

SITE PLAN ATTACHED

MEADOW VIEW, MURTHERING LANE, NAVESTOCK, ROMFORD ESSEX RM4 1HL

CONSTRUCTION OF A HENGE

APPLICATION NO: 22/01082/FUL

WARD Brizes & Doddinghurst **8 WEEK DATE** 21 September 2022

PARISH Navestock **Extension of time** 5 October 2022

CASE OFFICER Mr Mike Ovenden

Drawing no(s) relevant to this decision: ACDL-SUN/DIAL-001 P02; ACDL-SUN/DIAL-002 P01;
ACDL-SUN/DIAL-003 P01; ACDL-SUN/DIAL-004 P01;
ACDL-SUN/DIAL-005 P01; ACDL-SUN/DIAL-006 P01;
ACDL-SUN/DIAL-007 P01; ACDL-SUN/DIAL-008 P01; SITE
LOCATION PLAN 1:2500;

This application has been referred to committee at the request of Councillor Keith Parker for the following reason:

This application is for a sculpture which has been entered for the Turner Prize. It is of some size and considered by many to be a significant work of art. I believe the committee have a right to decide its future.

1. Proposals

This application is for the retention of a largely completed development. The henge has an overall diameter of 36 metres, and is constructed from 30 concrete blocks, each standing four metres tall, topped by 30 horizontal 'lintol' blocks adding a further metre in height. In the centre is a vertical pillar standing up to six metres above ground level. Within the main 'circle' is a smaller semi circle built on similar principles.

2. Policy Context

The Brentwood Local Plan 2016-2033

The Plan was adopted as the Development Plan for the Borough on 23 March 2022. At the same time the Brentwood Replacement Local Plan, August 2005 (saved policies, August 2008) was revoked.

- Strategic Policy MG02: Green Belt
- Policy BE12: Mitigating the Transport Impacts of Development

- Policy BE13: Parking Standards
- Strategic Policy BE14: Creating Successful Places

National Planning Policy and Guidance

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

3. Relevant History

- 18/01635/FUL: Construct replacement single detached dwelling with basement and sunken garden to front and bridged entrance (revised application to 14/00629/FUL) Retrospective -Application Refused
- 20/01784/FUL: Use of 4 x mobile homes during COVID 19 Pandemic. (Retrospective) -Application Permitted
- 21/01472/S191: Application for a Lawful Development Certificate for an Existing use or operation or activity for the use of the stables outbuilding as a self-contained residential dwelling -
- 21/01473/FUL: Construction of a detached dwelling as approved under 14/00629/FUL with addition of basement and associated landscaping (part retrospective) as well as construction of an area of hardstanding and fencing to the north of the dwelling (retrospective) -Application Refused
- 22/00035/FUL: Variation of condition 2 of application 20/01784/FUL (Use of 4 x mobile homes during COVID 19 Pandemic. (Retrospective) for the variation for permission to be extended to 10/01/2023. -Application Permitted
- 21/02078/FUL: Construction of a henge -Application Refused

4. Neighbour Responses

- NA

5. Consultation Responses

- **Parish Council:**

Navestock Parish Council objects the above application as was submitted for the original application 21/02078 FUL, on the same grounds and cause for concern that the Henge has already been advertised as a tourist attraction.

There are discrepancies on the application stating that the work or change of use has not started. This is clearly untrue.

The structure is stated as being constructed of concrete. Surely this would require foundations and would need to conform to building regulations being such a large structure.

Although the henge is considered not to encroach on PROW 25 as first believed, it remains an inappropriate development in greenbelt under policies GB1 and GB2 with no very special circumstances as found by Brentwood Borough Council in its previous application.

Any such development as this is, harms the character of the rural greenbelt area and is an encroachment of greenbelt land. It would fail to preserve the character of the rural land.

The henge development conflicts with Brentwood County Councils Replacement Local Plan Policies CP1, GB1, GB2 and its objectives with regard to development in the Greenbelt.

With regards to employment and hours filled in on the application form, this too raises questions as having publicly been advertised as a public attraction at £10 a visit, it would be naturally assumed a person will take the entrance fee, allow access and as advertised on the link below has opening hrs.

https://www.google.co.uk/search?q=unhinged+tourist+attraction&ie=UTF-8&oe=UTF-8&hl=en-gb&client=safari&dlr=1&sei=IzW8Yrb_H5CV8gLP2YbQCw#dlr=1&ikt=LocalPoiAbout&lpg=cid:CglgAQ%3D%3D&trex=m_t:icl_akp,rc_f:rln,rc_ludocids:13128219512533756075,ru_gwp:0%252C7,ru_lqi:Cht1bmhpbmdlZCB0b3VyaXN0IGF0dHJhY3Rpb25lzf6ksoW5gIAIWicQABABEAIYARgCIht1bmhpbmdlZCB0b3VyaXN0IGF0dHJhY3Rpb26SARJ0b3VyaXN0X2F0dHJhY3Rpb26qASMQASoflht1bmhpbmdlZCB0b3VyaXN0IGF0dHJhY3Rpb24oAA,ru_phdesc:f0n9rL8NWbg,trex_id:A1m6Me

The article link below highlights the history of this structure and the site which it lies within has previous planning breaches.

<https://roscommonherald.ie/2022/06/11/stonehenge-and-the-rossie-connection/>

It is also noted that the applicant Mr McNamara has not submitted the name of the owner/agricultural tenant as requested on the application form.

We believe as a Parish Council and concerns aired by the residents we represent, it calls into question its purpose and possible future consequences if this development is allowed.

- **Highway Authority:**

The proposal is on land that is shared with a Public Right of Way footpath. The Essex Highways Public Right of Way Team have also examined the application and they do not raise an objection to the proposal as submitted, therefore from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following condition:

1. The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over footpath 25 (Navestock) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11.

- **Arboriculturalist:** No comments received

6. Summary of Issues

The starting point for determining a planning application is the Development Plan, in this case the Brentwood Local Plan 2016-2033. 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 2021 (NPPF) and National Planning Practice Guidance (NPPG), and the similar application refused earlier this year under reference 21/02078/FUL. 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 applicant states that the proposal has been revised since the last application to have a different roof treatment to create a top garden area (see drawing ACDL-SUN/DIAL-001 P02).

Green Belt

The site is in the greenbelt which washes over the locality and continues to some distance away from the site. This is shown on the policies map that accompanies the local plan. The government attaches great importance to the greenbelt. 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, and the requirement to protect openness applies just as much to less attractive areas of greenbelt as to attractive countryside. Policy MG02 seeks to implement national green belt policy as set out in the Framework.

The applicant has provided a single page covering letter, claiming the development is an 'engineering operation' that would preserve the openness of the Green Belt due to its low height and high visual permeability. The applicant claims that the development is not inappropriate development in the green belt in accordance with paragraph 150 of the NPPF.

'Engineering operations' are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Therefore,

the proposal needs to be assessed to see if it is an engineering operation. If it is it will need to be assessed against the test in paragraph 150.

The term engineering operation applies in practice to activities altering the profile of land by excavation, embanking or tipping, or alternatively those which change the character of the surface of land by the laying down of hardstanding. However, there is limited guidance in the 1990 Act as to the scope of “engineering operations”. At S.336 of the Act it is stated that such operations include the formation and laying out of a means of access to highways. The placing or assembly of any tank in any part of any inland waters for the purpose of fish farming is an engineering operation by virtue of sec.55.4(A). Those examples are quite different from the development subject to this application. It is considered that this development is not an engineering operation and therefore the exception in Paragraph 150 does not apply.

The Planning Act in s.336 provides the following definition of a building: building includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building. The development is constructed on site likely using significant plant and machinery. It cannot be moved without being demolished/taken apart, it's weight would be equivalent to attachment to the ground, and there is no indication that the building would not be permanent. It is a building. Paragraph 149 of the NPPF relates to buildings in the green belt. It is considered that none of the exceptions (a) to (g) are relevant to this development. As neither paragraphs 149 or 150 apply, the development is inappropriate development in the green belt.

The development, a significant part of which has already been erected, is a building in the green belt and as indicated above is inappropriate development. The NPPF states:

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

148. 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 development is significant in its size. Drawing ACDL-SUN/DIAL-001 refers to “Stonehenge 36m diameter”. The outer ring comprises 30 vertical 4 m long pillars, these are bridged by 30 lintels each approximately 3.5 metres long by 1 m in height when laid horizontally. Within this outer circle is a semi circle of ten pillars and 9 horizontal lintels (drawing 008 refers to 11 lintels) each one of reduced length in comparison to those in the outer ring. The drawings do not scale accurately to marked dimensions, but taken together indicate the developments circumference to be 36 metres, its height to be five metres tall. A central pillar is indicated to be a metre higher than the rest of the structure (ie six metres high).

The applicant claims the development to be of low height and high visual permeability. The building operations carried out to date have resulted in a structure that has a significant presence on the ground. Due to its dimensions, the size of the pillars and limited gaps between them, the presence of other pillars in the middle and on the opposite side from the viewer, it has a significant opaqueness and not the high visual permeability claimed by the applicant.

Policy BE14 requires proposals to respond to the character and appearance of the surrounding area, protect the amenities of neighbours, are of a high standard of design and have sensitively integrated parking. Policy B12 requires proposals to not have a detrimental effect on the highways network and BE13 to have appropriate levels of parking.

Part of the character of the area comes from its rural situation within the greenbelt and therefore development that harms the greenbelt would harm the character of the area and to that extent be contrary to Policy BE14.

As with the last application, clear information has not been provided on how the development would be used. Previously the suggestion was that it would be enjoyed by the applicant. This reference has been removed from the submission. If not open to public use and/or not attracting sightseers, the proposal would be less likely to harm the living conditions or reasonable amenity of neighbours or create highway or parking issues. The application does not identify any parking. However, were the development to become a public attraction it may give rise to parking or highway issues and would have a greater impact on the character of the area. This is considered to be a significant possibility even if visitors are not actively encouraged. The Parish Council has identified two websites where public information is provided on the development and a fee of £10 per car is indicated (<https://roscommonherald.ie/2022/06/11/stonehenge-and-the-rossie-connection/>)

As indicated above, part of the character of the area is derived from the openness of the site. This is considered above, and the proposal has not demonstrated that this part of its character would be protected and therefore fails Policy BE14.

Public Right of Way

Paragraph 100 of the NPPF requires planning decisions to protect and enhance public rights of way and access. This development appears to be on the route of a public right of way (No 25). The applicant has indicated that the objection from ECC highways given at the time of the last application, relating to the public right of way, has been removed, and through the formal consultation process part of determining this application that has proven to be the case. The reason for this change of heart has not been explained. However, in the absence of an objection from the highways authority, the second reason for refusal has fallen away.

Other matters

The applicant refers to the development as an art feature on the garden land for the dwelling at Meadow View. That “would appear similar to the Achill Henge in Ireland”, erected approximately a dozen years ago. The site does not appear to be part of the curtilage or garden to any dwelling. The applicant has not claimed very special circumstances, and none are considered to exist. The changes to the development since the last application – creation of a top garden area – do not materially alter planning issues.

In summary, the development is inappropriate development in the green belt and material considerations do not amount to very special circumstances that clearly outweigh the harm to the green belt and all other harm and therefore the application is recommended for refusal.

7. Recommendation

The Application be REFUSED for the following reasons:-

R1 U0047377 Inappropriate development in the green belt

The proposal is inappropriate development in the Green Belt that is by definition harmful. It would materially detract from its openness, would represent an encroachment of development in the countryside and would fail to preserve the character of this rural land. No information has been provided on how the development would be used but the development has the potential to become a public attraction and so give rise to parking and highway issues further undermining the character of the green belt. It would therefore conflict with Brentwood Local Plan Policy MG02 and the objectives of the Framework with regard to development in the Green Belt.

The applicant's case has been considered but matters raised collectively 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 INF05 Policies

The following development plan policies contained in the Brentwood Local Plan 2016-2033 are relevant to this decision: MG02, BE12, BE13, BE14, National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

2 INF20 Drawing numbers

The drawing numbers listed above are relevant to this decision

3 INF23 Refused No way forward

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.

BACKGROUND DOCUMENTS

DECIDED:

