The Planning Inspectorate

Appeal Decision

Site visit made on 8 December 2020

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2020

Appeal Ref: APP/M1595/W/19/3243356
Winsfield Heights, Old Hill Avenue, Langdon Hills SS16 6JE

- 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 Mrs P Payne and Mrs L Rust against the decision of Thurrock Borough Council.
- The application Ref 18/01723/FUL, dated 13 February 2019, was refused by notice dated 12 July 2019.
- The development proposed is demolition of existing scout hut, and outbuildings and erection of new dwelling.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. There is another appeal (Ref: APP/M1595/W/20/3255901) on this site. That appeal is the subject of a separate decision.

Main Issues

3. The main issues are:

    - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
    - The effect of the proposed development on the character and appearance of the area; and,
    - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations, so as to 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 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.

5. According to the Framework[1], previously developed land comprises land occupied by a permanent structure, including the curtilage of the developed land. This excludes, among other things, land that was previously developed but where the remains of the permanent structure have blended into the landscape.

6. The appeal site includes a dilapidated scout hut, toilet block and storage building which would be demolished as part of the proposal. The toilet block and storage building are small, utilitarian structures which are largely hidden within an area of trees and vegetation. Nevertheless, the scout hut building is more noticeable in the surroundings due to its size and position. The scout hut building has not blended into the landscape and so I find that the land subject of the appeal 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.

7. 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.

8. The appellant and the Council have provided calculations of the footprint, volume and height of the existing structures and the proposed dwelling. There are differences in relation to the submitted figures. In particular, the appellant submits that the combined footprint and volume of the existing structures amounts to around 141 square metres and 514 cubic metres respectively, whereas the Council provides figures of 153 square metres and 492 cubic metres. Furthermore, in relation to the proposed dwelling, the appellant indicates that the respective footprint and volume would be 103 square metres and 495 cubic metres, while the Council puts forward measurements of 135 square metres and 571 cubic metres.

9. The appellant's figures indicate that the proposed dwelling would result in a reduction in footprint and volume compared to the combined size of the scout hut, toilet block and storage building. Nevertheless, an assessment of the effect of the proposal on the openness of the Green Belt goes beyond mathematical calculations. The matter also needs to be considered qualitatively with reference to the scale, siting and general visual perception of the proposal.

10. The toilet block and storage building are low level utilitarian structures largely hidden within an area of trees and vegetation, and so there is little visual perception of those buildings in the Green Belt. The proposed dwelling would be in a more open position, in roughly the same location as the scout hut. With that in mind, comparing the scale and mass of the proposed dwelling to the scout hut is more indicative of the effect of the proposal on the openness of the Green Belt. In this regard, the proposal would result in a significant increase in height and mass. I appreciate that there is vegetation and trees around the site, however the proposal would be visible in wider views and it would be more perceptible in the Green Belt than the existing development.

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

11. The proposed development would generate some activity and the parking of vehicles. Whilst there is limited information in relation to the previous use of the site, I appreciate that it would have generated activity, which may have included the parking of vehicles for periods when activities were run. Nonetheless, the proposed development, by virtue of its permanence and size, would appear more visually intrusive and have a greater impact on openness than the existing development.

12. Consequently, the proposal would not meet the exceptions in paragraph 145 of the Framework. It would reduce the openness of the Green Belt and lead to the encroachment of development into the countryside, contrary to one of the five purposes of Green Belt policy, as set out in paragraph 134 of the Framework. The proposal therefore constitutes inappropriate development in the Green Belt when assessed against the Framework, which, by definition, would be harmful to the Green Belt and should not be approved except in very special circumstances. The proposal would not comply with Policies CSSP4 and PMD6 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development Adopted January 2015 (the Core Strategy), which seek to restrict inappropriate forms of development in the Green Belt, which is consistent with the Framework.

Character and appearance

13. The area includes sporadic residential buildings that are accessed from Old Hill Avenue. The buildings are generally of modest scale and are varied in appearance. The appeal site is set-back a sizeable distance from Old Hill Avenue. It is served by a long access track which also provides access to a neighbouring bungalow to the west. Despite its dilapidated condition, the existing scout hut building appears discreet in the rural context due to its modest scale, simple form and timber external cladding. Likewise, the toilet block and storage building are inconspicuous in the rural surroundings due to their siting and small size.

14. The proposed dwelling would include first floor habitable accommodation within a large, bulky roof. There would be a significant increase in height and mass compared to the modest scout hut building, and the proposal would therefore be more conspicuous in the surroundings. Moreover, the eastern elevation of the dwelling would include a large amount of glazing at ground and first floor levels, which would have a stark appearance and contrast with other structures nearby. This glazing would increase the sense of scale and domestic character of the building, which would be particularly noticeable in views from the east when the internal lights are switched on after dark. Whilst the trees and vegetation around the site boundaries would provide some screening of the dwelling in views from outside the site, the extent of this would be reduced during the months when trees are not in leaf.

15. The access immediately adjacent to the appeal site currently has an un-made surface. At the time of my site visit I observed that the surface was muddy and not suitable for a domestic car. Precise details of the surfacing of the vehicular access and parking area are not before me, however the appellant indicates that 'Grasscrete' construction could be used to lessen its visual impact. Be that as it may, without further details I cannot be certain that this would not urbanise the site further. Drawing the above factors together, I find that the proposal would not respect the rural character of the area.

16. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the area. The proposal would therefore be contrary to Policies PMD2, CSTP22 and CSPT23 of the Core Strategy, which, amongst other things, require development to contribute positively to the character of the area. It would also be contrary to chapter 12 of the Framework, which, amongst other things, states that planning decisions should ensure that developments are sympathetic to local character.

Other considerations

17. The proposed development would contribute towards meeting housing supply in the borough. However, this benefit would be limited by the small amount of development.

18. Whilst the Framework promotes the effective use of previously developed land, this is subject to proposals safeguarding the environment. Given the harm to the Green Belt and other harm identified, I attach limited weight to this factor.

19. Modest economic advantages would arise from the construction and occupation of the proposed dwelling. Furthermore, there would be opportunities for limited ecological enhancement through additional planting.

20. The proposed dwelling could improve security at the site through increased natural surveillance. Nevertheless, there is no evidence of recent vandalism before me and there are various other means by which security could be improved. I therefore attach some weight to this benefit.

Green Belt Balance

21. 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. Furthermore, I have found that the proposal would be harmful to the character and appearance of the area.

22. I have had regard to other considerations in favour of the proposed development. Nonetheless, taken together, they would not clearly outweigh the totality of the harm to the Green belt and other harm. Consequently, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist.

Other Matters

23. The officer's report states that the proposed development would be within the zone of influence of the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). As I am dismissing this appeal for the reasons given above, I need not consider this matter further.

24. The appellant has drawn my attention to other developments in the area, however there is limited information before me of the circumstances that led to the approval of those proposals. In any event, I have determined the appeal scheme on its individual planning merits having regard to the current planning policy framework.

25. I note the appellant's comments about the Council's pre-application advice regarding whether the site is previously developed land, however this matter does not alter my findings.

Conclusion

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

C Osgathorp

INSPECTOR