005

- Policy CP1 General Development Criteria
- Policy GB1 New Development
- Policy GB2 Development Criteria
- Policy T2 New Development and Highway Considerations

## Local Development Plan:

The emerging Local Development Plan went through Pre-Submission (Publication Draft) Stage (Regulation 19) consultation between 5 February and 19 March 2019. The responses to the consultation are currently being assessed. Following this, the LDP will be submitted to the Secretary of State for an Examination in Public in Q4 of 2019. Provided the Inspector finds the plan to be sound, it is estimated that it could be adopted by the Council in early/mid 2020.

The Brentwood Replacement Local Plan 2005 remains the development plan and its policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the National Planning Policy Framework (NPPF). Due weight should be given to them, according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

As the emerging plan advances and objections become resolved, more weight can be applied to the policies within it. At this stage there are outstanding objections to be resolved, nevertheless, the Local Plan Pre-Submission (Publication Draft) 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.

### **3. Relevant History**

- 13/01213/OUT: Construction of dwelling (Outline application with all matters reserved) -Application Refused, Appeal Dismissed
- 16/00748/FUL: Redevelopment of site to create three bedroomed bungalow - Application Refused
- 16/01707/FUL: Development of site to construct a single storey house. - Application Permitted
- 17/01357/FUL: Demolish existing units and construct two storey dwelling house - Application Refused
- 18/00178/FUL: Construction of a new 4 Bedroom detached dwelling -Application Refused, Appeal Dismissed.
- 18/00602/FUL: Construct detached 4 bed dwelling -Decline to determine

### **4. Neighbour Responses**

A total of 18 letters by petition have been received from neighbouring properties. The letters support the proposal by way of:

- Complies with every aspect with the requirement for development within the Green Belt;
- Improved design from what was previously approved;

- Taking into account the current approval for the development at “Clanmere”, it is not unreasonable for the Council to support this application.

## **5. Consultation Responses**

- **Highway Authority:**

The proposal is accessed from a private road and provides adequate room for off street parking and turning, therefore: From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following condition:

1. Prior to first occupation of the proposed development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

The above condition is to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011. Informative:

- All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to: SMO3 - Essex Highways, Childerditch Highways Depot, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex, CM13 3HD

- **Gas Pipeline:**

No comments received.

## **6. Summary of Issues**

The starting point for determining a planning application is the development plan, in this case the Brentwood Replacement Local Plan 2005. Planning legislation states that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for determining this application are the National Planning Policy Framework 2019 (NPPF) and National Planning Practice Guidance 2014 (NPPG).

Although individual policies in the Local Plan should not be read in isolation, the plan contains policies of particular relevance to this proposal which are listed in section 2 above.

The main issues which require consideration as part of the determination of this application are:

- Impact of the proposal on the Green Belt;
- The impact of the proposal on the character and appearance of the area;
- Impact on the living conditions of the occupiers of neighbouring properties;
- Parking and access issues

### Green Belt

The NPPF indicates that within Green Belt inappropriate development is harmful by definition and should not be approved except in very special circumstances.

Paragraph 133 of the NPPF states that the Government attached great importance to Green Belts. The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 145 of the NPPF states that a Local Planning Authority (LPA) should regard the construction of new buildings as inappropriate in the Green Belt with some exemptions which includes the following:

- The replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces;
- Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield sites), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

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. No such case is made here.

The proposal is for a single storey detached four bedroom dwelling, resulting in an increase in the volume, size and dominance, significantly more than that of the previous approval 16/01707/FUL, which was also for a single storey dwelling. The proposed development would have a significant impact on the openness of the Green Belt. The design of the proposed dwelling is of a similar design to the

previous refusal 18/00178/FUL, in that the design of proposal is more in keeping with the adjacent site recently developed.

	<b>Approved single storey dwelling</b>	<b>Proposed single storey dwelling</b>
Footprint	108 square metres	153.69 square metres
Height	4.6 metres max.	6.4 metres max.
Width	13.2 metres	16.4 metres
Depth	12.5 metres	11.3 metres

The above figures indicate a significantly larger proposed dwelling than the previous approved scheme. Even though there is less development currently on the site than at the time of the last permission. It is noted that the newly constructed adjacent two storey dwelling has a ridge height of 7 metres, with the proposed single storey dwelling having a ridge height 0.6 metres below this ridge height, resulting in a dominant single storey dwelling within the plot. The proposed dwelling would be set off centre within the plot and would incorporate an area of hardstanding to the front. The vehicular access has been altered from the previous applications, in that the proposed dwelling would take its access from the adjacent development site "The Grange". The existing access will remain for the adjacent dwelling and annexe (Woodside) to the west.

There is an existing structure on the site, a fairly large wooden shed/outbuilding and portable shipping containers. The Council has no record of the use and there are therefore concerns about the lawfulness of the existing use and structures on the site. However, the Council's aerial photographs from 2000 appear to indicate that the existing shed/outbuilding was present in 2000, and from these photos it is evident that a commercial-type use has been undertaken on the site since at least 2000.

The block plan submitted indicates that the outbuilding and containers would be removed from the site. The NPPF outlined above states that replacement buildings are permitted in the Green Belt providing the new building is in the same use and not materially larger than the one it replaces. The proposed new building; a dwelling house is not in the same use as the existing commercial use of the premises. In this regard the proposal does not comply with the NPPF. Furthermore it seeks to replace temporary buildings which do not have the same impact as a permanent dwelling with a materially larger building than the one it replaces and as such does not satisfy this requirement of the NPPF.

The NPPF lists as an exception to inappropriate development in the Green Belt, the redevelopment of previously developed sites, excluding temporary buildings, that would have no greater impact on the openness of the Green Belt and the purposes of including land in the Green Belt than the existing buildings.

This proposal seeks to remove temporary buildings and shed/outbuilding from the site, therefore does not satisfy this part of the NPPF. The new dwelling constitutes a new building in the Green Belt given that the existing structures are temporary and potentially unlawful and the NPPF does not include new dwellings in the Green Belt as an exception to inappropriate development. The new dwelling would clearly be materially larger than the existing structures (as shown in the table above), would have a significantly greater effect on the openness than the existing building and would represent an encroachment of development within the Green Belt. The proposal therefore constitutes inappropriate development in the Green Belt and as such very special circumstances would be required to justify this inappropriate development in the Green Belt.

#### Openness of the Green Belt:

This proposal seeks to replace temporary buildings with a permanent residential dwelling which would have a greater impact on the openness of the Green Belt than the existing situation. The existing temporary buildings on the site; the containers and shed/outbuilding have no lawful permission and their impact; being transitory in nature; for example, the containers being taken to different building sites whilst work is being undertaken, has less impact on the openness of the Green Belt than a permanent residential dwelling. The proposal would therefore result in greater harm to the openness of the Green Belt than the existing situation contrary to National and Local Planning Policy.

#### Very Special Circumstances

It is noted that there are some residential properties in the area and the adjacent newly constructed development site "The Grange", however, the fact that there are dwellings in the area is not a very special circumstance that outweighs the harm by virtue of the inappropriate development. The proposed dwelling would help to meet housing need and sustain the settlement. Again this benefit can already be delivered by the extant permission and there is no justification in this regard for a larger dwelling. The benefits of removing the builder's yard do not justify the inappropriate development in the Green Belt which would have a greater impact on the openness of this part of the Green Belt.

The proposal therefore constitutes inappropriate development in the Green Belt, which if approved would result in significant and demonstrable harm to the openness of the Green Belt with no very special circumstances that justify the harm by virtue of the inappropriate development, contrary to Chapter 13 of the NPPF and Policies GB1 and GB2 of the Local Plan.

## Relevant History

Planning permission was refused for the construction of a new four bedroom detached dwelling (ref. 18/00178/FUL) for the following reason:

- 1. The site is located within the Metropolitan Green Belt and the proposed two storey dwelling, which replaces temporary buildings and containers on the site, by reason of its height, size and bulk is not comparable to the existing structures and 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 material urbanisation of the rural area and have significant and demonstrable harm to the openness of the Green Belt and the character and appearance of the area, contrary to Chapters 7 and 9 of the National Planning Policy Framework (NPPF) and Policies GB1, GB2, CP1(i) and CP1(iii) of the Brentwood Replacement Local Plan 2005.*

In dismissing the subsequent appeal, the Planning Inspector came to a conclusion that the site can be classed as previously development land. A similar view was reached by the Inspector at the previous appeal (Ref APP/H1515/A/14/2216147), planning application reference 13/01213/OUT. However at the time of the Inspectors visit there was only the timber barn on the west side of the site and 2 shipping containers on the site. The Framework expressly excludes temporary buildings when considering the level of development that would not be inappropriate. Thus in this case, as the containers could be removed at any time they are temporary and only the timber barn is of relevance.

The Inspector concluded that the development would be inappropriate development in the Green Belt and by definition harmful. The scale of the development in its context and the cumulative adverse impact it would have on the openness of the Green Belt adds to this harm. Other matters made by the appellant in relation to the very special circumstances that applied to the Hutton Grange development, must by definition apply to this appeal, does not automatically mean they apply to others as by definition, if that were the case they would no longer be “very special”. The argument that the development would help to meet housing need and sustain the settlement, this benefit can already be delivered by the extant permission and there is no justification in this regard for a larger dwelling. The other considerations set out above but, taken together, they would not outweigh the harm to the Green Belt from inappropriate development. As such the very special circumstances necessary to warrant the development do not exist and, for the reasons given above, I conclude the appeal should be dismissed.

This appeal decision is a significant material consideration in the determination of this application – it is recent and relates to the same issues - and is afforded great weight in this assessment.

A previous application reference: 16/00748/FUL was also refused based on being inappropriate development in the Green Belt and poor design. A further revised application was submitted under reference 16/01707/FUL for construction of two storey dwelling; Following a review of the design, discussions were undertaken with the applicant to reduce its size. The revised scheme was granted planning permission for a single storey dwelling, however when determining this planning application, there were a number of structures on the site at that time, including containers, port-a-cabin and a large wooden shed, therefore the scale of the development proposed was reduced to match the similar height of the structures that were in situ at that time. Application 17/01357/FUL for construction of a two storey dwelling, was also refused based on being inappropriate development in the Green Belt and harmful to the character and appearance of the area.

#### Design and Character and Appearance of the Area

The application site is located to the west of North Drive. The existing site comprises of a builder's yard and has a timber structure known as "The Old Barn" and has 2 no. shipping containers on the site which are used as storage for building materials in relation to the existing business. The entire site is finished in tarmac with no landscaped areas and has a 1.8 metre close boarded fence on all sides with an opening allowing vehicular access to The Grange and an existing wood fenced vehicular access to the north west that is a shared access with Woodside.

The proposed building is similar in design to the adjacent newly constructed development site, known as "The Grange", however the height and bulk of the proposed dwelling would result in an extra structure that would be visible and which would contribute to the urbanisation of the rural part on North Drive. The more urban, built up character would detract from the character and appearance of the area.

The agent states the design and scale reflects the theme of a bungalow with matching materials and finishes to that of the surrounding buildings. The proposed internal gross footprint has been identified as 153.69 square metres, which is an increase over the approved design, however it is stated that the applicant has acquired additional land to compensate for the overall increase in size of the dwelling. This proportionality approach is not a planning material consideration. 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 12 of the NPPF and Policy CP1(i) and CP1(iii) of the Local Plan.

## Residential Amenity Living Conditions

The proposed dwelling would not result in any undue overlooking or overbearing impact to adjoining residents. The loss of a commercial business in this location has the potential to improve the residential amenity of the adjoining neighbours in terms of reducing noise and disturbance from a commercial unit nearby.

## Living Conditions

The floor plan indicates that all rooms will be served by adequate windows providing light, ventilation and outlook and that a reasonably sized garden is retained. No objection is raised on this basis.

## Parking and Access Considerations

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

## 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.

The applicant has not demonstrated very special circumstances to justify 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 when dismissing the appeal. The benefit of 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 clearly outweigh the harm to the Green Belt and other harm to be 'very special circumstances' to justify inappropriate development. However this benefit can already be delivered by the extant permission and there is no justification in this regard for a larger dwelling. Replacing one form of inappropriate development with another larger and more dominant one 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 U30976

The site is located within the Metropolitan Green Belt and the proposed dwelling, which would replace temporary building and containers on the site, by reason of its height, size and bulk is not comparable to the existing structures and 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 material urbanisation of the rural area and have significant and demonstrable harm to the openness of the Green Belt and the character and appearance of the area, contrary to Chapters 12 and 13 of the National Planning Policy Framework (NPPF) and Policies GB1, GB2, CP1(i) and CP1(iii) of the Brentwood Replacement Local Plan 2005.

### 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, T2, National Planning Policy Framework (NPPF) 2019 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 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)

### *BACKGROUND DOCUMENTS*

### **DECIDED:**

