



Appeal Decision

Site visit made on 15 June 2021

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 2 September 2021

Appeal Ref: APP/M1595/W/20/3258666

Curtis Farm, High Road, Fobbing, Essex SS17 9JJ

- 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 G Young, AG Young and Son against the decision of Thurrock Borough Council.
 - The application Ref 19/01296/FUL, dated 22 August 2019, was refused by notice dated 3 March 2020.
 - The development proposed is described as the erection of new agricultural building to replace approvals 17/01577/PNAF and 18/00995/PNAF.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application included the formation of a bund when submitted but the proposal was subsequently amended to omit that element and the Council made its decision on the revised scheme. I have determined the appeal on the same basis and have therefore omitted reference to the bund in the description in the heading above.
3. The appellant has provided revised drawings with the appeal. These show a building of the same situation and dimensions, with grey cladding, minor elevational changes, and full height doors on the front elevation in place of the open frontage and green cladding shown on drawings considered by the Council and which will have been seen by interested parties. Given the limited differences between the original and revised drawings I do not consider that any parties' interests will be prejudiced by my determining the appeal on the basis of the revised elevations.
4. Since the application was determined and the appeal made, the National Planning Policy Framework (the Framework) has been revised. The main parties have had an opportunity to comment on any implications the revised Framework might have, and no parties' interests will have been prejudiced by my taking the revised Framework into account in reaching my decision.

Main Issues

5. The main issues raised by this appeal are:
 - i) Whether or not the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;

- ii) The effect of the proposal on the character and appearance of the area; and,
- iii) The effect of the proposal on the significance of designated heritage assets.

Reasons

Green Belt

- 6. The Framework considers the construction of new buildings as inappropriate in the Green Belt albeit with a series of exceptions which includes buildings for agriculture and forestry. The application clearly sought planning permission for an agricultural building. Although the Council, informed by advice from their consultant, considered the building too large and of the wrong design and configuration for the particular activities and storage purposes proposed by the appellant, the development would still comprise a building for agriculture. This would be the case for both the original and revised design.
- 7. The Council consider that the proposal would be inappropriate development by reason of its scale and siting, as well as its use. However, in providing an exception for buildings for agriculture, the Framework does not add any qualifications or limitations, including any in terms of scale or siting. These cannot be a factor in evaluating whether a building would be inappropriate.
- 8. On the evidence before me, the building would be an agricultural building and therefore not inappropriate development as set out in the Framework. As Core Strategy¹ Policy PMD6 permits new development in Green Belt where it meets the Framework's requirements in this regard, the proposal would not be inappropriate development under the terms of the development plan either.
- 9. As the development would not be inappropriate it should not be regarded as harmful either to the openness of, or to the purposes of including land in, the Green Belt. It is not necessary to consider the proposal's effect in those respects any further, nor establish whether very special circumstances exist to justify the proposal. The development would consequently avoid conflict with Core Strategy Policies PMD6 and CSSP4.

Character and appearance

- 10. The building would be located between an existing complex of large portal frame agricultural buildings on the Farm and the village's Recreation Ground. This is a sizeable area of open space, largely laid to grass and bounded by trees. The section of the Recreation Ground closest to High Road has an enclosed character as a result of its relatively narrow width and adjoining houses and gardens. It takes on a more open aspect where it broadens, both within the grounds and its surroundings of open countryside which are visible through trees. These aspects combine to create an area of attractive, open and partly rural character and appearance which everyone can enjoy.
- 11. Existing Buildings and storage at Curtis Farm are visible through the trees to part of one side. They enclose the Recreation Ground to a degree, but the proximity of the nearest building is such that, whilst obvious, it is not overly intrusive.

¹ Thurrock Local Development Framework – Core Strategy and Policies for Management of Development (as amended), 2015.

12. One corner of the proposed building would be positioned very close to the boundary of the Recreation Ground with the rear elevation slanting away at an angle, but also remaining close to the boundary. The combination of the considerable length and height of the building, its metal clad appearance and its close proximity to the Recreation Ground would render it very prominent, imposing and intrusive in views from the open space and would have a significant and oppressive enclosing effect on that part of the open space adjacent to Curtis Farm. This would harm the character and appearance of the area. This effect would be even more pronounced at times of the year when intervening trees are not in leaf.
13. Although other parts of the boundary of the open space would remain unaffected, the size, scale and siting of the building means the intrusive effect would be experienced from a wide area within the open space. It would erode the experience of the feeling of being close to or within the open agrarian landscape beyond the village. Glimpsed views of the Church tower help to visually link and orientate users of the open space to the historic core of the village, complementing the character and appearance of the area. The building would block views and the loss of this relationship would somewhat diminish the sense of place which presently exists in this part of the village.
14. There would be significant visual intrusion experienced by the occupiers of properties on that part of Gildborne Close which back onto Curtis Farm, particularly the three houses closest to the Recreation Ground. Notwithstanding existing hedges and planting within gardens, occupiers currently enjoy a relatively open aspect beyond their rear gardens and existing farm buildings are configured and situated such that they are not overly prominent. The proposed building would introduce a considerable mass much closer to some of the houses which would visually intrude into this aspect.
15. Although of similar materials and colouring to other buildings in the vicinity in the Farm, this would do little to mitigate these harmful effects experienced beyond the farmyard. The sizeable stack of what appear to be encased hay bales or similar is also noticeable but of a more transitory appearance and nature. This has a different effect to the permanent building proposed.
16. The building would be considerably less prominent from High Road and other spaces within the village, from where it would be glimpsed from limited locations between existing buildings. However, this would not alter its harmful effect on character and appearance when experienced from the Recreation Ground.
17. The development would consequently be contrary to Core Strategy Policies PMD2, CSTP22 and CSTP23. Together, and amongst other criteria, these require development to contribute positively to an area's character and sense of place, demonstrate high quality design responding positively to local context as well as improving quality and strengthening sense of place.
18. The development would also fail to accord with the Framework's requirements for development to be visually attractive and sympathetic to local character including surrounding landscape setting.
19. The description refers to the replacement of two 'approvals'. From the evidence before me these relate to two unbuilt agricultural buildings for which permitted development rights existed and which the Council did not require

prior approval. Only limited details of these two buildings have been provided although there is nothing before me to indicate that they could not be implemented, albeit one of those buildings would occupy part of the same site as the appeal proposal so their construction would be mutually exclusive.

20. The building which would be sited on the other side of the farmyard could be implemented as well as the appeal proposal. Therefore, whilst the appellant's intention is that the appeal development would negate the need for that building, there is no mechanism before me, including any planning obligation, that could ensure that it could not be implemented. Whilst there may be some benefits in terms of that unbuilt building not proceeding in terms of avoiding encroaching into the setting of the listed church, there is no guarantee that it would not be built and as such this cannot carry any weight in support of the appeal.
21. The appellant's Heritage Statement shows the footprint of the other proposed, but as yet unimplemented, building as being set well back from the Recreation Ground. Whilst it would still be a sizeable building, its dimensions would be considerably smaller than that proposed, according to the appellant's figures being around 5m narrower and 18m shorter than the appeal proposal. Its effect on character and appearance of the area would be materially different to that of the appeal building. Therefore, that part of a fallback scheme would not have the same harmful effect as the appeal proposal and does not weigh in favour of the appeal.
22. Although few details have been provided a landscaping scheme has the potential to break up and soften the impact of the building in the longer term. However, the harm would occur when the proposal is built and it would take time for planting to establish. Ultimately, and particularly bearing in mind its height, planting is unlikely to mask or hide the development, whose size and bulk would remain evident. Also, there would be very little space at the point closest to the Recreation Ground to establish planting of a size which would have the potential to mature to have a meaningful effect. A condition requiring a landscaping scheme would therefore not effectively mitigate the harm.

Designated heritage assets – Conservation Area

23. Fobbing Conservation Area includes much of the village and is characterised by older buildings intermingling with residential developments from the second half of the C20, extending in a largely linear form along High Road. It only includes a modest part of the Recreation Ground. Its significance as a designated heritage asset comes from its long historic associations, its historic buildings and townscape and the relationship between buildings and open spaces. It also derives some significance from its setting within rural, agrarian surroundings which enable it to be understood and appreciated as a historic, linear village with some farming associations.
24. The proposed building would change this setting in the vicinity of the Recreation Ground and properties on Gildborne Close. However, despite its size and appearance, the proposed building's situation relative to the Conservation Area boundary would mean that the change would be more limited considered in the context of existing buildings at Curtis Farm when experienced from within the Conservation Area and its wider rural context of fields. Overall, the change would have a neutral effect on the Conservation Area's significance and in effect preserve it.

25. This effect on heritage significance would be markedly different from that of the wider character and appearance of the area given the particular boundary of the Conservation Area and how existing development affects its setting.

Designated heritage assets – Church of St Michael

26. There are a number of listed buildings in the vicinity of the development, most prominent of which is the grade I listed Church of St Michael. This is an asset of the highest significance which it largely derives from its considerable age, notable mediaeval and later architecture, traditional materials and history. The listing description notes its prominent site overlooking the Thames marshes and it also derives some significance from its setting of both the historic townscape of the village and the open countryside beyond.
27. The church tower is visible across a wide area including from some vantage points in the Recreation Ground and Curtis Farm. Whilst these are areas from where the asset can be seen, understood and experienced, given their distance from the Church such visibility on its own does not make a meaningful contribution to the Church's significance as a designated heritage asset. The Church features more as a local landmark and an incidental element within the wider landscape when seen from those locations.
28. The development would interrupt or hide views of the church tower from the Recreation Ground and Curtis Farm. However, the distance it would be from the church and the existing intervening large agricultural buildings means that this effect on the significance that the listed building derives from its wider setting would be very limited and not harmful. The development would not compete with the prominence of the church and its tower and consequently have a neutral effect, preserving the listed building's significance.
29. Again, this effect on significance is materially different from that which the loss of intervisibility between the church tower and other areas would have on the character and appearance of the area.

Designated heritage assets – listed buildings along High Road

30. Grade II listed buildings situated on High Road derive varying degrees of significance from their settings, each of which is different. 1 and 2 Curtis Cottages largely rely on the scale, appearance and situation of surrounding buildings in the townscape in contributing to its significance as a C18 house. Existing large buildings to the rear at Curtis Farm do not contribute to its significance and would remain as intervening structures between the property and the proposal. The proposal would not harm any significance 1 and 2 Curtis Cottages obtains from its setting.
31. Set back from High Road within the farmyard is the Weatherboarded Granary at Curtis's Farm. This presently has the backdrop of the existing large modern farm buildings. It benefits to a limited degree from having a farmyard within its wider setting providing some continuity of uses. The proposed building would effectively be hidden from the Granary as a result of the situation of existing buildings. Any limited change discernible in between existing buildings would not detract from the setting of the Listed Building whose significance is largely derived from its traditional materials, form, construction details and historic purpose and use.

32. Pell House is a larger building and as well as its architecture, age, history and appearance, its significance also relies to a degree from its townscape setting and its relatively open rural aspect to the rear. However, intervening buildings at Curtis Farm would mean that the proposal would not have any effect on its setting and hence its significance.
33. Wheelers House's significance depends to a degree on the open aspect to the side and rear which is effectively provided by the Recreation Ground. Whilst there would be some limited intervisibility between the development and the property, the distance the proposal would be from it means that the proposal would not detract from the listed building's significance to any material degree.
34. Consequently, the development would preserve and not harm the significance that any of those listed buildings derive from their settings.

Designated heritage assets - findings

35. I have had special regard to the desirability of preserving the listed buildings and their settings. I have found that their settings would be preserved bearing in mind where the particular special architectural and historic interest of those buildings lie. The development would also avoid harming the significance of the Conservation Area. Consequently, any significance that those designated heritage assets derive from their settings would not be harmed or lost. The development would avoid conflict with Core Strategy Policies PMD4 and CSTP24 which seek to preserve, protect and enhance heritage assets. It would also not conflict with the Framework's historic environment conservation and enhancement policies.

Other Matters

36. I have noted the comments of the local MP to bear in mind the importance of support for local businesses. I can appreciate that the size and configuration of the proposed building may well suit the appellant's existing needs and future aspirations in supporting the variety of different crops requiring separate storage, as well as assisting the appellant's approach to farming which they advise will help increase biodiversity. In this context the proposal would accord with the Framework's approach to encourage the sustainable growth and expansion of all types of business in rural areas and the development and diversification of agricultural businesses. However, any such benefits would be outweighed by the harm I have identified and the proposal would not accord with the Framework overall.

Conclusion

37. The absence of Green Belt or heritage harm weigh neutrally and do not amount to considerations in support of the appeal. The proposal would harm the character and appearance of the area in conflict with the development plan taken as a whole. Material considerations do not indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, the appeal is dismissed.

Geoff Underwood

INSPECTOR