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# Appeal Decision

Site visit made on 24 July 2017

**by Clive Tokley MRTPI**

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

**Decision date: 31 July 2017**

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**Appeal Ref: APP/M1595/D/17/3177517**

**9 Marie Close, Corringham, Stanford-le-Hope, SS17 9EX.**

- 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 Mr Christopher Griffin against the decision of Thurrock Borough Council.
  - The application Ref 17/00113/HHA dated 25 January 2017 was refused by notice dated 23 March 2017.
  - The development proposed is described as a garden/games room/storage outbuilding.
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## Decision

1. The appeal is dismissed.

## Main Issues

- 2 The main issues are:-
  - a. Whether the proposal would be inappropriate development in the Green Belt as defined by the National Planning Policy Framework (The Framework).
  - b. The effect of the proposal on the openness of the Green Belt.
  - c. The effect of the proposal on the rural character of the area.
  - d. If the proposal is inappropriate development whether there are any other considerations that clearly outweigh the harm to the Green Belt due to inappropriateness and any other harm and whether very special circumstances exist to justify the development.

## Reasons

### *Inappropriate development*

4. The Framework indicates that within Green Belts the construction of new buildings is normally inappropriate development; however in Paragraph 89 it identifies a range of developments which may not be inappropriate. These exceptions include the extension or alteration of a building; provided that it does not result in disproportionate additions over and above the size of original building. The Framework does not define the term "disproportionate"; however
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guidance may be found in the development plan. The Framework gives no indication that free standing buildings within the curtilage of existing buildings may not be inappropriate; however garden buildings that closely relate to dwellings are widely interpreted as being extensions to those dwellings.

5. Policy PMD6 of the Council's January 2015 *Core Strategy and Policies for the Management of Development* indicates that within the Green Belt residential extensions may be permitted provided that additions to the original building are no larger than two reasonably sized rooms or an equivalent amount. That policy makes no reference to residential curtilage buildings but it is indicative of the Council's stance as regards additions to residential properties and provides guidance for the consideration of detached outbuildings.
6. The Council points out that the appeal dwelling has already been extended by a conservatory and that when added to that extension the proposal would exceed the equivalent of two rooms. The proposed outbuilding would be over 12m in length and 4.4m wide and in combination with the conservatory it would significantly exceed the Council's rule of thumb definition of two reasonably sized rooms.
7. Whilst the floor space figure adopted by the Council in its report is not definitive I consider that in addition to the conservatory the proposal would amount to a disproportionate addition to the original building. As such the proposal would be inappropriate development in the Green Belt as defined by the Framework.

#### *Openness*

8. Any building above ground would have some effect on openness and that would be the case for the appeal proposal; however I consider that in the light of particular location of the proposed outbuilding and its built-up context the proposal would not be materially harmful to the openness of the Green Belt and that openness would be preserved.

#### *Character and appearance*

9. The proposal would be largely screened from the open countryside to the south by the garden wall and would be seen in the context of the residential and commercial development in the immediate area. I consider that it would have no material effect on the character or appearance of the countryside.

#### *Other considerations*

10. The appellant indicates that "permitted development" (PD) rights were removed by a condition of the original planning permission for the development and that normally a proposal of this nature would be PD. I have no indication of the reason for removing PD rights here; however as a result of that condition the appellant does not have a "fall back" position.
11. The Framework indicates that within Green Belts inappropriate development is, by definition, harmful and should not be approved except in very special circumstances. It goes on to indicate that when taking decisions substantial weight should be given to any harm to the Green Belt. The indication that in other circumstances the proposal would have been PD does not change my judgement that the proposal would be inappropriate development.

12.I have noted the measures that the appellant would take to blend the proposal into its surroundings; however those measures and the hypothetical circumstances that may apply elsewhere as regards the need for permission are not sufficient to clearly outweigh the harm to the Green Belt as a result of inappropriateness. Therefore "very special circumstances" do not exist.

### **Conclusion**

13.I have concluded that the proposal would be inappropriate development in the Green Belt. I conclude that it would not unacceptably detract from openness or be harmful to the character or appearance of the countryside. Nevertheless I cannot identify any other consideration that would clearly outweigh the harm as a result of inappropriateness and that the very special circumstances sufficient to justify inappropriate development in the Green Belt do not exist.

14.I therefore conclude that the appeal should not succeed.

*Clive Tokley*

INSPECTOR