

**SITE PLAN ATTACHED**

**1 PILGRIMS HALL COTTAGES ONGAR ROAD PILGRIMS HATCH BRENTWOOD  
ESSEX CM15 9SA**

**CONSTRUCTION OF 2NO. BUNGALOWS WITH ASSOCIATED LANDSCAPING AND  
VEHICLE PARKING**

**APPLICATION NO: 22/01190/FUL**

<b>WARD</b>	Pilgrims Hatch	<b>8 WEEK DATE</b>	20 October 2022
<b>CASE OFFICER</b>	Mrs Carole Vint	<b>Extension of time</b>	30 November 2022
<b>Drawing no(s) relevant to this decision:</b>	6704/1102; 6704/1122; 6704/1222; 6704/1223; 6704/1323; 6704/1324;		

**The application has been referred at the request of Cllr Aspinell for the following reason:**

I accept that this site lies within the green belt but it currently is, and has been for many years, a site that is aesthetically harmful to the location - perhaps best described as an unofficial scrap yard. There are currently two 1950's tractors rotting on the site, along with an assortment of other vehicles and machinery. To the rear and sides there are wooden buildings that have been covering the majority of the site for decades. These were originally used as a storage facility and repair shop.

It is my opinion that special circumstances do exist within this application as the demolition of the wooden buildings and clearing of the site would allow for the construction of two much needed bungalows (we are rapidly losing such properties in Pilgrims Hatch due to conversion into houses) and offer a more visually attractive sightline and environment for neighbouring properties.

## **1. Proposals**

This application comprises of the construction of two detached dwellings adjacent to No. 1 Pilgrims Hall Cottages.

## **2. Policy Context**

Brentwood Local Plan (2016-2033) (BLP):

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 At the same time the Brentwood Replacement Local Plan, August 2005 (saved policies, August 2008) was revoked. The following policies are relevant to the application.

- Strategic Policy MG02: Green Belt
- Strategic Policy BE01: Carbon Reduction, and Renewable Energy
- Policy BE02: Water Efficiency and Management Policy
- Policy BE04: Managing Heat Risk
- Policy BE07: Connecting New Development to Digital Infrastructure
- Policy BE11: Electric and Low Emission Vehicle
- Policy BE13: Parking Standards
- Policy BE14: Creating Successful Places
- Policy HP06: Standards for New Housing
- Strategic Policy NE01: Protecting and Enhancing the Natural Environment

National Planning Policy and Guidance

- National Planning Policy Framework (NPPF/'The Framework')
- National Planning Practice Guidance (NPPG)

### **3. Relevant History**

- 22/00191/FUL: Construction of 2no. bungalows with associated landscaping and vehicle parking. - **Application Refused**
- 20/00680/FUL: Construction of 2no. detached residential dwellings with associated landscaping and vehicle parking. - **Application Refused, Appeal Dismissed**
- 20/00025/FUL: Construction of 2no. detached residential dwellings with associated landscaping and vehicle parking - **Application Refused**
- 02/00745/FUL: Stable and Hay Store. - Application Permitted
- 01/01019/FUL: Erection of Building with Two Stables and Hay Store. - Application Refused

### **4. Neighbour Responses**

Where applications are subject to public consultation those comments are summarised below. 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 has been received from owner of the adjacent site. The concerns raised in the letter include:

- Concerns regarding overlooking from the proposed dwellings, general noise and disturbance to the visitors of the adjacent crematorium, gardens of remembrance and grounds.
- Concerns around noise and disturbance during construction and associated plant and traffic movements

## 5. Consultation Responses

- **Highway Authority:**

A site visit has been previously undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority. The proposal includes the subdivision of the site to provide two new dwellings. Subject to conditions, the host dwelling and proposed dwellings will share a vehicle access and adequate room is available to provide compliant off-street parking and turning for all three dwellings, therefore: From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions including widening of the access, parking space standards, cycle parking provision and provision of a travel pack.

- **Arboriculturalist:** No comments received at the time of writing the report.

- **ECC SUDS:**

Having reviewed the information that has been provided it is considered that the development does not pose a significant flood risk, therefore we do not wish to provide formal comment on this application.

- **Environmental Health & Enforcement Manager:**

Recommends that if permission were to be granted, conditions relating to sound insulation, contamination investigation and remediation, and the implementation of a construction environmental management plan be added. In terms of drainage, it has been noted from the application that a septic tank is to be installed. We recommend the applicant familiarises themselves with the recently updated guidance and licensing for septic tanks, which can be found via the following link: <https://www.gov.uk/permits-you-need-for-septic-tanks>

- **EBPG:**

We note that no new ecological survey has been prepared to support this scheme and that the September 2019 report prepared for the original refused application (20/00680/FUL) has instead been resubmitted. Any survey can only provide a snapshot of the current/recent activity to guide consideration of the overall activity levels at a site, with surveys considered to remain valid/up to date for a limited period (no more than 12 months). This is supported by the current Natural England/CIEEM guidance for developments which can be found here: Badgers:

advice for making planning decisions - GOV.UK ([www.gov.uk](http://www.gov.uk)) On this basis, we do not consider the EIA from September 2019, in so far as it relates to badgers, suitable for the purposes of considering this application.

Furthermore, the updated Natural England guidance for local planning authorities, which can be found here : Protected species and development: advice for local planning authorities - GOV.UK ([www.gov.uk](http://www.gov.uk)), states that "you should not usually attach planning conditions that ask for surveys. This is because you need to consider the full impact of the proposal on protected species before you can grant planning permission." With this in mind, we recommend seeking an updated survey before consideration is given to granting planning permission for this scheme.

- **Essex Wildlife Trust:** No comments received at the time of writing the report.

## 6. Summary of Issues

Planning permission is sought for the construction of two bungalows with associated landscaping and vehicle parking.

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). 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. In this case a further material consideration is the planning history, including three applications that were refused and a dismissed appeal.

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

- The planning history of the site;
- 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;

### Planning History

The site has recent relevant planning history, set out in section 3 above. Application reference 20/00025/FUL for the construction of two detached residential dwellings with associated landscaping and vehicle parking, which was refused. An identical application, reference 20/00680/FUL, was submitted, save for additional information

regarding the status of the site as previously developed land. This application was also refused and was the subject of an appeal, which was dismissed.

Following that appeal, another application was received, reference 22/00191/FUL, for the construction of two bungalows with associated landscaping and vehicle parking, which was refused on 1 April 2022 for the following reason:

- 1. The site does not fully satisfy the accepted definition of previously developed land and is outside of the established village envelope of Pilgrims Hatch in a location of sporadic built form and as such fails to fall within the list of exceptions to inappropriate development outlined in NPPF para 145. The proposed works would replace outbuilding/garage, along with decrepit temporary canopies, waste materials and old farming machinery, with permanent built form of significantly increased massing resulting in urban sprawl within the Green Belt causing harm to its openness and is by definition inappropriate development. No very special circumstances have been put forward to justify this harm. The proposal is contrary to Policies MG02, BE14 (1.a) (1.c) (1.e) and (1.h) of the Brentwood Local Plan, Chapters 12 and 13 of the NPPF.*

This current application appears identical to that subject to 22/00191/FUL which was refused for the reason above. The applicant appears not to have taken the opportunity to appeal the refusal during the six months from the date of refusal, which has now expired. The drawings and supporting documents remain unaltered copies of those submitted with the last application refused 1 April 2022. The Planning Statement has been lightly revised - paragraphs 2.4 and 2.5, merely refer to the most recent refusal. However, the rest of the planning statement, including out of date references to the Council's emerging local plan and reference to the adopted policies being in the 2005 local plan, is the same. No information has been provided by explanatory letter or rebuttal against the reason for refusal, or explanation of why the applicant believes that a proposal found consistently and recently to be unacceptable should now gain permission.  
Green Belt

Chapter 13 of the NPPF (2021) states the government attaches 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.

Green Belt Policy MG02B of the recently adopted Brentwood Local Plan undertakes to implement the green belt policies of the Framework.

Paragraph 149 of the NPPF states that a Local Planning Authority (LPA) should regard the construction of new buildings as inappropriate in the Green Belt with limited exceptions. The supporting statement makes reference to the development complying with Paragraph 149g of the NPPF, which is outlined as follows:

*g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*

*– not have a greater impact on the openness of the Green Belt than the existing development; or*

*– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

The previous report mentioned that the site accommodates two dilapidated outbuildings, one rundown shed and decrepit temporary canopies and waste materials. Upon the recent site visit, the site was in the middle of being cleared, due to the dwelling at No. 1 being refurbished. An outbuilding/garage remains, along with decrepit temporary canopies, waste materials and old farming machinery. As before, it is considered that the site does not fully fall within the accepted definition of Previously Developed Land (PDL) as outlined in the explanatory glossary of the NPPF which informs the application of para 145(g) and therefore its redevelopment is considered inappropriate development in principle. The NPPF states the following in such circumstances:

*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.*

In the recent appeal decision, the Inspector considered both the issue of PDL and the impact of the proposal, stating in para. 7. *“The appellant has provided evidence with the intention of demonstrating the existing use of the site. However, it is not the role of an Inspector dealing with an appeal in relation to an application for planning permission to conduct an exercise as to lawful uses or operations. Applications under sections 191 or 192 of the Town and Country Planning Act 1990 should be made to the Council for such purposes. In any case, for reasons that I go into below, even if the site constitutes previously developed land, the proposed development would have a greater impact on the openness of the Green Belt than the existing development and thus fail to accord with paragraph 145g of the Framework”*. Following the appeal decision, no applications have been made to establish the existing use of the site. The supporting statement from the agent, makes reference to the structures being in situ for over 10 years and can therefore be classified as permanent and lawful. This claim is supported by statutory declarations as well as aerial images.

However, it must be noted that planning permission was not granted for the material change in use of this residential garden and the site does not benefit from a certificate

of lawful development which establishes this use. Nevertheless, it is evident that this land and garage has historically been used for purposes other than residential amenity space associated with the enjoyment of the dwellinghouse. Importantly, the repair of commercial machinery ceased some time ago and the site now accommodates low level materials/waste and therefore the pertinent question is whether the existing outbuildings, temporary structures which are dilapidated and the waste which is stored on site would constitute PDL in line with the NPPF definition. As previous, the agent also notes that garages within residential gardens outside of a built up area such as this can be considered as PDL and makes reference to the adjacent planning permission, reference 17/00281/FUL which was for the demolition of the detached garage and construct new dwelling. Each application is determined on its own merits. However, in this case due to the adjacent built form to the north west and replacement of the existing garage the proposal was considered to fulfil the accepted definition of infill development outlined in para 145 (g). The principle of that development is therefore not directly comparable to the one considered here.

For the avoidance of doubt, the application site is not within the village envelope of Pilgrims Hatch nor any other and would not be considered as an infill development as in point (e) limited infilling in villages; further, infill development can be described as the filling in of an area between two existing buildings. The proposed site is to the side of No.1 Pilgrims Cottage to the southeast and is an area of Green Belt which is verdant and free of permanent built form save for an outbuilding/garage, along with decrepit temporary canopies, waste materials and old farming machinery. No buildings are adjacent to the site to the southeast and the proposed residential dwellings, albeit single storey, along with the staggered depth would result in the sprawl of built form here. The dwellings would erode the openness of the area by introducing a significantly larger mass of permanent built form, when compared to existing. As such, the proposed development does not constitute infill development and would result in inappropriate development within the Green Belt and is not acceptable. As in the previous application, no 'very special circumstances' have been established to clearly outweigh this harm.

As the Inspector stated in the recent appeal decision, even if the site constitutes previously developed land, the proposed development would have a greater impact upon the openness of the Green Belt than the existing development and would fail to comply with paragraph 145g of the NPPF. The fact remains that whilst development here might remove the outbuilding/garage, along with decrepit temporary canopies, waste materials and old farming machinery, it does not follow that the proposed permanent built form, which would be of a significantly greater height, bulk, scale and massing can be introduced as an acceptable replacement, as the resultant mass of development would be so significant in this context it would erode the openness of the Green Belt in visual and spatial terms which conflicts with both the local development plan and national planning policy.

As with the previous applications, the proposed development is considered to not comply with any of the exceptions listed in the framework and is therefore considered inappropriate development, which the NPPF deems unacceptable in principle, and

would cause material harm to the openness of the Green Belt contrary to both local policy MG02 of the local plan and Chapter 13 of the NPPF.

### Housing land supply

The Brentwood Local Plan 2016-2033 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. Following the adoption of the Brentwood Local Plan 2015-2033, the plan now has a supply of housing land, in excess of five years supply. These sites are sustainably located within the Borough. The proposed development of two dwellings would be a limited addition to the supply of housing within the borough. Furthermore, it would rely on the development of an area of leafy Green Belt and the use of a private vehicle to ensure connectivity to local infrastructure and services and is not sustainable. The NPPF lists specified protected areas, such as greenbelt that are not subject to a permissive approach to boosting housing supply as protection of the greenbelt provides a strong reason to restricting development itself. Therefore, the contribution to housing land supply or delivery does not provide a justification for approving inappropriate development in the greenbelt, regardless of design or context. In such circumstances the tilted balance is disengaged.

### Design, Character and Appearance

The site is located outside of the Pilgrims Hatch settlement on the north eastern side of Ongar Road which is characterised by sporadic residential and commercial development diverse in nature and architectural merit. The site comprises of a semi-detached dwelling within an area of Green Belt. The area of the site towards the south eastern boundary is primarily verdant in nature with dense trees and shrubs, with an outbuilding/garage, along with decrepit temporary canopies, waste materials and old farming machinery. To the north west is the adjoining dwelling and Orchard Cottage, to the south east is an open area of Green Belt and the wider expanse of the adjacent Bentley Crematorium and Cemetery.

The proposal comprises of the construction of two detached dwellings adjacent to No. 1 Pilgrims Hall Cottages.

The proposed dwellings would replace the outbuilding/garage, along with decrepit temporary canopies, waste materials and old farming machinery within the site. The proposed dwellings would be single storey, each would offer a differing design aesthetic and have a stepped footprint fronting Ongar Road. When compared to the adjacent dwellings and of those to the north west, within the immediate context, which are two storey in nature and have a similar front building lines, the proposed dwellings would appear at odds with the prevailing development and involve the introduction of built form in this location which would erode the open nature of Ongar Road. Furthermore, it would rely on the development of an area of leafy Green Belt and the use of a private vehicle to ensure connectivity to local infrastructure and services and is not sustainable.



The residential development proposed is not compatible with its location and would result in detrimental harm to the character and appearance of the surrounding area in conflict with Chapter 12 of the NPPF 2021 and Policy BE14 of the Brentwood Local Plan.

#### Impact on Neighbour Amenity

The proposed dwellings are located at a sufficient distance to protect neighbours from an overbearing development harmful to residential amenity. The proposal would not result in an overbearing impact, loss of light, outlook or privacy to the adjacent occupiers.

#### Other matters

The comments received from the neighbouring occupier have already been fully considered in the above evaluation of the proposal. The comments in relation to noise and disturbance during construction could be covered by a construction management plan condition.

#### Living Conditions for future occupiers

The proposed dwellings would have adequacy sized bedrooms, kitchen, living areas and bathroom. The proposed private amenity space is adequate and confirms to council guidelines.

#### Parking and Highway Considerations

Two off street parking spaces are proposed with adequate space for safe manoeuvre which is compliant with Essex guidelines. ECC Highways have provided a consultation response listed in full above and raise no objection to the scheme and would comply with Policy BE13.

#### Conclusion

The site is within the green belt and the proposal is by definition inappropriate development. No very special circumstances have been put forward or demonstrated to clearly outweigh the harm to the Green Belt or any of the other harm identified within the above report. The addition of two bungalows would contribute to the boroughs housing supply but would not amount to very special circumstances or a reason to approve the development as outlined within the NPPF and the NPPG. The application is recommended for refusal.

Where a planning application is called to committee, the committee becomes the decision maker for that application for the local planning authority. Following the principle of consistency, the committee should have regard to the previous applications referred to above. This is the case irrespective of whether the previous applications

were determined by officers under delegated powers or by the planning committee. Were the committee minded to grant permission for this application, given the recent history of refusals, and the dismissed appeal, relating to similar proposals on the site, it should clearly state the planning reasons for such a contrasting decision.

## **7. Recommendation**

The Application be REFUSED for the following reasons:-

R1 U0048688

The site does not fully satisfy the accepted definition of previously developed land and is outside of the established village envelope of Pilgrims Hatch in a location of sporadic built form and as such fails to fall within the list of exceptions to inappropriate development outlined in NPPF para 145. The proposed works would replace outbuilding/garage, along with decrepit temporary canopies, waste materials and old farming machinery, with permanent built form of significantly increased massing resulting in urban sprawl within the Green Belt causing harm to its openness and is by definition inappropriate development. No very special circumstances have been put forward to justify this harm. The proposal is contrary to Policies MG02 and BE14 of the Brentwood Local Plan, Chapters 12 and 13 of the NPPF.

### Informative(s)

1 INF05

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

2 INF20

The drawing numbers listed above are relevant to this decision

3 INF23

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:**

