



Appeal Decision

Site visit made on 2 March 2023

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 April 2023

Appeal Ref: APP/B1550/W/22/3306900

Land on the west side of Kingsway, Hullbridge, Essex SS5 6DR, adjacent to Torwood Kingsway Hullbridge Essex 580974, 193980

- 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 Mrs Alison Harper-Ward against the decision of Rochford District Council.
 - The application Ref 22/00179/FUL, dated 17 February 2022, was refused by notice dated 13 July 2022.
 - The development is described as 'Proposed Erection of Dwellinghouse'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's Officer Report refers to both protected and priority species. The supporting text to Rochford District Council Local Development Framework Development Management Plan adopted 16 December 2014 (DMP) Policy 27 sets out the difference between these two terms. The Council's reason for refusal only refers to protected species and cites DMP Policy 27 as the reason. However, the policy itself only refers to priority species.
3. The appeal has been accompanied by an Ecological Survey and Assessment (the survey) which is dated August 2022, after the decision was issued. The Council has therefore had the opportunity to comment, as have consultees and interested parties who were notified of the appeal. I therefore consider there has been no prejudice to any party. As the survey assessed the potential for there to be both protected and priority species on the site, I have considered the appeal with respect to the effect on both.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect on protected and priority species; and
 - 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 required to justify the proposal.

Reasons

Inappropriate development

5. The site is located within the Metropolitan Green Belt. The Framework identifies at paragraph 137 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 149 of the Framework confirms that new buildings are inappropriate in the Green Belt unless it is one of the exceptions listed. It therefore follows that development which is inappropriate in the Green Belt would undermine the purposes for which the Green Belt is designated.
6. Rochford District Council Local Development Framework Core Strategy (2011) (CS) Policy GB1 sets out that Green Belt land will be prioritised for protection based on how well it helps achieve the purposes of the Green Belt. This is not entirely consistent with the Framework which confirms at paragraph 147 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This reduces the weight to be attached to this policy.
7. Paragraph 149 e) sets out that limited infilling in villages is one such exception. It is common ground that Hullbridge can reasonably be considered a village. The settlement has a strong clustered form. It is bounded by the River Crouch to the north and Lower Road to the south. Development then runs east-west from Ferry Road and is characterised by a regular suburban layout. Kingsway is to the south of Lower Road. The development accessed from Kingsway has a distinctly different character, with lower density development in a less formal layout than that within the body of Hullbridge. It is bounded to three sides by the golf course and undeveloped land. As a result, I would not describe the appeal site as being located within the village, notwithstanding its physical proximity to Lower Road and the services and facilities within the settlement.
8. As a single dwelling, the proposal is limited. The site is located between two dwellings which front onto Kingsway, and there is a further dwelling to the rear of the site. Given this and having had regard to DMP Policy DM3, I am satisfied the proposal would represent infilling. However, all aspects of exception e) must be met for a proposed development to benefit from it.
9. The appellant has also put forward that the proposal could be considered against the first part of exception g) of Paragraph 149 of the Framework. This is a conditional exception which, as it relates to this appeal, allows for the redevelopment of previously developed land subject to it not having a greater impact on the openness of the green belt than the existing development.
10. From my observations on site, the submissions made as part of the appeal and with reference to the glossary of the Framework, I consider that the site does fall within the definition of previously developed land, that is land which is occupied by a permanent structure. I note the Council acknowledge the building on the site is of a permanent construction.
11. Paragraph 137 of the Framework confirms 'the essential characteristics of Green Belts are their openness and their permanence'. Openness is the absence of development and can have spatial as well as visual aspects.
12. The existing structures on the site are very limited in size and scale. The proposed dwelling, although single storey, would be significantly larger in all

respects. This increase in built development would harm the openness of the Green Belt.

13. Both parties have referred to other appeal decisions. I do not have copies of all of these decisions, or full details of the cases. However, each decision must be taken on its own merits, and will turn on the circumstances of each site and its surrounding area.
14. For these reasons, when considered as a whole, the appeal proposal would constitute inappropriate development in the Green Belt as it would not meet any of the exceptions set out in paragraph 149 of the Framework and would therefore be contrary to CS Policy GB1. Paragraph 147 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Protected species

15. The survey submitted with the appeal concludes that there is no evidence of protected or priority species on the site. At my site visit, I observed that the site was generally maintained, consistent with the site description contained within the survey. It sets out the methodology by which the site was investigated for protected and priority species and the timing of the survey was appropriate with regard to Natural England's standing advice. I have no reason to dispute either the approach or its findings.
16. I therefore conclude that the appeal proposal would have an acceptable effect on protected and priority species. It would comply with DMP Policy DM27 which seeks to protect priority species and habitats and paragraph 174 of the Framework which seeks to minimise impacts on biodiversity.

Other considerations

17. The site would be in proximity to the services and facilities within Hullbridge and would not be an isolated dwelling. The proposed dwelling would integrate well into the surrounding development in terms of its layout, design, plot size and nature of the housing proposed. Living conditions for proposed occupiers would be acceptable and appropriate provision for car parking could be provided within the site. The proposed development would not have an adverse effect on the living conditions of surrounding occupiers. Tree protection measures could be secured by condition were the appeal to be allowed.
18. The site is not an important open space in that it does not provide a community benefit or a visual focus in the street scene. There are no surrounding heritage assets which would be affected by the proposal. The vegetation on the site appeared to be under management at the time of my site visit. No adverse effect on landscape character has been identified and I saw nothing at my site visit that would lead me to a different conclusion. However, these factors demonstrate a lack of harm, leading them to be neutral in the determination of this appeal.
19. There is community support for the proposed development for reasons largely aligned to the appellant's case. However, this would not be determinative in this appeal.

20. I do not have details of the planning history of the surrounding dwellings before me. In any event, I must determine this appeal on its own merits and in the context of the adopted development plan.
21. There is no evidence before me to suggest that the Council cannot demonstrate a five year supply of deliverable housing land. Nonetheless, an additional dwelling would contribute to the supply of housing and may assist in meeting the needs of an aging population. This would be a benefit of the proposal.
22. The proposal is for a single dwelling and no affordable housing is proposed. It therefore could not be considered as a rural exception site.
23. The site is located within the zone of influence for a number of habitats sites which are subject to pressures from recreational disturbance. Had I been minded to allow the appeal, it would have been necessary to establish whether the proposal on its own or in combination with other projects would have likely significant effects on the integrity of the habitats sites. However, addressing these matters could have at best only led to any potential adverse effects being mitigated, thus making them neutral considerations in the determination of the appeal. As I have found against the appeal for other reasons, I have not examined this matter further.
24. I have found that the proposal would constitute inappropriate development in the Green Belt and paragraph 148 of the Framework states that substantial weight should be given to this. While there would not be harm to protected or priority species, this is a neutral factor in the planning balance. I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

25. The development conflicts with the development plan taken as a whole and there are no material considerations to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, and having had regard to all other matters raised, the appeal is dismissed.

J Downs

INSPECTOR