



# Appeal Decision

Site visit made on 9 August 2023

**by Ryan Cowley MPlan (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 6 September 2023**

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**Appeal Ref: APP/M1595/D/22/3309538**

**Fouracres, Brentwood Road, Bulphan, Thurrock RM14 3TL**

- 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 Steve Foster against the decision of Thurrock Borough Council.
  - The application Ref 22/00683/HHA, dated 16 May 2022, was refused by notice dated 14 October 2022.
  - The development proposed is described in the application form as: Single storey side extension. Construction of swimming pool.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. 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 of the proposal on the openness of the Green Belt; and
  - Whether any harm by reasons 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

*Whether the proposal would be inappropriate development*

3. The appeal site is located within the Metropolitan Green Belt. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt. Exceptions to this include (c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
4. Annex 1 of the Framework indicates that the weight afforded to development plan policies should accord with their degree of consistency with the Framework. Policy PMD6 of the Core Strategy and Policies for Management of Development (CSPMD), adopted January 2015, indicates that the Council will

maintain, protect and enhance the open character of the Green Belt in accordance with the provisions of the Framework.

5. Policy PMD6 is more prescriptive than the Framework, including a requirement that proposals for residential extensions are no larger than two reasonably sized rooms or any equivalent amount. However, I consider this criterion is consistent with paragraph 149(c) in respect of its aims of ensuring the extension of a building does not result in a disproportionate addition. Accordingly, I attribute considerable weight to this part of the policy.
6. The Thurrock Design Guide Residential Alterations & Extensions SPD July 2017 (the SPD) provides a definition of "two reasonable sized rooms". This figure is expressed as floorspace (m<sup>2</sup>) and is calculated from the dwelling as originally constructed. The average internal floorspace of the habitable rooms in the original dwelling is calculated and then that figure is multiplied by 2. In this case, this provided the Council with a figure of 52.6m<sup>2</sup>. This figure has not been disputed by the appellant.
7. The evidence before me indicates that the proposed extension would have a floorspace of approximately 76m<sup>2</sup>. The proposal would therefore be appreciably greater in size than two reasonably sized rooms or any equivalent amount, contrary to the guidance within the SPD.
8. I therefore conclude that the proposal would result in a disproportionate addition over and above the size of the original building and so would not benefit from the exception set out in paragraph 149(c) of the Framework. It would be contrary to Policy PMD6 of the CSPMD, for the reasons set out above. It would therefore constitute inappropriate development in the Green Belt.

#### *Effect on openness*

9. Openness is an essential characteristic of the Green Belt. The word "openness" in this context is open textured, and several factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. The matters relevant to openness are therefore a matter of planning judgement, and the openness of the Green Belt can have a spatial aspect as well as a visual aspect.
10. The existing dwelling is set back from the main road (A128) with considerable intervening tree and shrub planting. The proposed extension would therefore be largely screened from this vantage point.
11. However, within the site, the dwelling is surrounded by grass to the sides and rear and is set back a modest distance from the rear boundary. A large, detached garage with floorspace above is situated to the south-east. The rear boundary of the site features a timber fence that steps down in height in the vicinity of the dwelling, allowing clear views across the farmland beyond.
12. Given the proximity of the dwelling to the site boundary and the limited screening provided, it is prominent in views across the adjacent fields. From this perspective, the proposed extension would appear as a substantial addition to the existing dwelling. Its orientation would result in a considerable increase in the width of the dwelling, and its siting would close the gap to the adjacent outbuildings. This would inevitably erode the openness of the appeal site and the wider Green Belt.

13. I conclude that the proposal would harm the openness of the Green Belt in both visual and spatial terms. This would be mitigated to some limited extent by the factors mentioned above. However, paragraph 148 of the Framework is clear that substantial weight should be given to any harm to the Green Belt. This therefore weighs heavily against the proposal.

*Other considerations*

14. My attention has been drawn to planning permissions granted at 14 and 19 Bonham Grange, both of which are also within the Green Belt. The full details of these cases are not before me. However, from the evidence provided it appears the development at No 14 concerned an external swimming pool without any above ground enclosure, while the development at No 19 concerned an underground car lift.
15. Both were therefore materially different to the appeal scheme before me. Notably, the extracts from the Officer Reports provided indicate that in both cases the developments would have minimal or no visible impact on the openness of the Green Belt. The same cannot be said of the appeal scheme. This does not therefore lead me to a different conclusion on the main issues.
16. In view of the above, there is no substantive evidence before me to demonstrate that the Council has been inconsistent in considering similar applications for development in the Green Belt.
17. I also recognise the closest neighbouring properties are some distance away, however this does not alter my findings above on the effect of the proposal on the openness of the Green Belt in both visual and spatial terms.

**Conclusion**

18. The appeal proposal comprises inappropriate development that is harmful to the Green Belt. I give this harm substantial weight as required by the Framework. I have considered the matters put before me in favour of the scheme. However, there are no other considerations that clearly outweigh the substantial weight I have afforded to the Green Belt harm arising from the proposal. Consequently, the very special circumstances necessary to justify the development do not exist.
19. The proposed development conflicts with the development plan, taken as a whole, and I have found no material considerations that indicate the proposal should be determined other than in accordance with the development plan. Consequently, I conclude that the appeal is dismissed.

*Ryan Cowley*

INSPECTOR