

SITE PLAN ATTACHED

WYNBARN OAKS, 148B CHELMSFORD ROAD, SHENFIELD, ESSEX, CM15 8RT

PROPOSED CART LODGE

APPLICATION NO: 19/00822/FUL

| | | | |
|---------------------|---------------|-----------------------|--------------------------------|
| WARD | Shenfield | 8/13 WEEK DATE | 24.07.2019 |
| PARISH | | POLICIES | NPPF, NPPG, CP1, C16, GB1, GB2 |
| CASE OFFICER | Mr Daryl Cook | | 01277 312500 |

Drawing no(s) relevant to this decision: 2385/10; 2385/11; 2385/12A; Planning Statement;

The application has been referred to Committee by Councillor Pound on the following grounds:

- **the application has had the approval of the Historic Buildings and Conservation Officer**
- **the barn next door has built a double garage creating a precedent**
- **the proposed siting of the Cart Lodge would have no impact on the surrounding area**

1. Proposal

The proposal seeks to construct a detached Cart Lodge adjunct to Wynbarn Oaks, 148B Chelmsford Road, Shenfield.

2. Policy Context

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

Brentwood Replacement Local Plan 2005

- Policy CP1 General Development Criteria
- Policy C16 Development within the Vicinity of a Listed Building
- Policy GB1 New Development
- Policy GB2 Development Criteria

Local Development Plan:

The emerging Local Development Plan went through Pre-Submission (Publication Draft) Stage (Regulation 19) consultation early in 2019. Since that time, the Council has resolved to revise the detail wording of some of the proposed housing allocations and carry out consultation on those revisions. This is to be carried out in Q4 of 2019 and following this, responses will be considered and then the LDP submitted to the Secretary of State for an Examination in Public. This is likely to be held in mid-2020, subject to timetabling by the Secretary of State. Provided the Inspector finds the plan to be sound, it is estimated that it could be adopted by the Council in late 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The Brentwood Replacement Local Plan 2005 remains the development plan and its policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the National Planning Policy Framework (NPPF).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

- 16/01377/FUL: Change of use of agricultural barn to residential dwelling, with ancillary works. – Application Permitted (02.12.16)
- 16/01377/COND/1: Discharge of Conditions 3 (Samples), 4 (Landscaping scheme), 7 (Archaeological work), 8 (Noise impact assessment) – Application Permitted
- 16/01377/COND/2: Discharge of Conditions 7 (Programme of Archaeological Work Scheme) and 9 (Soil investigation/contamination report) – Application Permitted

4. Neighbour Responses

This application has been advertised by way of public site notice and neighbour letters. No neighbour representations have been received.

5. Consultation Responses

- **Historic Buildings and Conservation Officer:**

Despite the limited assessment of impact within the submission, I advise the proposed ancillary building within this historic farmstead is not considered to be harmful. Therefore, should the principle of development be accepted in planning terms given the Green Belt designation, I have no objections. In terms of details

eaves should be open and black featheredge weatherboarding painted timber is accepted.

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 requires 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 (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;
- Impact of the proposal on Heritage Assets;
- The impact of the proposal on the character and appearance of the area;
- Impact on the living conditions of the occupiers of neighbouring properties;

The application site forms part of a farmstead along Chelmsford Road with most of the land within the same ownership. The application dwelling is a converted former agricultural building formerly a piggery.

Recent Planning History

The permission for the conversion of the agricultural barn to a dwelling (16/01377/FUL) removed permitted development rights due to its Metropolitan Green Belt location and the requirement to protect openness. As part of this assessment, the measurements of volume, footprint and floorspace increases are calculated from the submitted plans of that permission.

Green Belt Considerations

The site is within the Green Belt which washes over the locality. This is shown on the map that accompanies the local plan. There is no proposal to remove it from the emerging LDP. The committee will be aware that the government attaches great importance to the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Green Belt is a spatial designation not a qualitative one, therefore the requirement to protect openness applies just as much to attractive countryside as to less attractive areas of Green Belt. Policies GB1 and GB2 aim to control development but support a limited range of development, subject to being appropriate to the Green Belt and protecting its openness. These policies are broadly consistent with the NPPF, but where there is a difference between it and the development plan, the NPPF, which is newer than the development plan, takes preference. The later document is a more up to date and concise statement of Green Belt policy.

The NPPF stipulates that new buildings are inappropriate development in the Green Belt, unless one of a short list of quoted exceptions in paragraph 145. The applicants have not indicated whether they believe the proposal is an exception or if it is which in that list they believe the proposal represents. Officers have considered the proposal and do not consider it is one of the exceptions. On that basis the proposal is inappropriate development.

“143. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

144. 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 resulting from the proposal, is clearly outweighed by other considerations.”

The last sentence is particularly worthy of note. Even were there to be very special circumstance they would need to *clearly outweigh* the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, which is a much higher threshold than an on-balance judgement.

It is established in caselaw that domestic outbuildings if close to but not physically touching a dwelling are treated as extensions to that dwelling for Green Belt purposes. In this case the cart lodge would be within 3 metres from the dwelling. Therefore, the relevant test is whether the proposal meets the only relevant exemption i.e. paragraph 145(c):

the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

The NPPF does not define how to assess size or the increase that is considered to be ‘proportionate’. A common approach is to consider the floorspace increase, footprint increase and volume increase. The table below provides numerical calculations as assessed from the submitted drawings of the current application and the 2016 permission for the dwelling.

| | Volume | Footprint | Floorspace |
|--------------------------|------------------------|------------------|-------------------|
| Original Dwelling | 445.34 cm ³ | 142.48 sqm | 193.34 sqm |
| Cart Lodge | 218.33 cm ³ | 59.95 sqm | 54.22 sqm |
| % Difference | 49.03% | 42.08% | 28.04% |

The calculations above do not take into consideration the gable porch front, evident on site, which did not form part of the original application – ref: 16/01377/FUL. Therefore, the total increase from the approved conversion is somewhat greater.

The calculations above show the proposed increases in volume, footprint and floorspace that would result from the proposed development. In terms of both the volume and footprint increases, these are considered to represent ‘disproportionate’

additions to the original and existing dwelling. In terms of the visual and spatial effects of the proposed scheme, the maximum height of 4.65 metres with a width just under 11 metres and depth just under 5.7 metres, represent a spread of built form away from the existing dwelling. This part of the site is currently free of built form and the proposed development would encroach upon the countryside and result in a diminution of Green Belt openness.

No 'very special circumstances' have been submitted in support of this application and therefore in their absence matters cannot outweigh the harm identified above. The proposal is therefore considered to represent inappropriate development in the Green Belt resulting in diminution of openness. The development is therefore considered to be contrary to policies GB1 and GB2 of the BRLP and NPPF Chapter 13 (Greenbelt).

Heritage Asset considerations

The Planning (Listed Building and Conservation Areas) Act 1990 (S66(1)) requires a Local Planning Authority to have special regard to the desirability of preserving the Listed Building and its setting or any features of special architectural or historic interests which it possesses. Paragraph 193 of the NPPF states that great weight should be given to conserving a designated heritage asset's significance.

There are two listed buildings in the locality - The Rose (Public House) and 146 Chelmsford Road, both Grade II listed buildings. Both are at some distance from the proposal, approximately 150 and 70 metres respectively, with other non listed buildings in between. The Historic Building and Conservation Officer's comments are set out in full above, but in brief are that the heritage assessment submitted offers little assessment of impact on the listed buildings. Despite this, it is considered that the erection and use of the proposed building ancillary to Wynbarn Oaks would not be harmful to the setting of the listed buildings, subject to design details - eaves details should remain open and the weatherboarding proposed is acceptable.

Therefore the proposed development is considered to be acceptable in terms of its impact upon the setting of the nearby listed buildings and would comply with policy C16.

Design, Character and Appearance

Policy CP1 is supportive of development proposals provided they protect the character and appearance of the surrounding area, protect the amenities of neighbours, are of a high standard of design and have satisfactory access and parking and can be accommodated by local highway infrastructure.

In terms of design, the proposal seeks to construct a detached Cart Lodge adjacent to the dwelling. There would be a separation distance of approximately 3 metres between the two. The Cart Lodge features an open style façade with storage facilities to the left side. The design and materials are acceptable for a rural and historic area and not appear out of keeping with the design of the existing dwelling. The building does not raise concerns about residential amenity. Adequate parking to the property would be retained by the proposal and it would not have a measurable effect on the use of the local traffic network. To that extent the proposal complies with Policy CP1.

The character of the local area is partly derived from being in the Green Belt and for the reasons given above it is unacceptable in principle and would erode openness. In that respect it would be contrary to policy CP1.

Other matters

With regard to the reasons for referring the application to committee, planning does not operate on the basis of precedent. Each development has to be considered on its own merits. With regard to Green Belt and assessment of proportionality neither local nor national policy has regard to adjacent developments. The judgement of proportionality relates to the application property. The impact on the setting of the listed building is not significant given its distance from and the design of the proposal and there are no concerns with regard to character of the area other than with regard to the Green Belt.

However in applying the requirements of the NPPF to this case, 'Very special circumstances' do not exist as the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is not clearly outweighed by other considerations. Compliance or partial compliance with other policies are not very special circumstances and is consequently recommended for refusal.

Conclusion

For the reasons given above the application is recommended for refusal.

7. Recommendation

The Application be REFUSED for the following reasons:-

R1

The proposed development by reason of its scale and mass is disproportionate to the original dwelling and represents a form of inappropriate development in the Green Belt resulting in both a spread of built form; and a subsequent diminution of Green Belt openness. There are no very special circumstances that would clearly outweigh the harm the development would cause through inappropriateness and reduction in openness of the Green Belt, within which the site is located. The development conflicts with both policies GB1 and GB2 of the Brentwood Replacement Local Plan and Chapter 13 of the NPPF 2019.

Informative(s)

1 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, C16, GB1, GB2, 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

BACKGROUND DOCUMENTS

DECIDED: