
Appeal Decision

Site visit made on 21 July 2020

by David Wallis BSc (HONS) PG DipEP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2020

Appeal Ref: APP/M1595/W/19/3237222

Tyelands Farm, South Hill, Langdon Hills, Basildon SS16 6JD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Richard Whitehead against Thurrock Borough Council.
 - The application Ref 19/00690/FUL, is dated 18 October 2018.
 - The development proposed is Demolish existing family home, swimming pool, tennis courts and garaging to construct 2no 4-bedroom detached houses.
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Decision

1. The appeal is dismissed and planning permission for the proposed demolition of existing family home, swimming pool, tennis courts and garaging to construct 2no 4-bedroom detached houses is refused.

Preliminary Matters

2. I have determined this appeal on the basis of the Council's failure to determine the planning application within the statutory timescale. However, I have had regard to the Council's delegated officer report, insofar that it provides clarity in terms of the reasons why the Council would have refused planning permission had it been able to do so. The main issues below are therefore taken from the Council's refusal notice.
3. I have seen the arguments made by both parties with regard the timing, process and procedural handling of the planning application. However, these have no bearing on the planning merits of the case and as such are not afforded any weight in my decision and no applications for costs have been received.

Main Issues

4. The main issues for the appeal are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations and if so, would this amount to the very special circumstances necessary to justify the proposal; and

- the effect of the development on the character and appearance of the area.

Reasons

Whether the proposal would be inappropriate development

5. Paragraph 143 of the National Planning Policy Framework (the Framework) states inappropriate development in the Green Belt should not be approved except in very special circumstances. Paragraph 145 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt, then lists some exceptions. In this case the main parties agree that the site constitutes previously developed land, thus engaging paragraph 145(g). Here, the partial or complete redevelopment of previously developed land that does not have a greater impact on the openness of the Green Belt than the existing development, would be considered such an exception.
6. The existing bungalow of Tyelands Farm, its accompanying outbuildings and other residential paraphernalia are clustered towards the northern part of the site and sit within landscaped grounds. They are single storey structures of low profile and design, forming a domestic enclave within a large and otherwise spacious plot comprising open lawns and trees.
7. I noted from my site visit that the area shown on the plans as a tennis court consisted only of a hard-surfaced pad, which formed a flat feature intervening between the existing dwelling at Tyelands Farm and the recently constructed two-storey residential development to the west. That new development, known as Tyelands Meadows, was clearly visible along the whole length of the appeal site's western boundary.
8. The proposal would see all existing buildings demolished, including the original dwelling upon completion of the proposed development, and two detached dwellings constructed. One property would replace the former tennis court whilst the other would be positioned to the south of the existing extent of built form on the appeal site, deeper into the rear open garden land.
9. I acknowledge that the proposal would see a marked reduction in the amount of hard surfacing, built footprint and volume on the appeal site. However, the proposal would disperse the proposed built form further across the appeal site, into areas that are currently open and devoid of visual obstruction. Whilst the proposal would result in a greater separation distance from the boundary shared with Old Hill Manor, the result would be that the development would sprawl deeper into the open and landscaped part of the site that, coupled with subdividing boundary fences, would significantly reduce the openness. The potential for the appellants to live in this particular dwelling does not alter the impact of the built form on the Green Belt environment.
10. The area of the former tennis court serves as a visual relief from urban form, providing clear spatial and visual separation between the existing dwelling and Tyelands Meadows as well as allowing views to the open land beyond. The proposal would fill the space with a dwelling, consequently making a contiguous line of development that significantly harms this sense of openness.
11. I conclude that the proposal would therefore have a greater impact on Green Belt openness than the existing development. It would fail the second limb of Framework paragraph 145(g) and therefore constitute inappropriate

development, causing harm to the Green Belt, to which the Framework apportions substantial weight.

Whether other considerations amount to very special circumstances

12. The appellant has not advanced any matters for my attention with regard to 'other considerations.' The appellant contests however that policy CSSP4 of the Thurrock Local Development Framework Core Strategy and Policies for the Management of Development 2015 (the Local Plan) is out of date as it has grounding within Planning Practice Guidance 2 (PPG2).
13. I acknowledge that the policy draws reliance on policy PPG2 for its drafting, and the wording of the policy does not wholly reflect that of the Framework. Nonetheless its purpose in protecting the Green Belt from inappropriate development is evident and is consistent with current national policy. Taking this into account, due to its level of consistency with the Framework, I give the weight of the conflict with policy CSSP4 moderate weight.
14. The appellant has raised the issue of housing supply, which has not been commented on by the Council. Nonetheless, a lack of a five-year housing land supply would not in itself amount to very special circumstances to warrant the grant of planning permission. The policies of the Framework also provide a clear reason for refusal in this instance and a case for very special circumstances to justify the development has not been substantiated.
15. By reason of harm of inappropriateness and harm to openness, the proposal would conflict with policies CSSP4 and PMD6 of the adopted Local Plan, which seek to maintain the purpose, function and open character of the Green Belt.

Character and appearance of the area

16. Whilst the existing buildings on site are single storey, the recently constructed development to the west comprises large two storey dwellings with large domestic outbuildings. In the wider area is a mixture of bungalows and two storey dwellings, most of which occupy high visible positions alongside the public highway of South Hill.
17. Whilst the proposals would be significantly higher than the existing development on the appeal site, the proposed dwellings share comparable heights, proportions and finishes to the other residential properties in the locality. The distance between the two proposed dwellings would not appear discordant with the prevailing pattern of development in the area.
18. There is no evidence before me to demonstrate that the appeal site has a greater sensitivity in visual or landscape terms than the surroundings.
19. I conclude that the proposal, in its design, would not be harmful to the character or appearance of the locality. The proposals would accord with policies PMD2 and CSTP22 of the Local Plan, which seek designs that positively respond to local context.

Other Matters

20. The appeal site is said to fall within the Zone of Influence (ZoI) of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) in

relation to the Thames Estuary and Marshes Special Protection Area (SPA), and therefore requires its own environmental impacts to be mitigated. There is no information before me regarding the SPA or how mitigation of likely significant effects would be secured or delivered. Nonetheless, as I am dismissing on other grounds, I do not need to explore this matter further.

21. My attention has been drawn to other properties where redevelopments in the Green Belt have taken place. However, none are in the immediate context, or share the same circumstances, of the appeal site. I have determined the appeal on its own merits in any event. Whilst there may be a prospect of the appellant constructing outbuildings under permitted development, I have no evidence before me to suggest this is a realistic possibility or a route likely to be followed.

Conclusion

22. Whilst the design and layout of the development may be acceptable in its own right with regard the character and appearance of the area, it would cause significant and unjustified harm to the openness of the Green Belt.
23. For the reasons given above, I dismiss the appeal.

David Wallis

INSPECTOR