

Appeal Decision

Site visit made on 1 November 2016

by Alex Hutson MATP CMLI MArborA

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

Decision date: 1 December 2016

Appeal Ref: APP/M1595/W/16/3156285

Wharf Shipping Services, Wharf Road, Stanford-le-Hope, Essex SS17 0EQ

- 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 K Sorenson – Wharf Shipping Services against the decision of Thurrock Borough Council.
 - The application Ref 16/00405/FUL, dated 16 March 2016, was refused by notice dated 18 May 2016.
 - The development proposed is replacement and extension of existing timber storage buildings and improved maintenance facility.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether or not the proposal is inappropriate development in the Green Belt;
 - The effect of the proposal on the openness of the Green Belt; and
 - If the proposal is inappropriate development, whether or not there are material considerations which, together, clearly outweigh the harm to the Green Belt, and any other harm, and which amount to very special circumstances which would be necessary to justify the proposal.

Reasons

Whether or not the proposal is inappropriate development in the Green Belt

3. The appeal site lies within the Green Belt. Paragraph 89 of the National Planning Policy Framework (the Framework) sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. Replacement buildings in the Green Belt are inappropriate, unless the new building is in the same use and is not materially larger than the one it replaces.
 4. The existing timber storage building predominantly comprises a steel framed structure, though other elements, such as shipping containers also provide an element of floorspace within it. According to the submitted plans, the height of the existing building ranges from approximately 3.1 metres (m) to approximately 5.2m.
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5. The proposal seeks to replace the existing building with a building of a uniform height of approximately 5.6m. I acknowledge that this would not be substantially higher than the highest elements of the existing building. However, the highest elements of the existing building only account for a modest proportion of its overall composition, with the majority of the other elements of the building of a considerably lower height. As a result of the increase in height, the volume of the proposed building would be approximately 25% greater than the existing building.
6. The Framework does not define the term 'materially larger' for the purposes of assessing whether a replacement building is inappropriate development within the Green Belt. However, the considerable increase in overall height, bulk and massing and the considerable increase in volume of the proposed building over and above that of the existing building, would, in my judgement, result in a building materially larger than the one it would replace. This is notwithstanding that the proposed building would occupy a slightly smaller footprint.
7. The appellant argues that whilst such an increase in volume may be considered material in some contexts, it should not be so in the case of this appeal. They also suggest that any assessment should take account of the scale of other buildings in the locality. However, such an approach is not supported by a reading of the criterion set out in the fourth bullet point of paragraph 89 of the Framework. This clearly states that a replacement building will not be inappropriate, provided the 'new building is in the same use and not materially larger than the one it replaces'. Whilst therefore a contextual analysis of surrounding built form may be a legitimate consideration in measuring the effect of development on character and appearance, it is expressly not a consideration in relation to inappropriateness as set out in paragraph 89 of the Framework.
8. Consequently, whilst it would be in the same use, the proposal would be materially larger than the building it would replace and would not, therefore, comply with the listed exceptions as set out in Paragraph 89 of the Framework, in respect of replacement buildings in the Green Belt. The proposal would therefore be inappropriate development in the Green Belt, which Paragraph 87 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 of the Framework states that in considering a planning application substantial weight should be given to any harm to the Green Belt. I also find that the proposal would conflict with Policy PMD6- Development in the Green Belt, of the Thurrock Council Core Strategy and Policies for Management of Development Focused Review 2015 (Core Strategy), which requires development in the Green Belt to meet the requirements and objectives of national planning policy.

Effect on the openness of the Green Belt

9. Paragraph 79 of the Framework indicates that openness is an essential characteristic of the Green Belt. I acknowledge the appeal site is covered in hard surfacing and contains other structures and the open storage of materials which can be moved and relocated. Nevertheless, the variety in height and composition of the existing building limits its overall scale, bulk and massing. In addition, during my site visit I observed that parts of the exiting building contain no walls and no roof which further reduce its overall scale, bulk and

massing. Moreover, at its current height, the existing building predominantly sits below the height of vegetation, including trees, which are present around the boundaries of the appeal site.

10. I acknowledge that views towards the existing building can not be obtained from along Wharf Road to the east of the appeal site, due to intervening built form. However, I observed that some views towards it can be obtained from the entrance to Stanford Marshes Nature Reserve to the south. The existing building, from this vantage point, sits comfortably below the tree line. This is also likely to be the case from any views within the fishing lakes to the south and west of the appeal site. The limited scale, bulk and massing of the existing building therefore maintains a sense of space and openness within the appeal site and surrounding area.
11. The proposed building would be enclosed, or would have the ability to be enclosed, on all sides. Moreover, the increase in height is likely to increase its prominence in views from the above mentioned vantage points. The introduction of the proposed building would therefore inevitably affect the openness of the appeal site and surrounding area.
12. This would erode the spatial qualities of the area and would inevitably lead to a harmful loss of openness within the Green Belt, contrary to the aims of Paragraph 79 of the Framework. The proposal would therefore conflict with Policy PMD6- Development in the Green Belt, of the Core Strategy, which aims to maintain, protect and enhance the open character of the Green Belt in line with national planning policy.

Other considerations

13. It is alleged that the existing building cannot accommodate the machinery needed for the business to carry out its commercial activity effectively and that the building requires a certain height to accommodate the desired free standing storage racking. Nevertheless, I have not been provided with any evidence in respect of any machinery needed or its dimensions. It is also unclear why the free standing storage racking needs to extend to the height that it does and that there are no other alternative methods of storage which could be suitably accommodated within a building of similar dimensions to the existing building. I therefore afford limited weight to these matters.
14. I recognise the importance for a business to protect its staff, equipment and stock. However, there is no substantive evidence before me to suggest that the existing building is in a dangerous condition or that there would be no other suitable means by which to upgrade it to make it more secure. These are not matters, therefore, to which I can afford any significant weight.
15. The appellant has been operating the business, successfully, for many years and its commercial activity clearly makes an important contribution to a niche market. I have no doubt that the proposal would enable the appellant to expand their business capacity in this regard. The proposal would also allow for the creation of two new full time jobs. I therefore acknowledge that the proposal would provide some economic benefits. Nevertheless, in the wider scheme of things, an additional two jobs would make only a modest contribution to employment opportunities in the area. In addition, the appellant has not provided any persuasive evidence that without the development of the building as proposed, they would be unable to continue to

operate successfully within a niche market. As such, I afford these matters limited weight.

16. I acknowledge the appellant's argument that the appearance of the proposed building would be an improvement over that of the existing building. Nevertheless, the existing building is largely contained from wider public views. In addition, from within the appeal site, it does not appear to be particularly out of character in the context of the existing use of the appeal site. As such, it does not, in my opinion, particularly detract from the wider character and appearance of the area. Any enhancement to the appearance of the existing building is therefore a matter to which I afford limited weight.

Conclusion

17. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I have identified that the proposal would be inappropriate development in the Green Belt as defined by the Framework. In addition, it would cause material harm to the openness of the Green Belt.
18. As explained above, I only afford limited weight to each of the material considerations cited in support of the proposal and conclude that, taken together, they do not outweigh the harm that would arise as a result of the proposal. Consequently, no very special circumstances exist that would justify inappropriate development being allowed. For the reasons set out above and having regard to all other matters, I conclude that the appeal should be dismissed.

Alex Hutson

INSPECTOR