

Appeal Decision

Site visit made on 21 February 2017

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

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

Decision date: 2 March 2017

Appeal Ref: APP/M1520/W/16/3163790

Land adjoining 451-469, Daws Heath Road, Hadleigh, Benfleet, Essex SS7 2UG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Maurice Kingston against the decision of Castle Point Borough Council.
 - The application Ref 16/0218/OUT, dated 18 March 2016, was refused by notice dated 24 May 2016.
 - The development proposed is the erection of detached dwelling and garage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. All matters were reserved for further approval. No illustrative material has been submitted, although the appellant's statement envisages a four bedroom dwelling with access off Daws Heath Road.

Main Issues

3. The main issues are:
 - whether or not the proposal would be inappropriate development in the Green Belt;
 - the effect of the proposal on the openness of the Green Belt;
 - other considerations;
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances necessary to justify the proposal?

Reasons

Whether inappropriate development?

4. The appeal site is an undeveloped area of land within the Green Belt. Paragraph 89 of the National Planning Policy Framework (the Framework) states the new buildings in the Green Belt will be inappropriate unless they fall into specified exceptions, including limited infilling in villages. The appellant argues that the proposal for a single detached dwelling would fall within this exception.
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5. The Framework does not define 'limited infilling' in villages. However, development in the vicinity of the appeal site is sporadically spaced and has a semi-rural character in contrast to the more consolidated areas of settlement to the north and south. The land to the east of the appeal site is open and undeveloped. Whilst there are detached dwellings to the north and south of the site, the gap between them is significant. The appeal site is some 38m wide and both adjoining dwellings are positioned considerable distances from their respective side boundaries with the site.
6. Having regard to this setting, I consider that the proposal would not amount to infilling. Consequently, the proposal would amount to inappropriate development in the Green Belt for the purposes of Framework paragraph 89. Paragraph 87 advises that inappropriate development is, by definition, harmful to the Green Belt.

Openness

7. In view of the width and undeveloped character of the appeal site, and its close relationship with the open land to the east, it contributes positively to the openness of the Green Belt in this location. Whilst the scale and layout of the proposed dwelling is reserved for further approval, it would be reasonable to expect that the bulk of the envisaged four bedroom dwelling would be considerable. The building, together with the associated garage, access, boundary enclosures and domestic paraphernalia would, therefore, lead to a moderate loss of openness of the green Belt. Framework paragraph 88 advises that substantial weight should be given to any harm to the Green Belt.

Other Matters

8. I have had regard to the other concerns expressed locally, but none has led me to a different overall conclusion.

Other Considerations

9. Framework paragraphs 7 and 8 require the social, economic and environmental roles of sustainability to be considered together.
10. The appellant argues that the Council cannot demonstrate a five year supply of housing land. It puts the figure at 1.6 years and this has not been disputed by the Council. Whilst paragraph 49 of the Framework advises that relevant policies for the supply of housing should be considered out of date in these circumstances, my consideration of the main issues does not rely on policies for the supply of housing. As such, paragraph 49 offers limited support to the appellant's case. Nevertheless, in accordance with Framework paragraph 47, the absence of a five year supply of housing weighs in favour of the proposal. That said, the proposal would make a very limited contribution to the supply and to the social role of sustainability. Moreover, the Planning Practice Guidance advises that unmet housing need is unlikely to outweigh the harm to the Green Belt so as to constitute the 'very special circumstances' necessary to justify inappropriate development the Green Belt¹.
11. Future occupiers could be expected to support local services and businesses and the proposal would also make a limited and short term contribution to the economic role of sustainability through the construction activity.

¹ Paragraph reference: 3-034-20141006

12. There is no substantive evidence to suggest that the proposal would harm the character and appearance of the area or lead to other harms. The site is also reasonably sustainably located with regard to access to local services. However, the harm to the Green Belt weighs substantially against the proposal and, therefore, it would have a harmful effect on the environmental role. Consequently, I find that the proposal would not amount to sustainable development and does not benefit from the presumption in favour of sustainable development set out in Framework paragraph 14.

Very Special Circumstances

13. The proposal would be inappropriate development and would lead to a loss of openness of the Green Belt. The Council does not allege that the proposal would infringe any of the purposes of including land in the Green Belt². Nevertheless, the Framework also advises that substantial weight should be given to any harm to the Green Belt.
14. On a collective basis, the other considerations outlined above do not clearly outweigh the harm to the Green Belt by reason of inappropriateness and the loss of openness. Consequently, it has not been demonstrated that the very special circumstances necessary to justify the development exist.

Conclusion

15. For the reasons set out above, the appeal should be dismissed.

Simon Warder

INSPECTOR

² Framework paragraph 80