

Appeal Decision

Site visit made on 25 November 2020

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 January 2021

Appeal Ref: APP/M1595/W/20/3249270

Land South of Allotment Site And Adjacent No 130 Heath Road, Chadwell St Mary RM16 3AD

- 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 Ms Beaney against the decision of Thurrock Council.
 - The application Ref 19/01184/FUL, dated 31 July 2019, was refused by notice dated 11 October 2019.
 - The development proposed is the permanent siting of a park home with associated hardstanding and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. As the appeal site is within the Green Belt the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt and the effect on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the surrounding area; and
 - if the proposal would be inappropriate development, whether the harm to the Green Belt 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 it.

Reasons

3. The appeal site is an irregularly-shaped open area of land with a frontage on Heath Road. It is located within a row of residential properties, which also front onto Heath Road, while behind the site is Orsett Heath, an extensive area of open land. To the front of the site beyond the road is an area of playing fields with residential development beyond this.

Whether the Proposal would be Inappropriate Development and its Effect on the Openness of the Green Belt

4. The National Planning Policy Framework (the Framework) makes clear that the construction of new buildings in the Green Belt should be regarded as
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inappropriate, with a small number of exceptions¹. Both main parties refer to the exception that allows for limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development². The appellant also refers to the exception that allows for limited infilling in villages³.

5. The Council refers to Policies CSSP4 and PMD6 of the Thurrock Core Strategy and Policies for Management of Development document (the Core Strategy). Policy CSSP4 indicates that the Council will maintain the purpose, function and open character of the Green Belt, while Policy PMD6 provides more detailed criteria for development that will not be considered inappropriate in the Green Belt. These policies are broadly consistent with the Framework, and, therefore, I have taken account of them as well as the Framework.
6. The appellant contends that the appeal site is within an urban area and is adjacent to two high density residential areas, which are both part of Chadwell St Mary. As such, the view taken is that the proposed dwelling should be considered as limited infilling in a village. The Council takes a different view, stating that the site is on the edge of Chadwell St Mary and not within the village.
7. From the Ordnance Survey extract provided, the site is located on the northern edge of Chadwell St Mary, but there is no definitive evidence to demonstrate that the appeal site and development either side is within the defined area of the settlement. Therefore, there is insufficient basis to conclude that the proposal constitutes limited infilling in a village in accordance with paragraph 145(e) of the Framework. Consequently, I agree with the parties that the principal consideration for this issue should be whether the proposal represents limited infilling or the partial or complete redevelopment of previously developed land, in accordance with paragraph 145(g).
8. The Framework defines previously developed land as land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. This excludes, amongst other matters, land that was previously developed but where the remains of the permanent structure have blended into the landscape⁴.
9. The site is currently open and undeveloped, although it includes a metal storage container against the eastern boundary and metal fencing around the site boundary. Both parties agree that the site used to include a residential property, which is now demolished. Despite the site being overgrown to some extent, the footings and floor of this previous dwelling on the site were clearly visible at the time of the inspection. Therefore, the site was occupied by a permanent structure, the remains of which have not fully blended into the landscape. Accordingly, the site meets the definition of previously developed land in the Framework and the proposal can be considered as limited infilling.

¹ Paragraph 145.

² Paragraph 145(g).

³ Paragraph 145(e).

⁴ Annex 2: Glossary.

10. In such circumstances, the Framework requires the proposed development not to have a greater impact on the openness of the Green Belt than the existing development. The only structure above ground level currently on the site is the metal storage container with fencing surrounding the site, while the proposal is for a park home that is materially larger than the container, with an extensive area of hardstanding that would be cover a considerably greater area than the floor area of the former dwelling. For this reason, it is clear that the proposed dwelling and related fixed surface infrastructure would have a greater impact on the openness of the Green Belt than what currently exists on the site.
11. The Framework states that the essential characteristics of Green Belts are their openness and their permanence. Therefore, in the absence of any substantive development on site, the proposed dwelling and hardstanding would in their own right have a material effect in reducing the spatial aspect of the openness of this part of the Green Belt, irrespective of any comparison with existing development. I accept, however, that due to screening by the proposed boundary hedge the visual impact in this location would be less harmful.
12. Therefore, for the above reasons, I conclude that the proposal would not satisfy the requirements of Policies CSSP4 and PMD6 of the Core Strategy or paragraph 145(g) of the Framework and so it would be inappropriate development in the Green Belt, which is by definition harmful and should not be approved except in very special circumstances. There would be further harm arising out of the effect of the proposed development on the Green Belt's openness which would be in addition to that arising out of its inappropriateness.

Character and Appearance

13. The appeal site is contained to the east by the boundary with Orsett Heath and to the north by the boundary with an allotment site. The siting of the park home would not impinge directly on either area and in views from the allotments and Orsett Heath, the single storey building would be seen in the context of the residential development to either side. Moreover, the new hedge to the front would reduce its visibility seen from the Heath Road frontage.
14. For these reasons, I conclude that the proposal would not result in material harm to the character and appearance of the surrounding area. Consequently, it is not contrary to Policies PMD2, CSTP22 and CSTP23 of the Core Strategy, which require development to respond to and respect the character of the area. These policies are consistent with the Framework.

Other Considerations

15. The appellant proposes that a 1.2 metre strip of land to the front of the site could be provided as part of the highway verge, to accommodate a new footpath. It is argued that this would increase the site's openness, providing for pedestrian access and safety, and enhancing highway safety by providing better visibility to drivers approaching and passing the site.
16. I accept that the provision of a footpath could have some benefits with regard to pedestrian and highway safety, although I have no evidence to suggest that these are matters that need to be addressed in this location due, for example, to accidents occurring in the past. Therefore, I give some limited but not greater weight to this proposal regarding creation of a footpath.

17. I acknowledge that the metal fence surrounding the site is less visually attractive than the proposed replacement hedge would be. However, this is only part of the overall proposal and, therefore, I give it some but limited weight.

18. The parties concur that the Council cannot identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing, as required by the Framework⁵. In these circumstances, the Framework requires application of paragraph 11(d) concerning the presumption in favour of sustainable development to proposals involving the provision of housing⁶. However, the appeal site is designated as Green Belt⁷ and the above findings with regard to the first main issue provide a clear reason for refusing the proposal in accordance with paragraph 11(d)i. Consequently, the presumption in favour does not apply.

Other Matters

19. The Council refers to the conflict of the proposal with the stated purposes of the Green Belt. However, given that the above findings with regard to the principal tests for assessing proposals in the Green Belt result in the appeal not succeeding, I have not considered this matter further.

Overall Conclusion

20. The proposed development would represent inappropriate development in the Green Belt as well as reducing its openness. The Framework requires that substantial weight must be attributed to harm to the Green Belt⁸. I have found above that the other considerations referred to in support of the appeal should be afforded some limited weight.

21. Consequently, these other considerations do not outweigh the harm identified to the Green Belt. Therefore, very special circumstances do not exist and, despite my finding in the appellant's favour on the other main issue concerning the effect on character and appearance, permission should not be granted as the proposal is contrary to the relevant development plan policies and to the Framework, as described above. Accordingly, for the reasons given above and having regard to all other matters raised, it is concluded that the appeal should be dismissed.

J Bell-Williamson

INSPECTOR

⁵ Paragraph 73.

⁶ Footnote 7.

⁷ See footnote 6.

⁸ Paragraph 144.