



Appeal Decision

Site visit made on 5 November 2020

by Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2020

Appeal Ref: APP/M1595/W/20/3253133

Bungalow, Bells Hill Road, Vange, Basildon, SS16 5JT

- 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 and Mrs Judd against the decision of Thurrock Borough Council.
 - The application Ref 19/01390/FUL, dated 11 November 2019, was refused by notice dated 3 April 2020.
 - The development proposed is the erection of a 2 bedroom dwelling.
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Decision

1. The appeal is dismissed

Main Issues

2. Since the site is in the Green Belt, the main issues in this case are whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and the relevant development plan policies; and if so, are there very special circumstances that outweigh harm to the Green Belt arising from inappropriate development?

Reasons

Inappropriate development

3. The starting point is the policies of the development plan. In this case the principle policy of the development plan is Policy PMD6 of the Thurrock Core Strategy and Policies for Management of Development (as amended) adopted in 2015. The second paragraph of this policy states: "Planning permission will only be granted for new development in the Green Belt provided it meets as appropriate the requirements of the NPPF, other policies in this DPD, and the following:".
4. There follows a number of sub-headings, including 'Established Residential Frontages' and 'Infilling and partial or complete redevelopment of a previously developed site comprising more than a single building, and located outside of Established Residential Frontages'. However, the appeal site is outside the boundaries of any defined settlement and is not within an Established Residential Frontage identified in the Core Strategy. Nor can it be described as a previously developed site comprising more than one building, particularly when considered in the context of the National Planning Policy Framework (the Framework), which is a material consideration of importance.

5. Framework paragraph 145 explains "A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt". This paragraph then sets out exceptions to this, but none of the exceptions are relevant to this appeal. In this regard the definition of previously developed land excludes land in built-up areas such as residential gardens (Framework Annex 2: Glossary). In the context of this site, the amount of other development in the vicinity excludes it from being identified as 'previously developed land'. Nevertheless, and to be clear, I do not consider the surrounding development to amount to a 'village'.
6. For the appellants it is argued that the proposed development would not constitute inappropriate development on the grounds that i) the appeal site is already developed land within the greenbelt; ii) the development is within the curtilage of the existing property; iii) the development would form part of the garden area where there are existing structures; iv) the development would not be visually intrusive nor harm the openness of the green belt; and v) the proposed development is considered to be a replacement building, within an established residential frontage, and will be erected on the footprint of the two existing structures.
7. Dealing briefly with these contentions: i) it is not developed land, but part of a private garden (see paragraph 5 above regarding previously developed land); ii) it would become a separate curtilage; iii) it would no longer form part of the existing garden, but would be a separate curtilage; iv) a new dwelling and the normal paraphernalia such as additional cars, garden furniture, washing lines, extra fencing, would all lead to a loss of openness; v) the exception relating to replacement buildings requires the replacement to be for the same use as the building it will replace and not materially larger. Neither of these requirements are met.
8. Various other Framework paragraphs are mentioned in the appeal statement, but these are not persuasive that the proposed dwelling is otherwise than inappropriate development.

Very special circumstances

9. 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". And paragraph 144 requires that "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. '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".
10. The appellants point to a number of the Framework paragraphs to support the case. Paragraph 117 highlights that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment. Paragraph 118 requires that planning policies and decisions should encourage multiple benefits from both urban and rural land, and promote and support the development of underutilised land and buildings especially if this would help meet identified needs for housing.

11. However, these are policies that set out general principles that are subject to other policies of the Framework, particularly relating to Green Belts. Nothing amounting to very special circumstances is mentioned in the appellants' case.

Conclusions

12. Having taken account of all the arguments put forward, I conclude that the proposal would be inappropriate development in the Green Belt, having regard to the Framework and the relevant development plan policies. Furthermore, there are no very special circumstances that outweigh harm to the Green Belt arising from inappropriate development. The appeal is therefore dismissed.

Terrence Kemmann-Lane

INSPECTOR