
Appeal Decision

Site visit made on 7 January 2020

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 January 2020

Appeal Ref: APP/M1595/W/19/3234625

The Village Motel, Southend Road, Corringham SS17 8JS

- 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 Robert Hollington (Microma Leisure Ltd) against the decision of Thurrock Borough Council.
 - The application Ref 19/00167/FUL, dated 4 February 2019, was refused by notice dated 5 April 2019.
 - The development proposed is demolish all existing structures on site and construction of three 2 storey blocks creating nine flats with associated parking area, amenity space and cycle and bin stores (resubmission of 18/01460/FUL Demolition of existing structures and construction of two residential blocks creating five flats with associated parking area, amenity space and cycle and bin stores).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of proposed development shown on the Council's decision notice and the appellant's appeal form is more precise than that shown in the planning application form. I have therefore used this description in the banner heading and determined the appeal on this basis.

Main Issues

3. The main issues in this appeal are as follows:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies; and,
 - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate Development

4. The appeal site is located within the Green Belt. The National Planning Policy Framework ('Framework') states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the Framework makes it clear that

new buildings are inappropriate development, subject to a limited number of exceptions. One exception, set out in paragraph 145(g) concerns the limited infilling or the partial or complete redevelopment of previously developed land, providing that it would not have a greater impact on the openness of the Green Belt than the existing development. The approach to considering development in the Green Belt in Policy PMD6 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development Adopted January 2015 ('CS') is broadly consistent with the Framework.

5. According to the Framework¹, previously developed land comprises land occupied by a permanent structure, including the curtilage of the developed land. The appeal site includes a number of buildings and I agree with the main parties that the land is within the definition of 'previously developed land'. Therefore, the question is whether or not the proposal would have a greater impact on the openness of the Green Belt than the existing development.
6. The Framework advises that openness and permanence are the essential characteristics of the Green Belt. Openness is the absence of development and it has both spatial and visual aspects.
7. Whilst the proposed development would reduce the footprint of buildings on the site from approximately 530 to 463 square metres, it would replace the existing low-level structures with 3no 2 storey buildings. It would significantly increase the volume of buildings on the site from around 1475 to 2145 cubic metres and would therefore have a greater spatial impact on openness. Furthermore, the proposed development would be much taller than the existing buildings, and the built form would be more visible in public views from Southend Road. Consequently, the proposed development would, by virtue of its permanence and size, have a greater impact on openness than the existing development.
8. Therefore, I find that the proposal would not meet the exceptions in paragraph 145 of the Framework, which requires that development on previously developed land would not have a greater impact on the openness of the Green belt than the existing development. The proposal therefore constitutes inappropriate development in the Green Belt when assessed against the Framework and relevant policies in the Development Plan, which, by definition, would be harmful to the Green Belt and should not be approved except in very special circumstances.

Other considerations

9. The appellant has drawn my attention to a previous planning permission granted by the Council (Ref 18/01460/FUL) for 5 flats within 2no 2 storey buildings at the appeal site. The appellant contends that the additional 4 dwellings would be in a position between the approved scheme and a large educational establishment to the south, which would have little relevance to the openness of the Green Belt. Nevertheless, the appeal scheme would be larger than the previous approval by virtue of the additional 2 storey block. As discussed above, the proposal would have a greater impact on openness than the existing development and it is therefore inappropriate development.

¹ See 'Annex 2: Glossary' – the National Planning Policy Framework 2019

10. The appellant indicates that the development would contribute to reducing the housing shortfall. If the Council cannot demonstrate a 5 year housing land supply, this factor would carry significant weight, but it carries at least moderate weight in any event. Modest economic advantages would also arise from the construction and occupation of the proposed dwellings.

Green Belt Balance

11. I have found that the proposal would be inappropriate development, which would, by definition, be harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt. I have had regard to other considerations in favour of the proposed development. Nonetheless, taken together, and even if the Council cannot demonstrate a 5 year housing land supply, they would not clearly outweigh the harm to the Green belt by reason of inappropriateness. Consequently, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist.
12. The proposed development would therefore be contrary to Policy PMD6 of the CS, which sets out the basis for granting permission for new development in the Green Belt. It would also conflict with Chapter 13 (Protecting Green Belt land) of the Framework, which states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Other Matters

13. The officer's report states that the proposed development would be within the zone of influence of the Thames Estuary and Marshes Special Protection Area (SPA). As I am dismissing this appeal for the reasons given above, I need not consider the effect of the proposal on the SPA.
14. I have had regard to the letter of support, which refers to the development being on previously developed land. However, this would not alter my decision.

Conclusion

15. For the above reasons, and having had regard to all other matters, I conclude that the appeal should be dismissed.

C Osgathorp

INSPECTOR