



Appeal Decision

Site visit made on 4 October 2022

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2022

Appeal Ref: APP/M1595/W/21/3285432

Greenwise Nurseries, Vange Park Road, Vange, SS16 5LA

- 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 J and M Gatrell of JP & MD Properties Ltd against the decision of Thurrock Borough Council.
 - The application Ref 20/01662/OUT, dated 27 November 2020, was refused by notice dated 16 July 2021.
 - The development proposed is for 60 dwellinghouses (Use Class C3).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with approval being sought for access. Matters relating to layout, appearance, scale and landscaping have been reserved. I have dealt with the appeal on this basis, treating the open spaces plan as illustrative only.
3. A revised version of the National Planning Policy Framework (the Framework) has been published since the planning application was determined by the Council. I have had regard to the revised Framework in reaching my decision.

Main Issues

4. The main issues in this case are: -
 - a) Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies and the effect of the proposal on the openness of the Green Belt.
 - b) Whether any 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 required to justify the proposal.

Reasons

Inappropriate development and openness

5. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristic of Green Belts being their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

6. Policy CSSP4 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 (the Core Strategy) seeks to maintain the purpose, function and open character of the Green Belt in Thurrock. Policy PMD6 of the Core Strategy states that the Council will maintain, protect and enhance the open character of the Green Belt in Thurrock. These policies aim to prevent urban sprawl and maintain the essential characteristics of the openness and permanence of the Green Belt in line with the aims of the Framework.
7. The exceptions set out in paragraph 149 of the Framework include limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would either: not have a greater impact on the openness of the Green Belt than the existing development, or not cause substantial harm to the openness of the Green Belt where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority. Paragraph 137 of the Framework indicates that openness is one of the essential characteristics of Green Belts. The proposal would result in a residential housing development in the Green Belt.
8. There is a lawful development certificate in place for the use of the site as a garden nursery. The site would, therefore, be considered to be previously developed land. The certificate allows the use of the land for growing plants and retail sale thereof together with importation of plants and retail sale of plants; the use of land for storage and display for sale of garden material and garden equipment predominantly in the open; use of land for storage and display for sale of building materials and other general materials un-related to garden predominantly in the open; and use of land for general storage of building and other materials predominantly in the open together with all associated buildings. There is no restriction on vehicle movements or the quantum of material that could be stored at the site.
9. The lawful development certificate relates to specifically identified uses and does not allow free uncontrolled use of the land. However, the uses are likely to vary as the nature of open storage and retail sales stock would come and go. However, 60 dwellings, potentially being two-storey, detached, semi-detached or terraced with domestic curtilages, associated outdoor paraphernalia, parking provision and roadways would be created. I consider this would intensify the use of the site and the site would appear more intensively used. Furthermore, housing development would have a permanence when compared to that of plants, storage and sales and the occupiers of 60 homes would generate a significant amount of vehicle movements even beyond general commercial business hours.
10. Outline planning permission is also in place for 31 custom build units. The current scheme would almost double the number of units. The appellant contends that the footprint of the current proposal would be less than that of the parameters of the outline approval for the 31 custom build units. However, that custom build scheme was granted in outline with all matters reserved other than access. Despite a draft layout supporting the planning application that permission does not establish the footprint size of the resulting development on site.

11. A development of greater intensity would host sizeable built form, along with more roadways, parking areas and residential paraphernalia. Therefore, a development of 60 dwellings would appear as an intensive use of the land and this would add to both the spatial and visual impact of the development. Almost doubling the number of dwellings on the site would have a significant urbanising effect on the site.
12. I do not consider that either the lawful use of the site or the outline planning permission for 31 custom build homes would be developments that would represent a 'fall-back' position in this case, as the development before me would be a substantially more intensive land use to either of those developments. Furthermore, the proposal would have a greater impact on openness of the Green Belt than either of those other developments. I have found that the site would be utilised to a greater intensity, and this would reduce the openness of the Green Belt. This would cause substantial harm to the openness of the Green Belt.
13. Consequently, I find that the proposal does not comply with paragraph 137 of the Framework as it would not preserve the openness of the Green Belt. Despite the developments representing a brown field site, having a greater impact on the openness of the Green Belt to those suggested fall-back developments and causing substantial harm to it, the proposal would not comply with the exceptions set out in paragraph 149. Therefore, the proposal would be inappropriate development which, by definition, would be harmful to the Green Belt. Being inappropriate development brings the proposal into conflict with Policies CSSP4 and PMD6 of the Core Strategy. Furthermore, the proposal would represent urban sprawl beyond a built-up area and this would conflict with the fundamental aim of Green Belt policy and, due to its location beyond settlement boundaries, would not assist in any form of urban regeneration.

Other considerations

14. It is common ground between parties that the Council does not have a five-year supply of deliverable housing sites in place. The proposal would go some way to boosting housing delivery within the borough in line with Government objectives. I will deal with this matter in the 'planning balance' below.
15. Policy CSTP2 of the Core Strategy requires 35% of the proposed dwellings to be affordable housing within the borough. This is a component of all new residential developments. The delivery of policy compliant new homes with policy compliant affordable housing is a relevant factor. Therefore, the contribution towards the delivery of affordable housing, against a backdrop of an historic undersupply is a benefit of the proposal that attracts significant weight.
16. The Council has explained that the previous application was the first, and only one of two, custom build housing schemes in the borough. That provided the very special circumstances in granting the previous proposal. The current proposal seeks a mix of housing with 70% of the residential properties at the site being non-custom build. However, due to the lack of other custom build housing sites within the borough with planning permission weight can be attributed to this scheme that includes custom built housing, for which there is strong Government support. However, the current proposal offers 18 custom build units, which is 30% of the overall number of units to be provided on the

site. I have carefully considered the provision of custom build housing. Lesser numbers reduce the weight attributed to the provision of such houses. Nonetheless, it would still make a valuable contribution toward custom build homes in the borough. This holds significant weight.

17. The Landscape and Visual Effects Appraisal indicates that the proposal would improve the degraded visual appearance of the site and establish new planting. This would be a benefit of the scheme. Large areas within the site are hardsurfaced. With appropriate landscape designed into the proposed residential development biodiversity gains could be achieved at the site. These hold modest weight in favour of the proposal. The site is also accessible by bus that connects the site with urban areas and public transport. This is also a modest benefit of the scheme.
18. There has been no significant local concern raised to this proposed major housing development in Green Belt and no objections have been raised by consultees on other technical matters. This offers modest weight in favour of the proposal.
19. I have been directed to a planning permission at the Venge Waterworks Site not far from this appeal site, noted to also be situated within the Green Belt. Unlike this proposal, that application was made in full so all details of the proposed development were before the local planning authority. That proposal was designed to re-use areas of previously developed land at that site. I have been provided with the officer's report to its planning committee. That report discusses that the proposal would result in less land coverage, floorspace and height than that of the existing development at the site. As such, officers considered that the level of impact on openness would not result in substantial harm.
20. That decision to grant planning permission was considered on the merits of that particular case. However, in this case I have found that the proposed development would have a greater impact on the openness and would cause substantial harm to it. The development at the Venge Waterworks Site does not overcome this or justify the proposed development. Therefore, the development of the Venge Waterworks Site does not offer any weight in support of this proposal.
21. Financial contributions could be secured to mitigate the impact of the development on other local services, such as, education and healthcare facilities. However, those contributions would be required to mitigate specific aspects of the development to make the development acceptable in their own right. Such contributions hold no weight in support of the appeal.
22. It has been suggested that housing at the site would be less environmentally damaging to that of the lawful use of the site. However, on the available evidence there is little to substantiate this claim.

Planning balance

23. I have identified that the development would be inappropriate development in the Green Belt as defined by the Framework as it would not preserve the openness of the Green Belt as required by the Framework. The proposal would conflict with CSSP4 and PMD6 of the Core Strategy. Therefore, the proposed

development would be harmful to the Green Belt, harm which the Framework indicates should be given substantial weight.

24. However, the Council does not have a five-year supply of housing sites in place. Paragraph 11d)i of the Framework indicates that the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing a proposed development. Footnote 7 that corresponds to paragraph 11d)i lists land designated as Green Belt amongst those that are of particular importance. Even if the shortfall in housing land supply is acute, this substantially reduces the weight that can be given to the development's contribution to housing land supply. I, therefore, give such housing contribution very little weight.
25. The proposal would also contribute to the unmet need for affordable housing and custom build homes. This carries significant weight. The site is previously developed land which the proposal would make effective use of. This also carries significant weight in favour for developing this particular site. The lawful development certificate and 31 custom build homes planning permission hold little weight as they would not justify the proposed inappropriate development in the Green Belt. The attractiveness of the redevelopment scheme, increased ecological value of the site, bus accessibility and lack of local and technical objection to the proposal hold modest weight.
26. The proposed development, would by definition, be harmful to the Green Belt, harm which the Framework indicates should be given substantial weight. The other considerations, although carrying significant and modest weight do not clearly outweigh the harm to the Green Belt and that is the test that is required to be met.

Conclusion

27. Having regard to all matters raised, I conclude that there are no considerations sufficient to clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. The proposed development conflicts with the development plan and the advice in the Framework. Therefore, the appeal should be dismissed.

Nicola Davies

INSPECTOR