
Appeal Decision

Site visit made on 14 August 2017

by Nicola Davies BA DipTP MRTPI

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

Decision date: 18 August 2017

Appeal Ref: APP/M1595/W/17/3173656

2 Hill Cottages, Stifford Hill, North Stifford, Grays RM16 5UJ

- 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 Cliff Cowin against the decision of Thurrock Borough Council.
 - The application Ref 15/01348/OUT, dated 11 November 2015, was refused by notice dated 6 March 2017.
 - The development proposed is to replace existing building with new single storey bungalow to rear of plot with separate access and dividing wall to separate plots.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with all matters reserved. The appellant has explained that the proposal seeks a modestly sized two bedroom family home. Whilst the proposed site layout and access details on the block plan and the proposed plans and elevations are illustrative, these, in my opinion, provide a reasonable indication as to the likely layout and size of a two bedroom dwelling at the appeal site and the position of an access. I have therefore had regard to the appellant's drawings.

Main Issues

3. The appeal site is within the Green Belt and the main issues are: -
 - Whether the proposal is inappropriate development in the Metropolitan Green Belt for the purposes of the National Planning Policy Framework and development plan policy;
 - The effect of the proposal on the openness of the Green Belt and the character and appearance of the area;
 - Highway safety; and
 - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

4. The appeal site forms part of the residential curtilage of 2 Hill Cottages, which is a detached dwelling situated to the south-western side of Stifford Hill within a semi-rural area at the edge of North Stifford. The proposed dwelling would be positioned to north-west of the existing dwelling and would replace an existing ancillary outbuilding. It is also proposed to create a new vehicular access onto Stifford Hill.

Inappropriate development

5. The National Planning Policy Framework (the Framework) establishes that the replacement of a building within the Green Belt is inappropriate unless, amongst other things, the new building is in the same use and not materially larger than the one it replaces (paragraph 89).
6. Policy PMD6 of the Council's Core Strategy and Policies for Management of Development (the Core Strategy) reflects that of the Framework and states that replacement buildings shall only be for the same use and the replacement building shall not be materially larger than the one it replaces.
7. The proposal would replace an ancillary outbuilding with a dwelling, therefore, the replacement development would not be in the same use. In addition, the replacement building, as shown on the appellants illustrative plans, would have a significantly larger footprint and overall size to that of the building it would replace. The proposed development cannot reasonably be considered to be anything other than materially larger. Consequently, the proposed scheme does not fall within the fourth bullet point exception of paragraph 89 of the Framework.
8. In not complying with the exception, the scheme would 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 does not comply with Policy PMD6 of the Core Strategy as the proposal would not be in the same use as that of the existing building and would be materially larger than the one it replaces. That is the test that both the Framework and Policy PMD6 set out.

Openness and character and appearance

9. Further to my considerations above the enlarged footprint and size of the new dwelling would represent a significant increase to that of the existing building (the Council indicates this increase to be approximately 50%). A larger building in this location, along with the creation of a new access, would be more visually obtrusive as a result of its increased size and extent. This would be contrary to the purpose of safeguarding the Green Belt from encroachment and would have a significant negative effect on the openness and character and appearance of the Green Belt.
10. Paragraph 79 of the Framework indicates that openness is an essential characteristic of the Green Belt. The proposal would conflict with Policy PMD6 of the Core Strategy as it would not maintain the open character of the Green Belt. Consequently, there would be a significant degree of harm arising from

the proposed development, in addition to that arising from the inappropriate nature of the development.

Highway safety

11. The Council indicates Stifford Hill is a Level 1 Road for the purposes of Policy PMD9 of the Core Strategy. This defines this route as a corridor of movement within the road network hierarchy. I observed that Stifford Hill appears to carry a significant volume of traffic.
12. The proposed access would be located on the inside of a bend and where the road has a steep gradient. I share the Council's concern that the proposal would likely reduce highway safety as the limited visibility either side of the proposed access would not provide a driver leaving the appeal site adequate visibility to see oncoming traffic in either direction. Similarly, drivers of vehicles travelling along the highway would not have enough warning of vehicles emerging from the appeal site and joining the highway. I observed that there are speed bumps from the top to the bottom of the hill that would, to some extent, slow traffic before and after the proposed access. However, this does not obviate the need for appropriate visibility as vehicles travel at speed along this stretch of highway, despite the traffic calming measures that are in place. The proposal therefore would not provide an appropriate level of visibility at the access and, as such, would be detrimental to highway safety. This weighs heavily against the proposed development.
13. It appeared to me that some vegetation removal along the site frontage and works to the embankment may have taken place. Even so, it has not been demonstrated that adequate visibility could be achieved.
14. The appellant contends that there is an existing access immediately opposite the appeal site and that there is also an existing access relating to the dwelling at the appeal site. It is argued that both have less visibility than that of the proposed access. This might be so but these existing accesses do not justify the creation of a further substandard access in this location or obviate the harm I have identified about with relation to the proposed access.
15. I conclude that it has not been demonstrated that the appeal proposal would not cause harm to highway safety. The proposal would therefore conflict with the underlying aim of Policy PMD9 of the Core Strategy that seeks to ensure road safety would not be prejudiced, amongst other matters.

Other Considerations

16. The appellant argues that many other parts of the Green Belt in Thurrock have been and continue to be developed to meet the local demand for new residences in the area. Even if the appellant is right on this point, each proposal can and should be judged on its own merit.
17. I accept that the proposal would provide a modestly sized two bedroom family home. However, the contribution of one dwelling to the Borough's housing supply would be extremely limited and I therefore give this little weight.

Conclusions

18. The combination of harm caused by the inappropriateness of the development and its effect on openness, character and appearance of the area and highway safety carry substantial weight. In contrast, the other considerations carry little weight and are not sufficient to clearly outweigh the harm to the Green Belt. Consequently, I find there are not the very special circumstances necessary to justify inappropriate development in the Green Belt. The proposed development would conflict with the Council's adopted development plan, including Policies PMD6 and PMD9 of the Core Strategy, and the advice in the Framework. Therefore, for the reasons given I conclude that the appeal should be dismissed.

Nicola Davies

INSPECTOR