
Appeal Decision

Site visit made on 12 November 2019

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 22 November 2019

Appeal Ref: APP/M1595/W/19/3226259

**Land to the North East of St Clere's Hall, Stanford Road,
Stanford-le-Hope SS17 0NW**

- 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 M Valente against the decision of Thurrock Borough Council.
 - The application Ref 18/00984/FUL, dated 1 May 2018, was refused by the Council by notice dated 23 November 2018.
 - The development proposed is erection of a terrace of 4No residential dwellings following demolition of existing buildings.
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Decision

1. I dismiss the appeal.

Main Issues

2. These are;
 - Whether the proposal is inappropriate development in the Green Belt having regard to local and national policy.
 - The effect of the proposal on the character and appearance of the area.
 - The effect of the proposal on the setting of the Grade II* Listed Building St Clere's Hall.
 - The planning and Green Belt balance.

Reasons

Green Belt Policy and Preliminary Findings

3. The National Planning Policy Framework states at paragraph 133 that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 134 lists the five purposes of the Green Belt, including assisting in safeguarding the countryside from encroachment. The construction of new buildings should be regarded as inappropriate development in the Green Belt as set out in paragraph 145, but followed by a list of exceptions which include g); limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.

4. Policy PMD6 of the Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) concerns development in the Green Belt and part 6 provides for the redevelopment of previously developed land which should have no greater impact on the openness of the Green Belt and the purpose of including land in it, than the existing development.
5. The application is for 4 dwellings to the roadside of the site, and is in addition to previous grants of permission as follows;
 - Council Reference 11/50268/TTGFUL granted on 5 October 2011 for '*erection of 14 dwellings*' consisted of 3 blocks of dwellings, Plots 1 to 6 facing the main road but set back from it, Plots 7 to 12 being aligned in a terrace north-south backing onto the land of the listed St Clere's Hall, and a semi-detached pair Plots 13 and 14 on the opposite side of the central accessway. In addition, the permission included covered car and cycle parking buildings. The application was accompanied by drawings showing the location of various former farm buildings which were taken into account in the Green Belt balance.
 - Council Reference 16/00271/FUL for '*the demolition of existing car storage building and erection of a residential terrace of 5No. three-bedroom dwellings*' was refused by the Council on 5 September 2016 but was permitted on Appeal Reference APP/M1595/W/16/3162119. That replaced the pair on Plots 13 and 14 with a terrace having similarities in appearance and proportions to the terrace Plots 1 to 6 originally permitted. That Decision was taken with regard to the Green Belt balance in paragraph 89 of the 2012 Framework, which has been carried forward into the relevant part of paragraph 145 in the current Framework.
6. The Inspector writing in 2017 noted that the then appeal site contained a building, that the proposed development would result in a significant reduction of the footprint and volume of buildings when compared to the existing situation, and that given the overall size, design, siting, and height of the proposed dwellings, they would have a beneficial effect on the openness of the Green Belt. It appears that the pre-existing building occupied a footprint that was to be covered by that of the dwellings, and since its removal was bound to occur on development of the scheme, no further control was necessary.
7. That situation was not the case with regard to the original grant of permission, as although there were some buildings sharing footprints with the proposed new build structures, there were 2 buildings to the site frontage onto the main road that were able to remain physically even when the 14 dwelling scheme was built-out; the subsequent increase to 17 dwellings did not alter that fact.
8. The area of land occupied by these 2 buildings was shown on the original 2011 permission as open landscaping in front of Plots 1 to 6 and the nearby car-building. The description of development did not mention demolition and there was no condition attached requiring this to be carried out. The subsequent grant at appeal of the change to the layout meant that the approved landscaping scheme could not be carried out, and the need for new applications for elements previously approved was acknowledged in the Officer's Report; the landscaping would need to be re-approved in its new form.

9. The appellant also draws attention to the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 at Schedule 2, Part 11, Class B.2. Conditions on the demolition of buildings which states at (b) that the developer must, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the method of demolition and any proposed restoration of the site, and no such application has been made.
10. The preliminary finding is that there is no existing enforceable requirement to remove the 2 buildings presently located within the red-line site area of the present appeal, and that they are available to be considered with regard to the paragraph 145g exception, rather than judging the proposal against the originally intended open space.

Openness of the Green Belt

11. The two existing buildings are both pitch-roofed, the one is a square metal-clad structure, and the other is a more rustic barn-like timber-clad structure. Although elevations had not been supplied, it was possible to judge the height of their ridge and asymmetrical eaves by reference to a known height and in relation to the 6-dwelling terrace already erected.
12. This exercise showed that both existing buildings are lower at the ridge and at the eaves than the nearby 6-dwelling terrace, and the appeal proposal would utilise substantially the same 2-storey arrangement with an additional storey in the steeply pitched roof, so that is a reasonable comparison. In terms of footprint, based on the information shown on the site plan, the sum of the two extant buildings is more than that of the proposed dwellings, but the difference scales in the order of them being only 115% of the footprint of the proposed terrace. The total width of site occupied by the 2 buildings would be more than the width of the terrace, allowing for the small gap between.
13. Drawing these observations together, whilst there would be a reduction in footprint, the height of the eaves and ridge together with the central projecting gable-ended bay, and the bulk of the 4 dwelling terrace arranged away from the previously permitted built form towards the open land of the road, all lead to the conclusion that the proposed development would have a greater effect on the openness of the Green Belt than the existing buildings on the red-line appeal site. The proposal does not therefore satisfy the exception in paragraph 145g and the relevant part of Policy PMD6, and hence is inappropriate development in the Green Belt.
14. Having found the proposal to be inappropriate development it is necessary to consider the effect on the 5 purposes of the Green Belt set out at paragraph 134 of the Framework, although the only one of possible relevance is c) 'to assist in safeguarding the countryside from encroachment'. It is the fact, as just stated, that the proposed terrace would be closer to the open space to the north, but this does not have the attributes of countryside although it could well have that designation in policy terms, as major works are going on to the land between the present line of the A13 and the A1306 Stanford Road. There would however be some element of encroachment, and this will be placed in the balance.
15. The appellant surmises that there is a prospect of the appeal site, along with a wider area to the south, being excluded from the Green Belt in a review for the

emerging Local Plan, as it is said to no longer perform any of the purposes of the Green Belt. That is however a matter that must await that separate plan-making process.

16. The Framework states at paragraph 143 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 goes on to say that substantial weight should be given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Before looking at other considerations, it is necessary to identify whether there is any other harm to place in the balance.

Character and Appearance

17. Policies CSTP22, CSTP 23 and PMD2 concern the quality of design and layout, as well as local character and distinctiveness and the framework states at paragraph 124 that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
18. The proposed terrace would adjoin a permitted car building and cycle store and would incorporate many of the architectural features found acceptable in both the original grant of permission in 2011 and the subsequent appeal in 2017. The terrace would project forward of the new building line established by the 6-dwelling terrace, but that is to the rear of the general building line of the older properties along the road to the east. Nevertheless, the terrace would be in front of that older line and divorced from it, appearing isolated and poorly related to built form already on the site and adjoining to the east. The blank gable end to the north would lack interest and would appear as an incongruous feature if over-close proximity to the roadside.
19. The Council object to the extent of hardstanding, and it does appear to be the case that the parking for these additional dwellings would take over part of the site previously set aside for soft landscaping and for what is described as a 'buffer-zone' between the buildings and the road. Whether now enforceable or not, that soft landscaped area would have provided an attractive edge to the development and an element of this being a 'buffer-zone' as claimed which would have benefited both the setting of the new development and the hard edge of the highway infrastructure; the presence of vehicles parked in this area would also cause visual harm.
20. It is necessary to place in the balance the effect of the existing buildings along this area of the land, and whilst they are utilitarian, and the timber-clad building appears in poor condition, this latter structure does display features of the rural agricultural previous use. Whether in the absence of the appeal scheme they would remain is a matter of conjecture, as they do have a harmful effect on the outlook of newly built homes, whereas in the appeal scheme their removal could be guaranteed by one being on the footprint of the proposed terrace and the other by the use of a condition requiring demolition prior to commencement.
21. In conclusion, whilst the removal of the two existing buildings and the landscaping of the area as intended would enhance the character and

appearance of the area, and the removal of the buildings alone would also have a beneficial effect, albeit much reduced over the original landscaping scheme, that benefit would be largely negated by the proposed development of the terrace and the car parking arrangements would introduce further harm such that the overall effect would be significantly harmful, contrary to the Development Plan policies previously cited and the aims of the Framework with regard to good design.

Listed Building

22. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be, and at Grade II* this building is one of a small percentage of all listed buildings. Local Policies CSTP24 and PMD4 seek the same aims.
23. St Clere's Hall is an imposing building set out across its site with space to the front towards the road, and it is clear from the amended list description that weight should be attached to internal features and an historical association in addition to its external presentation. The description is one of a 'farmhouse' although it is less clear whether the farm in question was that comprising the buildings on the appeal site, most of which have now disappeared and the intention was that the remainder would have gone also.
24. The setting has therefore changed over time, and is now more constrained by later development, including that of the new housing permitted in 2011 and 2017. As noted by the Conservation Officer and an Inspector writing in 2002, the setting is restricted in the direction of the appeal site by vegetation and is already affected by the buildings on the site.
25. As a result, the setting of the former farmhouse should be regarded as extending north and south, but that over the appeal site or the land already developed is of low significance. The further development proposed in this appeal would not have an adverse effect on the setting of the listed building, and the shortcomings identified in the previous main issue in design and layout of the building and its car parking would not affect the setting in any event. It is concluded that the requirements of statute as well as local and national policy on the preservation of heritage assets would be satisfied in this case.

Planning and Green Belt Balance

26. Harm has therefore been identified by reason of being inappropriate development in the Green Belt through an adverse effect on openness, and that should be given substantial weight although the effect on the purposes of the Green Belt are more limited. Harm has also been identified to the character and appearance of the area through the overall effect of the demolition and new building and car parking taken together. It is now necessary to weigh in the balance other considerations that may lead to there being very special circumstances sufficient to clearly outweigh the total harm.

27. As noted in the Officer's Report, the appellant had not provided an argument of 'very special circumstances' since the scheme was promoted as being not-inappropriate development, and that remains the case at this appeal. The Report did however refer to housing provision, the logical completion of the development and the removal of the remaining farm buildings on the site. These matters will be considered now in light of the findings in this Decision.
28. No information is to hand on the Council's five-year housing land supply situation, and the 'tilted balance' in paragraph 11 of the Framework does not apply to Green Belt land as stated in footnote 6. Nevertheless, the supply of housing is a benefit and paragraph 59 makes clear the Government's objective of significantly boosting the supply of homes, while the five-year supply is only a minimum as stated in paragraph 60. Significant weight attaches to this consideration.
29. As to the logical completion of the development, the development as intended had a 'buffer-zone' of landscaped land alongside the road, and this and the location of the 6-dwelling terrace and nearby car-building would have provided an attractive edge to the development alongside the longer established residential layout to the east. In view of the findings on the effect on the character and appearance of the area, it is not possible to attach any weight to this being an acceptable, or logical completion of the development.
30. The removal of the remaining farm buildings would be a benefit and the appellant argues that there is no mechanism to ensure that, while the appeal proposal would guarantee their removal. The conclusion on the character and appearance of the area is that the overall effect of their removal but replacement as proposed would be significantly harmful, and hence no weight can be attached to this as an 'other consideration'.
31. In the balance, the benefit to the supply of housing would not be sufficient to overcome the failings of the scheme in Green Belt and design terms, and the other considerations have not been found, overall, to be positive matters. As a result, the requirement for other considerations to clearly outweigh the harm has not been met and hence very special circumstances sufficient to allow inappropriate development in the Green Belt do not exist.

Conclusions

32. The proposal would be inappropriate development in the Green Belt, with further harm to the character and appearance of the area, and no very special circumstances have been shown to exist. For the reasons given above it is concluded that the appeal should be dismissed.

S J Papworth

INSPECTOR