

SITE PLAN ATTACHED

**06. LAND ADJACENT MANHATTEN FARM LITTLE WARLEY HALL LANE
LITTLE WARLEY ESSEX**

**DEMOLITION OF EXISTING DWELLING AND OUTBUILDINGS AND
CONSTRUCTION OF 2 NO. DWELLINGS.**

APPLICATION NO: 15/01459/FUL

WARD	Warley	8/13 WEEK DATE	01.01.2016
PARISH		POLICIES	NPPF NPPG CP1 GB1 GB2
CASE OFFICER	Mr Mike Ovenden	01277 312500	
Drawing no(s) relevant to this decision:	7946-01; 7946-02; 7946-03; 7946-04; 7946-05; 7946-06; DESIGN AND ACCESS STATEMENT; PLANNING STATEMENT; ARBORICULTURAL IMPACT REPORT; PRELIMINARY ECOLOGY APPRAISAL;		

This application was referred by Cllr Tee for consideration by the Committee. The reason(s) are as follows:

Approval would clear up this Brownfield site and give community much needed 2 residences.

1. Proposals

This application relates to the erection of a 'replacement dwelling' - there is a mobile home on the site with the benefit of a certificate of lawful development - and the erection of an additional dwelling to replace all existing 'outbuildings'. Both dwellings would be four bedroom bungalows, of the same design though handed and one would be rendered, the other clad in weatherboarding. The scheme also involves closing the existing access and creating a replacement access approximately 25 metres to the north.

2. Policy Context

National Policy:
NPPF - Chapter 9 Protecting Green Belt Land
NPPG - Guidance

Brentwood Replacement Local Plan
CP1 - General Development Criteria
GB1 - New Development within the Green Belt
GB2 - Development Criteria (within the Green Belt)

3. Relevant History

- 06/00744/FUL: Outline Application For The Replacement Of A Mobile Home By A Permanent Dwelling -Application Refused
- 02/00022/S191: Use Of Mobile Home As A Separate Dwellinghouse -Application Permitted

4. Neighbour Responses

None received

5. Consultation Responses

- **Highway Authority:**

From a highway and transportation perspective the impact of the proposal is not acceptable to the Highway Authority for the following reason:

1. The application as submitted does not include sufficient information to properly determine the highway impact of the proposed development.

Note - Were amended plans to be submitted showing what visibility is achievable at both the existing and proposed access the Highway Authority would reconsider the application.

- **Essex & Suffolk Water:**

None submitted

- **Anglian Water Services Ltd:**

None submitted

- **Arboriculturalist:**

None submitted

- **Design Officer:**

I understand that the main issues are greenbelt related and therefore I offer no design comments.

6. Summary of Issues

Green Belt

The site is in open Green Belt countryside and is therefore subject to the local and national policies that apply in the Green Belt. The National Policy for Green Belts appears in Part 9 "Protecting Green Belt Land" of the National Planning Policy Framework (NPPF - the Framework). The Framework indicates that openness is one of the essential characteristics of Green Belts and paragraph 80 sets out the five purposes of the Green Belt.

The Framework indicates that within Green Belts inappropriate development is harmful and should not be approved except in very special circumstances. With a few exceptions the construction of new buildings in the Green Belt is inappropriate development. These exceptions are set out in Paragraph 89 of the Framework and paragraph 90 indicates certain other forms of development that are not "inappropriate" in the Green Belt. Paragraph 89 indicates that the replacement of a building may not be inappropriate provided that the replacement building is in the same use and is not materially larger than the existing building. That provision does not apply here as the proposed development is residential and there are no authorised dwellings on the site.

The issue of replacing the existing mobile home has been considered by an application and a dismissed appeal in 2008. This is within the lifetime of the current local plan and whilst national policy on greenbelts has been republished in the framework replacing Planning Policy Guidance 2 Green belts (PPG2), the two documents maintain the same approach to replacement dwellings. Local plan policy GB6 is partly compliant with the NPPF - those elements that are not NPPF compliant (parts i, ii and iii) have not been considered in the determination of this application.

The existing mobile home is not a lawful dwelling - it is merely immune from enforcement action. The inspector stated in his 2008 appeal decision stated "In any event it is unauthorised and based on GB6 and in the absence of any hard evidence to the contrary from the appellants, it is clear to me that the proposal represents inappropriate development in the greenbelt. Such development would be, by definition, harmful to the green belt".

In paragraph 7.9 the applicant refers to the mobile home as being a "permanent structure and not sited on wheels. The only way to remove this from the site would be its complete demolition. The dwelling is also served by a residential curtilage, albeit a relatively small one in relation to the size of the plot". The applicant has not explained why the mobile home should be described as a permanent structure when the inspector reached the clear view that it was not. The description of the mobile home at the time (2006 application) matches the mobile currently on the site - which suggests it is the same mobile home - and while it will be eight years older than at the time of the last appeal and potentially less robust, no evidence has been submitted to justify this new description. There is a small fenced area adjacent to the mobile home but this does not have any lawful residential status.

Notwithstanding the above, even if the mobile home was a lawful dwelling given its small size - 56 sqm, approximately 6 metres wide by 9 metres long and 3 metres tall - the erection of a dwelling of 180 sqm, approximately 17m by 14 m and 5.4 metres tall would be materially larger than the existing mobile home. That would make it inappropriate development in the green belt. It is noted that the dismissed 2008 proposal would have been 95 sqm which at the time of the application was considered to be materially larger - it was almost double the floorspace of the mobile home. This proposal is over three times the size of the mobile home. Consequently if viewed as a replacement dwelling it would be judged to be inappropriate development due to its much increased size.

Paragraph 90 also indicates that the redevelopment of previously developed sites may not be inappropriate provided that the new development would not have a greater impact on openness and the purposes of including land in the Green Belt than the existing development.

The applicant draws attention to Paragraph 89 and indicates that the application site is a "previously developed site" but care must be taken when interpreting this statement. The Framework definition of "Previously Developed Land" (PDL) (in Annex 2) excludes land that is or has been occupied by agricultural buildings. The applicant refers to the buildings as former agricultural buildings and in the D&A statement (7.8) refers to the potential of 'retention of agricultural uses' or 'alternative forms of farm diversification'. The planning history does not indicate any permission or certificate of lawfulness to indicate any material change of use from agriculture. On that basis the site is not previously developed land.

Notwithstanding this the following analysis is based on the site falling within the Framework definition of PDL. The application indicates that the footprint of the proposal would no more than that of the existing buildings (approximately 360 sq m). The existing buildings are single-storey but of differing heights; however the survey drawing indicates that the maximum ridge height of the largest building is about 4m with others being lower. This compares to 5.4m indicated for the proposed dwellings. It is accepted that not all parts of the dwellings would be built to the maximum height; however it is considered that two dwellings of the footprint proposed here would be not only be taller but also bulkier than the existing buildings which are dispersed around the east and south edges of the site would therefore detract from the openness of the green belt. The applicant has indicated that there would be a significant reduction in hardstanding on the site but due to the screening around the edges of the site, the informal nature of some of the hardstanding and that it is limited to ground level its impact on the openness and therefore the benefit of its removal in the interests of the future openness of the greenbelt, is minimal.

Agricultural uses and buildings are to be expected in the Green Belt and the applicant may be correct in claiming that existing buildings may potentially be reused for non agricultural activities - subject to a planning application which would be considered on its merits - those uses would occupy existing rural buildings and it is considered that the encroachment of uses would therefore be less apparent than the new built development now proposed. This differentiation between uses and built development is consistent with the Framework which applies the "purposes of the Green Belt" test to the physical redevelopment of Green Belt land (paragraph 89) but not to the re-use of buildings in the Green Belt (paragraph 90).

It is considered that the proposal would have a greater impact on the openness of the Green Belt than the status quo and would result in an encroachment of development into the countryside in conflict with one of the purposes of the Green Belt. Therefore even if the applicant was able to demonstrate that the site is PDL the proposal would be inappropriate development in the Green Belt.

Character and appearance

Paragraph 109 of the Framework indicates that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. The Framework does not define "valued" but given that paragraph 115 refers to nationally designated land it is considered that the value of local environment (as referred to in paragraph 109) is a matter for local people and their representatives to determine. The application site lies within an area defined as a Special Landscape Area in the RLP. This designation in itself now carries limited weight; however it is indicative of this being a valued landscape which should be protected and enhanced.

Sustainability of location

Paragraph 55 of the Framework considers development in rural areas and indicates that housing should be located where it would enhance or maintain the vitality of local communities. The Framework indicates that local planning authorities should avoid new isolated homes in the countryside. The term "isolated" is not defined. In an extreme case it could mean remote from any other dwellings, which would not apply here; however within the full context of the Framework the term could reasonably be applied to dwellings which, whilst close to others, are remote from services and public transport.

The site has no services within reasonable every day walking and cycling distance and is not well served by public transport. It is considered that a very high proportion of all journeys to and from the dwellings would be made using private vehicles, most likely private cars. This would directly conflict with paragraph 35 of the Framework which indicates that developments should be located to give priority to pedestrian and cycle movements and should have access to high quality public transport facilities.

Taking account of the overall objective of the promotion of sustainable development it is considered that in terms of the Framework the site can reasonably be described as "isolated". The proposal would conflict with a fundamental objective of the Framework which indicates that sustainable solutions should be found for development.

Highway safety

The proposal involves the creation of a replacement access, the original being closed. The existing access has poor visibility when emerging from the site. The proposed access is claimed by the applicant to represent an improvement in highway safety, although no details have been provided. If the proposal was otherwise acceptable it is likely that conditions could be attached to achieve a superior access to the existing one. However in the context of the other planning considerations, this issue is not sufficient to justify granting planning permission.

Other considerations and Green Belt Balance

The Council cannot currently identify sufficient land for housing that would satisfy the requirements of the Framework and the two dwellings proposed would make a small contribution to the land available for development. However the 6 October 2014 revision to the on-line Planning Practice Guidance (Paragraph: 034 Reference ID: 3-034-20141006) made it clear that when taking decisions in respect of proposals in the Green Belt an unmet need for housing is unlikely to outweigh the harm to the Green Belt such as to constitute very special circumstances justifying inappropriate development within the Green Belt.

The proposal would be inappropriate development that would materially detract from openness and represent an encroachment of development into the countryside. It would therefore conflict with local plan Policies GB1 and GB2 and the objectives of the Framework as regards development in the Green Belt. The other matters that may weigh in favour of the proposal have been considered but they 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.

Ecological and arboricultural reports have been submitted and do not identify any particularly issues arising from the proposed development.

Addendum:

Since the initial drafting of the report, the main issues have been discussed with the applicant's agent. In response that agent has sent an email which seeks to clarify/add additional information. This is summarised below and the full text is recorded on the file.

Use of the site - the 'green barns' were erected 14 years ago as agricultural barns but have always been let commercially. One is used for worktop manufacture, a second for making resin floors and a third for storing old cars. As there has been no agricultural use for 14 years we would argue that the site is brownfield. With regard to the mobile home, this was allowed on appeal and is therefore not unauthorised. A copy of the certificate is provided.

With regard to the existing use of the site, there is no evidence produced to support the claim although the appropriate mechanism for testing the evidence is via an application for certificate of lawful development. With regard to the status of the mobile home it is immune from enforcement action (having the benefit of a certificate of lawful development - though not granted on appeal) which is not the same as being 'authorised' and this is addressed on page 3 above.

7. Recommendation

The Application be REFUSED for the following reasons:-

R1 U11889

The proposal would be inappropriate development that would materially detract from the openness of the Green Belt and represent an encroachment of development into the countryside. It would therefore conflict with Brentwood Replacement Local Plan 2005 Policies GB1 and GB2 and the objectives of the Framework as regards development in the Green Belt.

R2 U11890

The proposed housing would be in an unsustainable location and would unacceptably detract from the character and appearance of valued countryside. It would conflict with Brentwood Replacement Local Plan 2005 Policy CP1 and with the underlying objective of the Framework as regards sustainable development and the protection and enhancement of valued landscapes.

Informative(s)

1 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: the National Planning Policy Framework 2012 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 meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

BACKGROUND DOCUMENTS

DECIDED: