



Appeal Decisions

Site visit made on 9 August 2023

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 September 2023

Appeal Ref: APP/M1595/W/22/3307471

Former Fairway Filling Station, Southend Road, Corringham SS17 9EY

- 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 J Williams, on behalf of Supply 2 Location, against the decision of Thurrock Borough Council.
 - The application Ref 21/01761/FUL, dated 11 October 2021, was refused by notice dated 22 March 2022.
 - The development proposed is retention of marquee for temporary period for storage in association with host business.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The submitted application form indicates the development was completed in August 2021, and I observed the completed development during my site visit. The appeal is therefore being considered retrospectively.
3. This appeal was submitted alongside another appeal¹ for this site, and these were identified as linked cases. However, the appeal type, nature of development and main issues in each case are materially different. The cases have therefore been considered independently with a separate decision for each.

Main Issues

4. The main issues are:
 - Whether the development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies including, where appropriate, its effect on openness;
 - The effect of the development on the character and appearance of the area; and
 - Whether any harm by reasons of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the development.

¹ Appeal Ref: APP/M1595/W/22/3307474

Reasons

Whether the development is inappropriate development

5. The appeal site is located within the Metropolitan Green Belt. Policy PMD6 of the Core Strategy and Policies for Management of Development (as amended) adopted January 2015 (CSPMD), indicates that the Council will maintain, protect and enhance the open character of the Green Belt in accordance with the provisions of the Framework.
6. The Framework states that 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 indicates that, other than in connection with a closed list of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. These exceptions include (g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use.
7. Policy PMD6 of the CSPMD states that redevelopment should have no greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development, among other provisions. I find this policy to be consistent with the Framework in this regard.
8. 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.
9. The appeal site sits close to a junction of the A13 dual carriageway. Due to considerable tree and shrub planting around the site boundaries and along the roadside, the site is relatively well screened in distant views across the A13 and when approaching from the north or south along Southend Road. However, in closer views, the frontage of the site along Southend Road is more exposed.
10. The development to which the appeal relates comprises a hard-shell marquee, with a steel frame, insulated panel walls and a pitched canvas roof. The building is of considerable size relative to the other single storey flat roof buildings, containers and cabins on the site. While there is a high fence running along the Southend Road boundary, this provides little screening given the size of the building. The building is set back from the footpath, however it remains prominent in views from the road and somewhat dominates the site.
11. The evidence before me indicates that there were previously several modest outbuildings in this location, which were appreciably smaller than the appeal building. These were subsequently removed and the area of hardstanding on which the building is situated was used for external storage prior to the erection of the marquee structure. The nature of the previous use of the land for external storage is such that it would have had a lesser impact on the openness of the Green Belt in this location than the appeal building. The development therefore has a greater impact on the openness of the Green Belt.
12. In terms of the purposes of including land within the Green Belt, in view of the above, the appeal scheme fails to assist in safeguarding the countryside from encroachment. Furthermore, in the absence of compelling evidence to indicate the development must be located in the Green Belt, rather than in a more

urban location, it also fails to assist in urban regeneration through the recycling of derelict or other urban land.

13. I conclude that the development has a greater impact on openness in both visual and spatial terms than the previous development and so would not preserve the openness of the Green Belt. It would also conflict with the purposes of including land within the Green Belt. The development therefore does not benefit from the exceptions set out in paragraph 149 of the Framework and conflicts with Policy PMD of the CSPMD. It is therefore inappropriate development in the Green Belt.

Character and appearance

14. The surrounding area is characterised by a mix of intermittent commercial and residential development, within a wider landscape of agricultural fields and sporadic woodland. In the immediate area there are several individual dwellings and a short terrace. The A13 dual carriageway is to the north. A car repair garage, petrol station, car sales businesses, a small row of commercial units, a public house and a hotel are also close by. Despite this, development in the immediate area is typically limited in scale and is softened by the intervening open spaces and considerable tree and shrub planting found locally.
15. Surrounding vegetation provides screening of the appeal site from several vantage points. However, in closer views from Southend Road, the appeal building is clearly visible due to its size and colour, which stands out against the trees behind. Though it is seen within the context of other buildings on the site, and other sporadic development in the immediate area, it is appreciably larger than neighbouring buildings. As above, it also detracts from the openness of the area. Additionally, it has a somewhat industrial appearance due to its scale, simple form, blank facades, and large roller shutter doors.
16. The size and appearance of the building is therefore out of keeping with the surrounding area and thus appears incongruous in its setting. It does not contribute positively to local views or natural features, or positively respond to the local context.
17. I therefore conclude that the development is harmful to the character and appearance of the area. It is contrary to Policies CSTP22, CSTP23 and PMD2 of the CSPMD. These policies, among other provisions, seek to protect, manage and enhance the character of Thurrock, and ensure development is of a high-quality design that contributes positively to the character of the area. It also conflicts with paragraph 130 of the Framework in respect of its aim of ensuring developments add to the overall quality of the area and are sympathetic to local character.

Other considerations

18. The development supports an existing business and facilitates its expansion. The appellant advises that the site saw an increase of 4 jobs during the Covid19 pandemic. It is not clear from the information before me however that this is directly attributable to the erection of the appeal building. Even if it were, this would be only a modest benefit of the scheme. Furthermore, it is not clear that the development is the minimum necessary to achieve such benefits.
19. I recognise that the development is proposed on a temporary basis for a 2-year period. The degree of harm to the character and appearance of the area and to

the openness of the Green Belt is therefore reduced accordingly, though would not be eliminated.

20. Nevertheless, the development still has a greater impact on the openness of the Green Belt than the previous development and therefore remains inappropriate development in the Green Belt. It is therefore harmful to the Green Belt, despite its temporary nature, and this harm still carries substantial weight, in accordance with paragraph 148 of the Framework.
21. Moreover, the Planning Practice Guidance (PPG) indicates that circumstances where a temporary permission may be appropriate include where it is expected that the planning circumstances will change in a particular way at the end of that period, or to enable temporary use prior to any longer-term proposals coming forward. It is rarely justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale).
22. I acknowledge the appellant's original reasoning for seeking the temporary permission. This included circumstances associated with the Covid19 pandemic, and as a temporary measure while more permanent site reconfiguration was agreed with the Council to accommodate the growth of the business. However, the original application was submitted in October 2021, and the appeal building has now been in place for longer than 2-years.
23. While the appellant maintains they are continuing to explore options to reconfigure the site, there is no substantive evidence of this before me. Nor is there any compelling evidence to indicate such a solution can be achieved. It is therefore not clear that there is any prospect of the circumstances changing or longer-term proposals coming forward at the end of a further 2-year period. The justification for the retention of the development and its associated harm for longer is therefore somewhat diminished.

Conclusion

24. The development has a greater impact on the openness of the Green Belt than the previous development and thereby fails to preserve its openness. It is therefore inappropriate development that is harmful to the Green Belt. I give this harm substantial weight as required by paragraph 148 of the Framework. I have also found harm in respect of the effect of the development on the character and appearance of the area.
25. 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 development. Consequently, the very special circumstances necessary to justify the development do not exist.
26. The development conflicts with the development plan, taken as a whole, and I have found no material considerations that indicate the appeal should be determined other than in accordance with the development plan. Consequently, I conclude that the appeal is dismissed.

Ryan Cowley

INSPECTOR