



Appeal Decision

Site Visit made on 9 February 2021

by A Blicq BSc(Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 16 February 2021

Appeal Ref: APP/M1595/W/20/3260652

Sable House, Horndon Road, Horndon On The Hill, SS17 8PD

- 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 Mrs Tina Claeys against the decision of Thurrock Borough Council.
 - The application Ref 19/01229/OUT, dated 17 June 2019, was refused by notice dated 24 July 2020.
 - The development proposed is 2 bed bungalow to existing garden.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. This is an outline permission with all matters reserved. An indicative layout plan has been submitted and locates the bungalow between the pool enclosure and the northern site boundary, in line with other dwellings fronting the road. However, the appeal site is shown as the entire plot of Sable House. Consequently, if outline permission was granted, at reserved matters stage the bungalow's location would not be limited to the position shown on the indicative layout.
3. The Council's Local Plan predates the publication of the current edition of the National Planning Policy Framework (the Framework). There is some inconsistency between the Council's Green Belt policies and the Framework in that the Council's policies are more prescriptive. Accordingly, I have given greater weight to the guidance in the Framework in line with Paragraph 213.

Main Issue

4. The main issues are:
 - Whether the development would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - The effect of the development on the openness of the Green Belt;
 - The effect of the 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

Green Belt

5. The Framework states that inappropriate development is by definition harmful to the Green Belt. Paragraph 145 sets out exceptions including the limited infilling or partial or complete redevelopment of previously developed land (PDL).
6. The Glossary to the Framework states that residential gardens in built-up areas should be excluded from the definition of PDL. However, case law has confirmed that this exclusion does not apply to residential gardens outside built-up areas.
7. The site is situated at the end of a short ribbon development and abuts open land on two boundaries. The opposing plot, Woodside, is residential and located at the end of another short ribbon development which abuts open land. Moreover, the appeal site largely opposes open land. The existing dwellings are remote from a more nucleated building pattern and there is nothing before me to indicate that they are situated within a settlement boundary.
8. As such, whether the site lies within a built-up area or not is a matter of planning judgment and degree. On balance I conclude that the site is not within a built-up area and consequently the appeal site can be considered to be PDL.
9. Paragraph 145 sets out exceptions for development in the Green Belt, including limited infilling or the partial or complete development on PDL, subject to the development's impact on openness.

Openness

10. Openness is generally accepted to mean freedom from development, structures or activity. The appeal site is a large residential plot with a detached house, an enclosed pool building and large rear parking area, set amongst extensive grassed areas with mature trees. The bungalow would be an additional structure, with an associated hardstanding for parking and domestic paraphernalia in its amenity space. The development would therefore have a greater impact on openness of the Green Belt than the existing development.
11. Paragraph 145 states that development that would cause substantial harm to the openness of the Green Belt need not be inappropriate development where the development would contribute to meeting an identified affordable housing need. However, there is nothing before me to indicate that the bungalow would meet an affordable housing need.
12. Consequently, the bungalow would be inappropriate development, contrary to Paragraph 145 of the Green Belt as well as Policies CSSP4 and PMD6 of the Local Plan (LP) which taken together aim to maintain and protect the open character of the Green Belt. The Framework states that substantial weight should be given to harm to the Green Belt.

Character and appearance

13. The site is set back from the road by a wide verge and mature trees towards the northern end of the site which provide screening and contribute to the informal and semi-rural character of the area. The introduction of a bungalow

on a narrow plot between the pool house and the site boundary would require the removal of the existing mature trees located within its footprint. There is also a likelihood that the trees lining the northern plot boundary might need to be removed as the existing trees would be very close to the bungalow and its amenity space. The loss of mature trees would be detrimental to the semi-rural character and appearance of the area. However, layout is not before me and the bungalow could be located in a part of the site where there would be a lesser impact on the existing trees.

14. Consequently, although I conclude that locating the bungalow as indicated would result in a rather cramped development, which would also lead to the loss of established tree cover, there could be suitable alternatives within the large appeal site. However, an alternative location within the site would result in potential issues regarding deviation from the underlying building pattern.
15. On the basis of the information before me I conclude that the development would have an adverse effect on the character and appearance of the area. This would be contrary to the design aims of Policies CSTP22 and PMD2, and Policy CSTP23 which seeks to protect, manage and enhance the character of Green Belt areas. The Council has also cited the Framework which is generally supportive of these local policies.

Other considerations

16. Whilst the site is effectively residential garden land, it is nonetheless largely open and undeveloped land within a semi-rural environment. I acknowledge that one more dwelling, particularly if located to form an addition to the existing ribbon development would not necessarily be out of keeping, and the Framework allows exceptions to be made for affordable housing on PDL in the Green Belt. But affordable housing is not before me. Moreover, although the site is effectively garden land, Sable House's large plot is a buffer between the adjoining countryside and the tighter frontage to its immediate south. Additional structures and an intensification of activity on this site would represent encroachment into the countryside. The proposals would in any case be inappropriate development in the Green Belt, as set out above.
17. The appellant has drawn my attention to a recent appeal for development in the Green Belt. However, this was the development of a 13 hectare site which would contribute to urban regeneration and which contained a mix of housing, services and commercial floorspace, adjacent to an urban area. Nonetheless despite the Inspector giving significant weight to the provision of market and affordable housing in the context of a significant housing land shortfall, the decision notes that this in itself was insufficient to outweigh the harm to the Green Belt. That appeal was dismissed. It appears from the Council's evidence that another application on that site is being determined but the outcome is not before me, and it therefore weighs neither for nor against this appeal.
18. I appreciate that Green Belt boundaries may be amended to accommodate future housing need but such sites are generally subject to assessment and would be examined as part of the emerging Local Plan process. There is nothing before me to indicate that this site has been put forward as a windfall site as part of the emerging Local Plan or that its location conforms with the Council's spatial strategy.

19. This development would represent a very small addition to local housing supply. Moreover, a shortfall in housing supply cannot in itself constitute the very special circumstances required to clearly outweigh the harm arising from inappropriate development in the Green Belt. I conclude that very special circumstances do not exist.

Other matters

20. I appreciate that an outbuilding could be built on the site but there would be limitations on its overall height. Moreover, there would not be any increase in activity on the plot as activity would be linked to the host dwelling rather than a separate planning unit.

Planning balance

21. The appellant argues that the Council is unable to demonstrate a five year housing land supply. This is not addressed by the Council, but from my other casework in the area I am satisfied that this is the case. Consequently, those policies most important for determining the application are out of date and the tilted balance set out in Paragraph 11 of the Framework is engaged.
22. However, Footnote 6 allows the application of other policies within the Framework, including those relating to the Green Belt, to provide clear reasons for refusal. This reflects the enhanced protection given within the Framework to the Green Belt, even where there is a local shortfall in housing land. On this basis I conclude that the small benefit arising from the development would not outweigh the harm identified above.

Conclusion

23. The development would fail to comply with the relevant policies of the Local Plan and the Framework. The conflict with the development plan taken as a whole would not be outweighed by other material considerations. The appeal is dismissed.

A Blicq

INSPECTOR