



Appeal Decision

Site visit made on 21 February 2022

by Grahame Gould BA MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 March 2022

Appeal Ref: APP/M1595/W/21/3279873

The Spinney, Kirkham Shaw, Horndon on The Hill SS17 8QE

- 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 Johnston against the decision of Thurrock Borough Council.
 - The application Ref 21/00011/FUL, dated 4 January 2021, was refused by notice dated 2 March 2021.
 - The development proposed is demolition of existing dwelling and erection of new one and a half storey dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. A revised version of the National Planning Policy Framework was published by the Government in July 2021 (the Framework), postdating the Council's decision. The substance of the policy stated in the parts of the Framework cited in the reason for refusal and referred to in the Council's officer report has not been altered with the publication of the revised Framework. The changes to the Framework concerning this case relate to the Framework's paragraph numbering and in my reasoning below I have only referred to the updated Framework.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt;
 - the effect of the development on the openness of the Green Belt; and
 - if the development would be inappropriate, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development in the Green Belt

4. The Spinney is a bungalow of 57.35 square metres¹ (sq.m) within a 1.26 hectare plot². The Spinney and the other dwellings in Kirkham Shaw are within the Metropolitan Green Belt. It is proposed that the bungalow would be demolished and replaced by a chalet bungalow with a floor area of around 85 sq.m.
5. Paragraph 147 of the Framework explains inappropriate development in the Green Belt is harmful by definition and should not be permitted. However, paragraph 149 of the Framework states that certain types of built development, in some circumstances, may be regarded as being not inappropriate development. Paragraph 149 identifies seven exceptions that are capable of being considered as being not inappropriate built development. The fourth of those exceptions (paragraph 149(d)) concerns *"the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces"*.
6. Policy PMD6 of the Thurrock Core Strategy and Policies for Management of Development (as amended) and adopted in 2015 (the TCSPMD) addresses new development in the Green Belt and with respect to replacement dwellings states:

"Replacement dwellings in the Green Belt will only be permitted provided that the replacement dwelling is not materially larger than the original building." [Policy PMD6(2)(i)]
7. The chalet bungalow would have a floor area that would be around 48% larger than the bungalow. While the appellants disputes the accuracy of that percentage³, it appears correct to me, given 57.35 sq.m (existing) subtracted from 84.97 sq.m (replacement dwelling) equals 27.62 sq.m, a difference approaching half the floor area of the bungalow. I therefore consider the chalet bungalow would be materially larger than the bungalow and would not be within the replacement building exceptions stated in either paragraph 149 of the Framework or Policy PMD6 of the TCSPMD. I therefore conclude that the proposal would be inappropriate development within the Green Belt. Paragraph 148 of the Framework states *"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt ..."*. Given the provisions of paragraph 148, I attach substantial weight to the Green Belt harm.
8. Reference has been made to a planning permission (19/00579/HHA) granted by the Council on 13 June 2019 for roof alterations and a front extension (the 2019 permission) as a fallback position. As the 2019 permission has not been implemented, I consider its existence is something that should not be taken account of in assessing whether the chalet bungalow would or would not be materially larger than the existing bungalow under the provisions of paragraph 149 of the Framework and Policy PMD6 of the TCSPMD. However, the existence of the 2019 permission is a matter that I have considered as an 'other consideration' below.

¹ Dimension taken from the appellant's appeal statement

² Area taken from the planning application form

³ Paragraph 4.4 of the appellants' appeal statement

Effect on openness

9. Paragraph 137 of the Framework states that "... *The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness...*". The chalet bungalow would have a footprint approaching 50% more than the existing bungalow's, while the former's volume would also be greater. There would therefore be additional built development within the Green Belt. However, I consider that would not result in significant encroachment in the countryside. That is because this site is already occupied by a dwelling and The Spinney is one of the thirty or so dwellings in Kirkham Shaw, Kirkham Road and Kirkham Avenue. I am therefore of the view that this development would not be contrary to the five purposes that the Green Belt serves, as listed in paragraph 138 of the Framework.
10. The chalet bungalow would be sited a little further from the site's northern boundary than the bungalow and it would be turned through ninety degrees. Notwithstanding those changes in circumstances and having regard to the increased floor area and volume of the replacement dwelling, I consider this development would have a negligible effect on Green Belt's openness.
11. I therefore conclude that the effect on the openness of the Green Belt would not be harmful and that would be a neutral effect of the development.

Other considerations

12. The appellants have advised the 2019 permission would increase the bungalow's floor area to 81.23 sq.m, which is around 4 sq.m less than the chalet bungalow's floor area. The appellants have indicated that they intend to implement the 2019 permission as a fallback position should the chalet bungalow not be approved.
13. No conditions were imposed on the 2019 permission requiring the Council's prior approval of any details. There appears to be no impediment to the commencement of the 2019 permission prior to its expiry on 13 June 2022. I therefore consider there is a real prospect of the 2019 permission being implemented as a fallback position. The extended bungalow would have a footprint of around 4 sq.m less than that of the chalet bungalow and the former's effect on the Green Belt, most particularly its openness, would be marginally less than that of the replacement dwelling. While it is possible that the 2019 permission could be implemented, resulting in there being a dwelling of 81.23 sq.m, and for that to be followed by the submission of a planning application for a replacement dwelling, comparable in size to the chalet bungalow, I consider in practice that scenario would be unlikely to arise. I therefore consider that the existence of the fallback position in this instance does not weigh heavily in favour of the appeal development.
14. I recognise that a newly constructed dwelling would meet current insulation requirements, making it more thermally efficient than the bungalow. However, the implementation of the 2019 permission, with its installation of a new roof and a new southern elevation, would be likely to result in some thermal efficiency gains. Given that and the appellants' intention to implement the 2019 permission if planning permission is not granted for the chalet bungalow, I attach very little weight to any climate change benefits arising

from replacing the two bedroom bungalow with a four bedroom chalet bungalow.

15. The chalet bungalow would be of an inoffensive design and that is a consideration weighing for the development. That said neither the existing nor the extended bungalow have or would have an unacceptable appearance and all new development, in any event, should be of a high quality. Given those circumstances I consider the quality of the chalet bungalow's design weighs moderately for the appeal development.

Conclusions

16. I have found that the effect on the Green Belt's openness would not be harmful, while the chalet bungalow's appearance would be inoffensive. The chalet bungalow would be more thermally efficient than the bungalow. Those would be neutral or moderately beneficial effects of the development.
17. Nevertheless, I have concluded that the chalet bungalow would be inappropriate development in the Green Belt. That inappropriateness would, by definition, be harmful to the Green Belt and paragraph 148 of the Framework explains substantial weight should be attached to that harm. The 2019 permission would enable the bungalow to be extended as a fallback position. However, I consider the extended bungalow when compared with the chalet bungalow would have a marginally lesser effect upon the Green Belt.
18. I therefore consider that the other considerations in this case do not clearly outweigh the harm to the Green Belt by reason of the development's inappropriateness. Consequently, the very special circumstances necessary to justify development in the Green Belt do not exist.
19. I therefore conclude that the appeal should be dismissed.

Grahame Gould
INSPECTOR