



Appeal Decision

Inquiry opened on 12 February 2019 and closed in writing on 4 March 2019

Site visit made on 14 February 2019

by Paul Selby BEng (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23rd April 2019

Appeal Ref: APP/H1515/W/18/3209204

South Essex Golf Centre, Brentwood Road, Herongate, Brentwood CM13 3LW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Aedis Homes Limited against the decision of Brentwood Borough Council.
 - The application Ref 17/01528/FUL, dated 29 September 2017, was refused by notice dated 13 June 2018.
 - The development proposed is Redevelopment of existing commercial building to provide 30 dwellings; replacement D2 facility (as extension to the existing clubhouse); and associated landscaping and car parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. On 19 February 2019 the Government published an updated revised version of the National Planning Policy Framework ('the Framework'), replacing the previous version published in 2018. The 2018 version had itself replaced an earlier version, published in 2012, in which context the Council determined the planning application. The publication of the Framework was accompanied by the Housing Delivery Test measurement for each local planning authority, a technical note on the process used in its calculation, and the Government's response to a technical consultation on updates to national planning policy and guidance undertaken in late 2018. The main parties were provided with an opportunity to comment on these documents. I have taken these comments into account.
3. On 28 March 2019 the Office for National Statistics (ONS) published the 2018-based results for the ratio of median house price to median gross annual workplace-based earnings for England and Wales. The main parties were provided with an opportunity to respond on this matter and I have had regard to the comments received.
4. During the course of the Inquiry amended drawings were submitted by the appellant. These alter the internal layout of block H to create one additional unit and to indicate that that block would comprise affordable housing units. The proposed alterations represent a relatively minor change to the proposal

and, subject to a condition to restrict block F to 1 unit rather than 2, does not materially alter it. The Council confirmed at the Inquiry that it did not object to the proposed amendments. I am satisfied that no party would be prejudiced by the appeal being determined with reference to the amended drawings. I have thus proceeded to make my decision on the basis of the amended scheme.

5. At the opening of the Inquiry the main parties submitted a Statement of Common Ground affirming that the provision of 5 shared ownership units would assist in meeting an identified affordable housing need within the Borough. The Council confirmed that on this basis it would not defend its second reason for refusal. Prior to the opening of the Inquiry the Council also confirmed its intention not to defend its third reason for refusal, relating to the loss of the existing indoor sports facility. Accordingly the Council did not give evidence on these matters.
6. Following the close of the Inquiry the appellant submitted a completed Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act (TCPA) 1990, dated 6 March 2019. In coming to my decision I have had regard to it.

Main Issues

7. The main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt, having regard to the Framework, relevant development plan policies and the effect of the proposal on the openness of the Green Belt; and
 - Whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

8. The appeal site lies in open countryside within the Green Belt as designated by the Brentwood Replacement Local Plan ('LP'). The majority of the site comprises a former agricultural building composed of three adjoining portal frame structures, a golf clubhouse, surface car parks and a vehicular access. Two of the portal frame structures were used as an indoor bowls facility until May 2017. The third remains in use as a store for the golf centre. Peripheral parts of the site comprise landscaped areas associated with the surrounding golf courses.
9. The site occupies a modest depression in the landform. A public footpath bisects the site and traverses the golf course on higher ground to the north. Other than a driving range structure a short way to the south, the main part of the site is set apart from other built development and is surrounded by land of intrinsically open appearance.

Whether inappropriate development

10. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. However, paragraph 145 goes on to list certain categories of development which form an exception to the general policy of restraint. Part (g) of that paragraph, which the main parties agree is relevant

to this case, relates to development involving the partial or complete redevelopment of previously developed land.

11. As the LP was adopted in 2005 it pre-dates the Framework. Paragraph 213 of the Framework says that in such circumstances due weight should be given to existing policies according to their degree of consistency with the Framework.
12. Saved LP policies GB1 and GB2 concern new development in the Green Belt. Unlike paragraph 145(g) of the Framework, these policies do not specifically refer to proposals involving the redevelopment of previously developed land. Policy GB2 states that the Local Planning Authority will need to be satisfied that proposals do not conflict with the purposes of including land in the Green Belt and do not harm the openness of the Green Belt. This is at odds with paragraph 145(g), which does not refer to Green Belt 'purposes' and addresses effects on openness in relation to whether or not a proposal would have a 'greater impact' or would cause 'substantial harm', depending on the circumstances.
13. It is apparent from the reasoned justification at paragraph 7.20 of the LP that policies GB1 and GB2 were formulated in the context of 'Planning Policy Guidance 2: Green Belts' (PPG2); since superseded by the Framework. I note that the tests set out in Annex C of PPG2, which relate to the redevelopment of major developed sites, are framed in quite different terms to the Framework. Whereas PPG2 prescribed height and footprint limitations for new development in the context of existing buildings, paragraph 145(g) of the Framework, and particularly bullet point 2 which refers to 'substantial harm', requires a decision-maker to exercise discretion in assessing openness impacts.
14. I recognise that the underlying objectives of policies GB1 and GB2 have much in common with those of the Framework. Nonetheless, in my assessment the policies are specifically inconsistent with paragraph 145(g); and thus, for the purposes of this case, with the Framework as a whole. I accord them very limited weight as a result and have proceeded to make my decision with reference to the Framework.
15. Notwithstanding the wording of LP policies GB1 and GB2, there is no dispute that the effect of footnote 6 of the Framework is to give full force to the Green Belt designation. It is also common ground between the main parties that the appeal site forms previously developed land. Despite some limited incursion onto unbuilt land at the site's southern edge the appeal scheme would be predominantly located on land currently occupied by buildings or used as a car park. Having regard to relevant case law on this matter¹ I concur with the main parties that the proposal would reuse previously developed land.
16. The submitted UU commits to the provision of 5 affordable housing units on the appeal site. The Council accepts that this would contribute to meeting an identified affordable housing need. I agree.
17. The appellant contends that Block H, which would contain the affordable housing units, is 'not inappropriate' development in the Green Belt by virtue of paragraph 145(f) of the Framework. However, the affordable housing element of the proposal is a component part of the overall scheme and the viability

¹ R (oao Lee Valley Regional Park Authority) v Broxbourne BC [2015] EWHC 185 (Admin), para 51

evidence indicates that it could not proceed in isolation. In a similar vein it would be improper to separately assess proposed extensions to the clubhouse against paragraph 145(b). Consequently, in determining whether or not the proposal as a whole is 'not inappropriate' development within the Green Belt, the relevant test is set out at the second bullet point of paragraph 145(g) of the Framework. The required determination in relation to this test is whether the proposal would cause substantial harm to the openness of the Green Belt.

18. A 2016 Court of Appeal judgment² confirmed that specified 'exceptions' included in the Framework are deemed 'not inappropriate' as a matter of policy, thereby annulling the need for further evaluation of the impact of a building on openness. Despite the Framework having been twice revised since this judgment, I see no reason to apply the policy of the updated revised Framework in a different manner to its previous incarnations in this regard.
19. In determining the nature and extent of impacts on Green Belt openness it is appropriate to assess both spatial and visual impacts³. The appellant contends that such impacts should be assessed against a 'fall-back' position formed by the existing buildings on the site plus the unbuilt part of a permitted extension to the golf clubhouse (Ref: BRW/528/96). Whilst granted in 1997, there is no dispute that this planning permission has commenced. The reasons for it not having been completed are unclear but there appears to be no real impediment to it being implemented in full. Whilst not 'existing' in a physical sense it is a legitimate alternative development scheme for the appellant to pursue should he choose to. This extant permission therefore provides the baseline, or fall-back, position against which to assess impacts on openness, in addition to the existing buildings on the site. However, as the UU covenants the appellant not to construct the unbuilt part of the clubhouse extension, that is excluded from the totality of built form as proposed under the appeal scheme.
20. The existing and permitted buildings on the site would have a footprint of 2,926m² and a volume of 17,082m³. Against this, the appeal buildings, excluding the unbuilt part of the permitted clubhouse extension, would have a combined footprint of 2,606m² and a volume of 18,127m³. Irrespective of the reduced footprint, the volumetric increase of around 6% confirms that there would be a spatial increase in built form on the site, and thus a reduction in the openness of the Green Belt, which the site falls wholly within.
21. In visual or perceived terms, the openness of the Green Belt derives from an absence of built development. Despite existing pockets of mainly deciduous woodland and hedgerows providing screening even during the winter months, the site is visible from several points along the nearby public footpath and from Brentwood Road to the west. In close range views, including from the access lane, the bulk of the existing portal frame buildings and clubhouse are readily appreciable. However, due to the site's location within a fold in the land, in longer distance views it is mainly the roofs and gable ends of the existing structures that are visible.
22. These existing structures are surrounded by surface car parks, areas of hardstanding, landscaped areas, access tracks, fencing and some paraphernalia

² R (oao Lee Valley Regional Park Authority) v Epping Forest DC [2016] EWCA Civ 404, paras 18-20 & 24-25

³ Turner v Secretary of State for Communities and Local Government [2016] EWCA Civ 466, paras 14-15; Samuel Smith Old Brewery (Tadcaster) v North Yorkshire CC [2018] EWCA Civ 489, paras 37-40

associated with the existing use. However, much of this surrounding land appears essentially open from nearby viewpoints; to a large extent appearing as a continuum of the adjacent golf courses. As the car park would be likely to cater to private cars of a domestic scale rather than larger vehicles, this would remain the case even with substantial numbers of vehicles parked within the site. Although the permitted extension would occupy land between the existing clubhouse and the portal frame buildings, they would be separated by a gap of at least 20 metres.

23. The existing and permitted built form would therefore be perceived as two distinct blocks surrounded by land of generally open appearance. In contrast, the proposed dwellings and ancillary buildings would form several discrete elements distributed over a more extensive area. The proposed built form would extend beyond existing and permitted footprints in most directions, most notably to the northwest, northeast and south, where it would intrude onto areas of currently landscaped land. Whilst the clubhouse would remain well separated from other buildings, much of the new built form would be sited in precisely the locations that currently appear open.
24. The ridge heights of the proposed dwellings would range between around 7.8 and 10.2 metres. In comparison the existing portal frame buildings have a ridge height of no more than around 8 metres. Whilst the dwellings would have steeply pitched roofs with eaves similar in height to the portal frame buildings, from several viewpoints many would appear appreciably taller than the structure which they would replace. The proposed dwellings would also be considerably taller than the majority of the unbuilt clubhouse extension, which other than a tower feature would have a relatively modest ridge height.
25. Critically, areas of unbuilt space within the courtyards framed by the proposed groups of dwellings would not be readily appreciable from the exterior. This would have a substantial bearing on visual openness, as views between gaps in built form would in many cases be interrupted by other dwellings. The proposal would thus be perceived as one or two largely impermeable clusters of built form, occupying and encircling areas of land substantially larger than the combined footprint of the existing portal framed buildings and the extant permission, including the enclosed courtyard of the clubhouse extension.
26. A landscaping masterplan has been submitted, the details and implementation of which would be secured via a condition. The submitted Landscape and Visual Impact Assessment (LVIA) and visualisations indicate that both existing and proposed landscaping would assist in screening the proposal from several identified viewpoints. Nonetheless, at the Inquiry the appellant's landscape architect conceded that the built form would not be wholly screened. This is not unexpected given the scale of the proposal and the site's position within a landscape of intrinsically open appearance.
27. The submitted visualisations and my own site observations confirm that, despite being sited within a fold in the landform, the gables and roofs of the proposed dwellings would be particularly apparent from public viewpoints, in some cases intruding above the horizon. As the unbuilt clubhouse extension would be mainly lower in height than the proposed dwellings it would be less visible as a result. In comparison to the fall-back position the greater spread of the appeal scheme would therefore be evident from public viewpoints, including from the access lane, the rerouted public footpath to the northwest, the higher

ground to the north and in 'moving views' between these points. Although landscaping would reduce the proposal's visual prominence, the appeal buildings would remain perceptible beyond the buffer strips encircling the site, even with a substantial evergreen component. Landscaping would thus provide only limited mitigation against the reduction in openness, which would be keenly appreciated by users of the public right of way.

28. I acknowledge that the LVIA predicts that visual impacts would be low or low to moderate from the four selected viewpoints nearest to the proposal. I do not dispute the veracity of the LVIA in this regard. However, whilst concluding that the change of use would likely not be detrimental to the purpose of the Green Belt, the LVIA does not specifically address openness as a subset of wider visual impacts. Nor, in my view, does the 'Addressing the Impact Upon Openness' report sufficiently grapple with effects on visual openness.
29. Whilst I understand the design rationale for grouping buildings in the manner proposed, in openness terms alone I find that the proposal would appear of considerably greater mass and, in its setting, significantly more prominent than the existing built form and that of the unbuilt part of the clubhouse. The appeal scheme would thus demonstrably harm the openness of the Green Belt.
30. Whether substantial harm would result is a matter of judgement. In this regard I have found that there would be an actual increase in volumetric built form. Many parts of the site are predominantly open in appearance and are perceived as a continuum of the surrounding golf courses. Although the main part of the site is not extensive, the siting and arrangement of the dwellings and ancillary structures would occupy a considerably greater part of the horizontal field of vision than the existing and permitted buildings. The associated reduction in visual openness would be readily perceived at close range by those using the golf courses or the community/leisure facility. Despite the screening provided by vegetation, even with mature buffer planting the greater spread of the appeal scheme would be evident from several public viewpoints, including from the access lane and in longer range outlooks from higher ground. There would therefore be a real and tangible reduction in openness. Compared to the fall-back position, I consider that the proposal's visual effects would combine with the moderate spatial volumetric increase to cause substantial harm to the openness of the Green Belt.
31. Parked vehicles, equipment, lighting and domestic development and paraphernalia could also have some effect on openness. However, irrespective of changes to siting, extent and landscaping, the car park's position within a fold in the landform would limit impacts on openness caused by parked vehicles, including golf buggies. Whilst the appeal scheme would result in the loss of the golf store, the extended clubhouse and nearby driving range would provide satisfactory alternative storage for greenkeepers' equipment. Conditions to control boundary treatments, external facilities and to remove permitted development rights would avoid any further reductions in openness caused by the erection of ancillary development or paraphernalia associated with the residential use. The lighting effects of the proposal would be different but no more harmful in openness terms than that caused by the existing car parking area, clubhouse and bowling club. Nor would the change of use of the site to a residential use itself have a tangible visual effect in openness terms.

32. Other appeal and Council decisions have been cited by the parties⁴, including two linked decisions from 1993 relating to the appeal site⁵. In many respects the appeal site context seems to have changed little since 1993, particularly in terms of the site's visibility from various viewpoints. The case before me also shares similarities in typology and location with the other examples cited. Nonetheless, these other decisions were not made in the context of paragraph 145(g), bullet point 2, of the Framework, which requires an assessment of the magnitude of 'harm' to openness. Invariably, such an assessment will depend on site-specific factors that will rarely be replicated. Accordingly, whilst I have had regard to these other decisions, I afford them limited weight.
33. I have found that, subject to appropriate conditions, the proposal's effect on spatial and visual openness caused by parking, equipment, lighting and domestic development and paraphernalia would be limited. Nonetheless, the siting and arrangement of the proposal's built form would cause substantial harm to the openness of the Green Belt compared to the fall-back position. I therefore conclude that the proposal would constitute inappropriate development in the Green Belt in terms of the Framework.

Any other harm and other considerations

34. Floorspace in a restricted class D2 use would be provided within the extended clubhouse to offset the loss of the indoor bowls facility. I received evidence at the Inquiry indicating that, prior to termination of the lease in April 2017, the facility hosted two popular bowls clubs. I do not dispute that. Nonetheless, the submitted accounts from 2016/17 indicate that the Stonyhill Bowls Club operated at a marginal loss. Whilst the expenditure on rent could not be reasonably described as 'peppercorn', having regard to the submitted viability evidence it appears to have been of a sub-market value. This corroborates the view of the then-chairman of the club, expressed in a letter to the Council in June 2018, that the club operated on a concessionary rental basis. As recorded in Sport England's response to the planning application, the English Indoor Bowls Association's understanding was that former members of the club had joined other indoor bowls facilities elsewhere. Sport England thus did not object to the appeal scheme, and having regard to the replacement D2 facility I too find no conflict with paragraph 97 of the Framework. This represents a neutral effect that weighs neither for nor against the proposal.
35. Consistent with the submitted Transport Statement (TS), the appellant has proposed conditions to secure the construction of a footway between the proposed dwellings and bus stops on Brentwood Road, and to install two bus shelters. In accessibility terms I concur with the appellant that the appeal site has 'limited sustainability'⁶. This is due to the limited bus frequencies from the nearby bus stops, as documented in the TS, and the absence of any continuous footways or safe cycle routes to nearby shops and services.
36. The proffered conditions would do little to mitigate these specific deficiencies. Nonetheless, the TS and accompanying updated technical note also indicate that the appeal scheme would generate fewer trips than the existing use and the permitted clubhouse extension. Weighing these factors against the sub-

⁴ Refs: APP/M1595/W/17/3188665; 18/01384/FUL 'Wrightsbridge Farm'

⁵ Ref: APP/H1515/A/93/221103/P4 & APP/H1515/A/93/221104/P4

⁶ Rebuttal statement of Mr Ross, paragraph 6.5

- optimal accessibility of this location for housing development, I consider that the proposal would have a neutral effect in transport and accessibility terms.
37. The main parties agree that the Council cannot demonstrate a 5-year supply of housing. Although previous Planning Practice Guidance indicated that unmet housing need would, on its own, be unlikely to clearly outweigh harm to the Green Belt, that has now been removed. A Written Ministerial Statement from 17 December 2015 states similar and remains a material consideration, but that relates to intentional unauthorised development, which is not the case here. In any case, however, the weight to be afforded to the benefit of providing additional housing is a matter of planning judgement.
38. The Government's response to the technical consultation on updates to national policy and guidance, published on 19 February 2019, makes it clear that the 2014-based household projections should be used to determine the housing requirement. The Council accepts that using the 2014-based household projections would increase the Borough's 5-year requirement from around 412 units to 544 units, in turn reducing the estimated housing supply from 4.1 to 3.11 years⁷. I agree.
39. The publication by the ONS of 2018-based affordability ratios on 28 March 2019 indicates a continued worsening in housing affordability in Brentwood. However, as the calculated housing need is subject to a cap of 40% of the projected increase in households⁸ the revised ONS data does not affect the minimum housing supply figure referred to above.
40. The Council contends that it is appropriate to include within its identified HLS sites allocated in the emerging Brentwood Local Plan (Regulation 19) ('the emerging plan'), where residential units on those sites are anticipated to be delivered by 2022/23. It maintains that these have a realistic prospect of delivery within 5 years and thus meet the glossary definition of 'deliverable' included in the updated revised Framework⁹. However, the glossary definition also states that to be considered deliverable, sites for housing should be available now and offer a suitable location for development now. At the Inquiry it emerged that of the 19 emerging site allocations included within the estimated housing supply, 10 are located in the Green Belt. Several also appear to be in active use or are constrained in some other way.
41. Although the inclusion of these sites in the emerging plan is some evidence of deliverability, the Regulation 19 consultation commenced only shortly before the Inquiry. In the absence of any detailed evidence relating to the relevant allocations, I cannot conclude that they might reasonably be considered as available or suitable in locational terms 'now'. The wording of the Framework's glossary definition supports this view, as it indicates that a site may be deliverable where it has been allocated in a development plan. As the 19 cited allocations relate to an emerging plan that is not the case here.
42. Whilst I was informed at the Inquiry that some emerging site allocations may be included on a brownfield register, there is no evidence that that is the case for these 19 allocations. Irrespective of the acceptability of the emerging plan's

⁷ Council's written response to Government documents published on 19 February 2019, dated 25 February 2019

⁸ Planning Practice Guidance: Reference ID: 2a-004-20190220

⁹ Council's written response to Government documents published on 19 February 2019, dated 25 February 2019

trajectory methodology, there is no compelling evidence before me that any of the 19 cited emerging allocations currently meet the Framework definition of 'deliverable'. All 819 units within them should therefore be excluded from the identified housing supply, further reducing it to 875 units.

43. Consequently, based on the evidence before me I consider the housing supply at the time of the Inquiry to be approximately 1.61 years. This is substantially below what should be provided in a Borough where there is a record of persistent under-delivery. A proffered condition to secure a shorter implementation period may further assist in supporting the Government's objective, stated in the Framework, of significantly boosting the supply of homes. The increase in the ONS' 2018-based affordability ratio from around 11.23 to 13.30 indicates that housing affordability in Brentwood has, since the previous release, worsened to a greater degree than any other authority in Essex. In this context, the provision of 30 dwellings locally and to contributing to housing supply in a more strategic sense attracts very significant weight as a benefit.
44. Under the terms of the UU, 5 of the proposed units would be provided in a shared ownership tenure. As already noted this would contribute to a local need. The evidence¹⁰ indicates that the need is pressing and supply is worsening.
45. The Council contends that the provision of 5 affordable housing units would fall below the 35% target sought by policy H9 of the LP and that this should therefore carry reduced weight as a benefit. Whilst I accept that policy H9 is capable of an alternative interpretation, I construe the policy as applying to sites or proposals of specified sizes which are located either within the Brentwood urban area or within defined settlements elsewhere in the Borough. I reach that view based on an objective reading of the policy in the light of the reasoned justification set out at paragraphs 3.31 to 3.33 of the LP. The appeal site is in neither of the locations specified in the policy. In any case, however, the main parties appear to agree that 5 AH units is the maximum that could be viably achieved by the scheme. There would therefore be no conflict with policy H9 even if it were to apply here. Whilst modest in numerical terms, the proposal would materially contribute to meeting local affordable housing needs. I attach substantial weight to the benefit of securing 5 affordable housing units as part of the overall supply.
46. As the appeal site is previously developed land the appellant contends that it is sequentially preferable to other emerging site allocations included in the Green Belt. Plainly the Council has concluded through its emerging plan that some release of Green Belt, including on greenfield sites, is necessary to accommodate housing requirements. However, paragraph 138 of the Framework indicates that such releases should take into account the need to promote sustainable patterns of development, with first consideration given to land which has been previously developed and/or is well-served by public transport. As there is little compelling technical evidence before me assessing the accessibility of emerging allocations relative to the appeal site I am unable to conclude that the appeal site is sequentially preferable to others in terms of

¹⁰ Brentwood Strategic Housing Market Assessment, June 2016

the 'and/or' test included in the Framework. Consequently this matter does not carry any weight as a benefit.

47. The completed UU also includes primary school and primary school transport financial contributions. I am satisfied that these obligations are necessary, directly related to the development and related in scale and kind. However, as they offer mitigation against the effects of the proposal on local schools and transport services they represent a neutral factor.
48. The proposal would result in enhanced landscaping. As confirmed in the LVIA enhanced boundary planting would mitigate the proposal's visual impacts. However, the provision of improved amenity areas and tree planting would provide a localised benefit to the character and appearance of the area. Buffer planting may also screen existing visually intrusive structures and infrastructure in the vicinity from certain viewpoints. I afford these landscaping benefits moderate weight.
49. The appellant has offered a condition to secure bat and bird boxes within the proposal. Although the Ecological Appraisal noted that bats would be likely to forage and commute locally, it found no evidence of bat roosts or any significant foraging opportunities on the site itself. No bird species of anything other than site-level value were recorded on the site. The suggested condition would therefore not be necessary. Notwithstanding this, the additional landscaping would be likely to increase the ecological value of the site. I afford this ecological benefit limited weight.
50. Economic benefits would result from the scheme's construction and the proposal would also result in an increase in local expenditure. I attach moderate weight to these economic benefits.
51. There is no dispute between the main parties in respect of other effects, including on character and appearance, flood risk and foul and surface water drainage. Nor is any conflict alleged in relation to other LP policies which may be relevant, such as policies CP1 and LT8, amongst others. However, lack of harm in relation to these matters is a neutral factor.

Conclusion and planning balance

52. I have found that the proposal would be inappropriate development in the Green Belt. This is, by definition, harmful to the Green Belt. I consider that the nature of the harm that would arise in this regard would result from conflict with the Green Belt purpose of assisting in safeguarding the countryside from encroachment. Consistent with paragraph 144 of the Framework I attach substantial weight to this harm.
53. In addition to the definitional harm caused by the proposal's inappropriateness, I have found that the harm to openness would be substantial in magnitude. This further weighs against the proposal.
54. In terms of benefits, I attach very significant weight to the proposal's contribution to housing supply. I accord substantial weight to the contribution that the proposal would make towards meeting affordable housing needs. Other material factors that weigh in favour of the proposal include moderate economic and landscaping benefits and limited ecological benefits.

55. My overall conclusion, however, is that these benefits do not clearly outweigh the identified harm to the Green Belt so as to amount to the very special circumstances necessary to justify the appeal proposal. Consequently, very special circumstances do not exist.

56. I have had regard to the other matters raised but I have found nothing to alter my conclusion. For the reasons given above the appeal is dismissed.

Paul Selby

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Christiaan Zwart, of Counsel

Instructed by: David Brown, GL Hearn

He called:

Neil Tully CMLI

Principal, Neil Tully Associates

Asher Ross MRTPI

Planning Director, GL Hearn

FOR THE LOCAL PLANNING AUTHORITY:

Stephen Morgan, of Counsel

Instructed by: Daniel Toohey,
Brentwood Borough Council

He called:

Jonathan Quilter MRTPI

Strategic Planning Manager,
Brentwood Borough Council

Fiona Bradley MRTPI

Planning and Enforcement Manager,
LSR Solicitors & Planning Consultants

INTERESTED PERSONS:

Amanda Burton

Local resident

David Harman

Local resident and long-time member
of Stonyhill Bowls Club

DOCUMENTS SUBMITTED DURING THE INQUIRY

- 1 Appearances on behalf of the Local Planning Authority
- 2 Confirmed drawing list
- 3 Agreed Planning Conditions
- 4 Statement of Common Ground 2 (Empiric Measurements)
- 5 Statement of Common Ground 3 (Affordable Housing)
- 6 Relevant legal authorities and superseded government policy/guidance
- 7 Council's opening statement
- 8 Statement of David Harman including 2016/17 Bowls Club accounts
- 9 Letter from Chairman of Stonyhill Bowls Club to Brentwood Borough Council, 5 June 2018
- 10 Updated measurements (relating to the Proof of Fiona Bradley)
- 11 Brentwood Local Plan – Pre-submission (Regulation 19) version [Core Document 13]
- 12 Technical consultation on updates to national planning policy and guidance, MHCLG, October 2018 [Core Document 14]
- 13 Draft Unilateral Undertaking (version 1)
- 14 Drawing 16850:P44, showing section lines
- 15 Judgment [2016] EWCA Civ 404 'Lee Valley Regional Park Authority'
- 16 Judgment [2017] EWCA Civ 1643 'St Modwen Developments Ltd'
- 17 Drawing 16850:P06:B 'Site Plan Indicating Shared Ownership Plots'
- 18 Drawing 16850:P20:B 'Plans – Types H and J'
- 19 Statement of Common Ground 1, 14 February 2019
- 20 Draft Unilateral Undertaking (version 2)
- 21 Solicitor's letter and confirmation of land titles, company names and 'blue line' boundary
- 22 Letter from appellant agreeing to proposed pre-commencement conditions
- 23 Council's CIL Compliance Statement
- 24 Plans and elevations for driving range bays (BRW/807/97)
- 25 Statement of Amanda Burton
- 26 Closing submissions on behalf of the Local Planning Authority
- 27 Closing submissions on behalf of the appellant

- 28 Judgment [1999] QBD 'J & J Davenport v Hammersmith & Fulham LBC'
- 29 Judgment [2016] EWHC 2832 (Admin) 'Michael Mansell'
- 30 Shorter Oxford English Dictionary – excerpts

DOCUMENTS SUBMITTED AFTER THE CLOSE OF THE INQUIRY

- 31 Completed Unilateral Undertaking dated 6 March 2019
- 32 Appellant's response to Government documents published on 19 February 2019 (20 February 2019)
- 33 Correspondence from the appellant and Crown Golf dated 22 February regarding golf driving range storage arrangements, ownership boundary plan and proposed off-site planning condition
- 34 Council's response to Government documents published on 19 February 2019 (25 February 2019)
- 35 Appellant's response to published ONS 2018-based affordability ratios (3 April 2019)
- 36 Council's response to published ONS 2018-based affordability ratios (8 April 2019)

Richborough Estates