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# Appeal Decision

Site visit made on 9 June 2020

**by Rory MacLeod BA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19 June 2020**

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**Appeal Ref: APP/M1595/W/19/3242356**

**Land adjacent to the Bulphan By-Pass and Church Road, Bulphan, Essex RM14 3RT**

- 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 Quadrant Land Developments Ltd against the decision of Thurrock Borough Council.
  - The application Ref 18/01830/OUT, dated 21 December 2018, was refused by notice dated 7 June 2019.
  - The proposal is development comprising 116 residential units with associated amenity space and parking, 3 retail units, public house, strategic landscaping and noise attenuation buffer.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The proposal is in outline form with means of access to be determined at this stage and the scale, appearance, layout and landscaping of the development reserved for subsequent approval.

## Main Issues

3. The main issues are:
    - (a) whether the proposals would constitute inappropriate development in the Green Belt,
    - (b) the impact of the proposals on the openness of the Green Belt,
    - (c) whether the proposals would conflict with the purposes of including land within the Green Belt,
    - (d) whether the proposal would be in accordance with the environmental dimension to sustainable development.
    - (e) the effect of the proposals on the local landscape character of the area,
    - (f) if the proposal is inappropriate development, 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, and
    - (g) the planning balances.
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## Reasons

### *Whether inappropriate development*

4. The appeal site is currently an open field used for horse grazing with an area of about 7.2 hectares. It has a hedgerow on its eastern boundary alongside the A128 Bulphan By-Pass and there is an open arable field to the south. To the west there are a recreation ground and the gardens to dwellings in Albert Road, whilst to the north the site abuts gardens to houses fronting Church Road. The site lies in the Metropolitan Green Belt.
5. A single point of access to the site would be provided from Church Road in part of the side garden to the semi-detached house 4 Manor Cottages. An indicative masterplan suggests a layout incorporating detached, semi-detached and short terraces of dwellings with the provision of open space and drainage attenuation at the south-western corner of the site. The dwellings would vary in size between 1 and 4 bedrooms and 40% would provide affordable housing.
6. The National Planning Policy Framework (the Framework) at Paragraph 145 confirms that subject to stated exceptions the construction of new buildings should be regarded as inappropriate in the Green Belt. The large scale to the proposal means that it would not comply with exception e) *limited infilling in villages* or with exception f) *limited affordable housing for local community needs under policies set out in the development plan*. Neither would the proposal comply with any of the exceptions listed in Paragraph 146 of the Framework. The proposal would thereby amount to inappropriate development in the Green Belt.
7. Policy CSSP4 of the Thurrock Core Strategy and Policies for Management of Development (2015) (TCS) seeks to maintain the purpose, function and open character of the Green Belt in accordance with PPG2. The policy clearly has its origins prior to publication of the Framework but is broadly consistent with it in seeking to resist large scale residential development in the Green Belt other than in planned releases. Policy PMD6 of the TCS aims to maintain, protect and enhance the open character of the Green Belt in accordance with the Framework and provides guidance on various categories of development.

### *Openness*

8. Paragraph 133 of the Framework confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that *"the essential characteristics of Green Belts are their openness and their permanence"*. The proposals comprise a considerable number of new buildings on a site which is currently open apart from a small open-sided field shelter for horses. There would be a substantial increase in the quantum of development. This would be visible from most directions, particularly from the public recreation ground to the west and would significantly reduce the openness of the site. This would be harmful to the Green Belt.

### *Purposes of the Green Belt*

9. Paragraph 134 of the Framework sets out five purposes for the Green Belt. The Council contends that the proposals conflict with two of these: (c) *"to assist in safeguarding the countryside from encroachment"* and (e) *"to assist in urban regeneration, by encouraging the recycling of derelict and other urban land"*.

10. The site is located outside the boundary of the village of Bulphan. Its use for horse grazing is akin to an agricultural purpose and is appropriate to the countryside. The site also abuts an extensive open agricultural area to the south. The proposal would thereby result in an encroachment on to a countryside location and would be contrary to purpose (c).
11. The Council's contention that the proposal is inconsistent with purpose (e) is based on the notion that the development could occur in an urban area. The proposal clearly does not involve the recycling of derelict or other urban land, so there is an "in principle" conflict with this purpose. But the appellant's case is that there are sound planning reasons for the release of the land for housing and these need to be weighed against any conflict with Green Belt purposes.

*Environmental dimension to sustainable development*

12. Bulphan is a village in a rural location, some distance from urban areas. It does not have a railway station and bus routes linking to Grays and West Horndon are limited. There are no safe or lit cycle routes out of the village to connect with other centres. Currently, there is one shop and a village hall, which would be close to the appeal site, and one local primary school. However, it is likely that future occupiers of the development would be heavily reliant on the use of private cars to access most goods and services.
13. The proposal would be a significant housing development given the number of dwellings proposed. Paragraph 103 of the Framework states, "*Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes*". The proposal is not in a sustainable location in respect to this guidance and would not offer a choice of transport modes to future occupiers. In this respect, the proposal would not satisfy the environmental dimension to sustainable development.
14. The appellant points out that the proposal incorporates green spaces, water bodies and a strategic landscape buffer; these measures would benefit biodiversity. In relation to community facilities the proposal would include 3 shop units and a public house; if successful these would reduce the need to travel to a limited degree, but given that there is just a single shop for the existing settlement, there is some doubt that these units would support viable enterprises. I note that permission was granted in 2015 for 19 units on a site to the east of the A.128 in a more remote location, a development now known as Bonham Grange. Each proposal needs to be considered on its individual planning merits, including the need for housing. I have also noted the findings of the appellant's transport assessment but in my judgement the balance of issues within the environmental dimension to sustainable development nonetheless weighs against the proposal.

*Landscape character*

15. The site is within the Bulphan Fenland Local Landscape Character Area. This is characterised by an open flat and low-lying landscape, with a mix of arable and pasture farmland with a few scattered coverts of deciduous trees interspersed. Bulphan is part of a sparse settlement pattern seen in long views across the open countryside.

16. Whilst the scale and appearance of the development is not for determination at this stage, the indicative masterplan portrays two storey housing covering most of the site with open space in the south-western corner and strengthened planting to the eastern boundary with the A.128. New buildings would be highly prominent when viewed from the adjacent recreation ground; but it would still be perceived as part of the spread of Bulphan against established housing to the west and north and new housing in Bonham Grange to the east with the hard boundary to open countryside to the south being retained. Development would not be unduly conspicuous in views from residential roads within Bulphan or along the A.128 corridor where existing and proposed vegetation would offer some screening. In longer views across the open countryside, the roofs of the houses are likely to be visible, as are the roofs to the new houses in Bonham Grange, but these would generally be perceived as part of Bulphan within its wider countryside setting.
17. The appellant has submitted a Landscape and Visual Impact Assessment which finds that the proposed development would give rise to only a modest level of landscape effect, and that visual effects should also be largely of minor or negligible levels. I concur with this finding. The proposal would not be contrary to Paragraph 170 of the Framework which requires the intrinsic character and beauty of the countryside to be recognised. Neither would there be conflict with Policies CSTP23 and PMD2 of the TCS in relation to managing the character and distinctiveness of Thurrock including in relation to local views and the design and layout of development.

*Whether very special circumstances*

18. Paragraph 143 of the Framework states "*Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*". The appellant contends there are considerations that would outweigh harm arising from inappropriate development and any other harm to amount to very special circumstances.
19. The first of these is that the proposal would make a tangible contribution of 116 residential units in context of a five year housing supply deficit and with a mix in accordance with identified housing need. The Council currently has a poor track record of delivering housing. In relation to the Housing Delivery Test results published earlier this year for 2019, the Council has a measurement of just 66% of homes delivered against its targets. Paragraph 59 to the Framework sets out the Government's objective to significantly boost the supply of homes. The proposal would provide a benefit in contributing towards addressing the shortfall in the supply of new housing which would be in accordance with this objective and the Council's housing policies. This benefit attracts significant weight in favour of the proposal.
20. The appellant cites the provision of 40% on site affordable housing as a very special circumstance. This would be above the Council's minimum requirement of 35%. The Council's data on a recent five year period shows an average of only 24% affordable housing being delivered on completed sites due to factors such as viability. There may be fewer constraints in development of this green field site compared with some sites elsewhere. Nonetheless, the proposal would make a sizeable contribution towards the delivery of affordable housing against a backdrop of an historic under supply. This benefit also attracts significant weight in favour of the proposal. Such a contribution towards affordable

housing provision would need to be secured by a planning obligation, but the proposal is not accompanied by such an obligation.

21. The appellant states that all dwellings would be built to high sustainability standards, exceeding Building Regulations requirements. Whilst this is a laudable aim, there is little evidence to support the claim in the proposal or reasoning to justify it as an exceptional circumstance compared with developments in the round. As such, this factor does not attract weight in the planning balance with Green Belt considerations.
22. It is claimed that there would be an increased ecological value for the site. The Council agrees that the site is currently of low ecological value. The appellant's ecological appraisal refers to proposed mitigation and enhancement measures including supplementary planting, the creation of wildflower meadows and the provision of bat and bird boxes. However, national and local planning policies contain general encouragement of opportunities to incorporate biodiversity in proposals. The ecological enhancements at the site would not appear to be exceptional and as a benefit therefore attracts only limited weight.
23. The provision of community facilities including three shop units and a public house is cited as a benefit in response to an acute deficit of such facilities in Bulphan. These facilities may also be a benefit to the wider population of Bulphan, but there is no evidence before me that they could be delivered and would be viable. The Council points to the closure of the former Post Office and Stores in Bulphan. The appellant's claim that the *"facilities would ensure that the development is self-sufficient, beneficially rendering trips by the private car to facilities offsite as unnecessary"* is unfounded. Given uncertainty on viability, the benefit of three shops and a public house attracts only limited weight.
24. Bulphan is included as a potential Village Expansion (up to 1,500 homes) in the Thurrock Local Plan Issues and Options (Stage 2) document dated July 2018. The Council point out this is one option amongst others as a potential village expansion to meet housing need and that a further consultation for the draft Local Plan is envisaged in 2021. It is therefore by no means certain that Bulphan will remain an option. Paragraph 92 of the Framework states that planning policies and decisions should *"ensure an integrated approach to considering the location of housing, economic uses and community facilities and services"*. The inclusion of Bulphan as one option in the process of discerning optimum locations for development is not a benefit or an exceptional circumstance. It attracts no weight in the planning balance.
25. The appellant claims an invitation from the Council to enter into a Planning Performance Agreement (PPA) amounts to muted support for the proposal and that its refusal could therefore be construed as on the grounds of prematurity in the guise of a Green Belt reason. A PPA provides a project management framework for assessing the potential suitability of land for allocation within an emerging Local Plan. It does not guarantee that any particular site will be formally promoted by the local planning authority as the draft Local Plan progresses. Moreover, prematurity as an issue relates to a site which is likely to come forward for development and which may involve release from its current land designation. There is no firm evidence that the site will come forward for development at some point. Green Belt designation remains an obstacle to the development of the site which has not been removed. The invitation to enter a PPA attracts no weight in the planning balance.

### *Other matters*

26. The site falls within the zone of influence of European designated sites scoped into the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS), a large-scale strategic project to mitigate the recreational impacts that may occur as a result of new residential development. There is an obligation for a competent authority to undertake an Appropriate Assessment (AA) under the Habitat Regulations to assess if the proposal would be likely to have a significant effect on the sites, and if so, to secure any necessary mitigation. There is insufficient information in the proposal to complete an AA to confirm that there would not be a significant effect. Neither is the proposal accompanied by a planning obligation to secure appropriate mitigation if it is shown that there would be a significant effect that could be offset in this way.
27. Several residents have objected to the proposed access on to Church Road, particularly in the context of its proximity to the junction with the A128 and likely consequential increases in queuing. The Transport Assessment finds that satisfactory access can be provided and that additional trips generated by the development can be accommodated on the local network without harm to highway safety. I have no reason to conclude that the proposal's residual cumulative impacts on the local road network would be severe, contrary to Paragraph 109 of the Framework.

### *Planning balance*

28. The proposal would amount to inappropriate development in the Green Belt. Furthermore, it would not preserve the openness of the Green Belt and there would be conflict with purposes of including land within it. Paragraph 144 of the Framework states that, "*substantial weight is given to any harm to the Green Belt*". In addition, there would be harm to the environmental dimension to sustainable development.
29. As to benefits, I have attributed significant weight to both the contribution of 116 residential units in context of a five year housing supply deficit and the provision of 40% affordable housing. The proposal's ecological benefits and the provision of community facilities attract only limited weight in favour of the proposal, but other considerations raised by the appellant attract no weight.
30. Paragraph 144 of the Framework states 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*". The proposal's benefits would not clearly outweigh the substantial harm to the Green Belt and other harm identified. Very special circumstances therefore do not exist. There would also be conflict with the Council's Green Belt Policies CSSP4 and PMD6 of the TCS and with the Green Belt provisions of the Framework.

### **Conclusion**

31. For the reasons given, and having regard to all other matters raised, the appeal is dismissed.

*Rory MacLeod*

INSPECTOR