
Appeal Decision

Site visit made on 5 November 2019

by Stephen Wilkinson BA BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2019

Appeal Ref: APP/M1595/W/19/3234755

Land adjacent Groves Barns and to the east of North Road, South Ockendon, Essex RM15 6SR

- 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 Goldshields Property Investment Ltd against the decision of Thurrock Borough Council.
 - The application Ref 19/00164/FUL, dated 24 January 2019, was refused by notice dated 1 April 2019.
 - The development proposed is demolition of existing buildings and removal of existing hardstanding and redevelopment of site including new access road, 9 dwellings with private car parking facilities, 2no. visitor car parking spaces to the north, 12no. visitor car parking spaces for the recreational fishing lakes that are currently under construction and new refuse storage facilities.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have amended the address of the application site from that on the application form to enable the clear identification of the appeal site. This address was cited by the appellant in Part D of the appeal form. I have also amended the description of proposed development from that included in the application form. The description of development on the application form was lengthy and made reference to aspects which are not acts of development. In the heading above I have therefore used the more succinct description employed by the Council in its decision notice and cited by the appellant in Part E of the Appeal form.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt, including the effect the development would have on the openness of the Green Belt;
 - The effect of the development on surface water run off from the site, 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

Site description and proposals

4. The appeal site comprises part of an area of open and flat land which is in the process of restoration from its previous use for the extraction of minerals. The site lies in the Green Belt and following the cessation of the works is largely vacant, occupied by partially demolished buildings and broken up areas of hardstanding. The buildings are located towards the northern end of the site close to an existing access point.
5. The site lies on the eastern side of North Road which runs between the two villages of North and South Ockendon. The eastern edge of the site is being restored and two fishing lakes are in the progress of excavation. The area surrounding the site comprises mainly arable farmland.
6. The appeal proposals include the demolition of existing buildings, removal of hardstanding and redevelopment of the site, a new access road and 9 dwellings, parking and visitor car parking for the recreational fishing lakes with refuse storage facilities.

Whether the proposal is inappropriate development in the Green Belt including effects on openness

7. The proposal includes redevelopment of the site of the buildings which served the former quarry. Paragraph 145 of the Framework identifies that whilst development of new buildings in the Green Belt is regarded as inappropriate, exceptions to this include limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the former buildings.
8. Based on the evidence I have before me I consider that the extent of the proposed housing would cover a greater area than that of the original buildings and areas of hardstanding. In this respect it would not fall within one of the exceptions listed within paragraph 145 of the Framework.
9. Openness is a characteristic of Green Belts. The former quarry buildings have almost been completely demolished with just parts of their walls remaining. The areas of hardstanding have been broken up. The appeal site forms a wedge of Green Belt lying between the two village settlements of North and South Ockendon. The proposals would be more intrusive than the existing buildings and would cover a large part of the site.
10. The appeal proposals are not 'limited infilling in villages' as identified by paragraph 145 e) of the Framework as stated by the appellant. The site lies outside the built up area of the two nearest settlements, is isolated and development would erode the essential open character of the Green Belt which is its openness and permanence.
11. Accordingly, I find that the proposals would result in harm by reason of inappropriateness and harm to openness. They would be contrary to policies OSDP1, CSSP4 and PMD6, 6 of the CSPMPD, as amended 2015. Although these policies each predate the Framework they are broadly consistent with it and

accordingly, I give these policies considerable weight in the determination of this appeal.

Surface water drainage

12. The scheme does not include details of surface water drainage as required by policy PMD15 of the Council's Core Strategy and Policies for the Management of Development Plan Document (CSPMPD) 2015, as amended. It is unclear how the proposed sustainable urban drainage system (SUDS) compliant porous surfacing included in the scheme could reduce the risk of surface water flooding. In the absence of this information it is difficult to determine the extent of flood water run off resulting from the proposals. This is not consistent with the Chapter 14 of the Framework.

Other considerations

13. The Appellant has cited a range of factors for justifying why this proposal should be allowed which include that the scheme would be of good quality design with additional tree planting along North Road. Furthermore, the proposals would provide family sized accommodation in the countryside affording access to recreation opportunities. They consider that this would support the Councils wider regeneration objectives of delivering housing growth through the use of previously developed land.
14. The appellant cites the extant permission for 6 houses on part of the appeal site as a precedent to justify why this development would be acceptable. There is no evidence to suggest that the permitted scheme for fewer houses than is currently proposed in this appeal would have an equal or greater harmful effect on openness than the current proposals. Furthermore, I do not have all the evidence on the considerations which led to that decision to grant permission.
15. I accord these matters only limited weight when set against the adopted policies and the Framework as they need to be considered in the context of this site which lies within the Green Belt. The merits of the appeal scheme are modest and hold little weight in favour of the proposal.

Conclusions

16. I conclude that special circumstances do not exist to warrant an exception to adopted local policies and the Framework which seeks to protect the openness and permanence of Green Belts. Accordingly, for the reasons given above the appeal should be dismissed.

Stephen Wilkinson

INSPECTOR