



Appeal Decision

Site visit made on 4 March 2024

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd April 2024

Appeal Ref: APP/M1595/W/23/3326712

**Plot 2 land adjacent Avondale, Inglefield Road, Fobbing, Stanford-Le-Hope
SS17 9HW**

- 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 Andrew Hunneybel of National Building Compliance against the decision of Thurrock Council.
 - The application Ref 23/00241/FUL, dated 28 February 2023, was refused by notice dated 24 April 2023.
 - The development proposed is described as "the removal of existing steel barn and replace with a 4 bedroom dormer style bungalow house."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the application form but has been shortened in the interests of precision.
3. The address of the appeal site given on the application form is "Land on the East side of Inglefield Road, Fobbing, Thurrock SS17 9HW". The appeal form and decision notice provide a more accurate description of the address which I have used in the banner heading above.
4. The National Planning Policy Framework (the Framework) was revised, and the 2022 Housing Delivery Test (HDT) Results were published in December 2023. The parties were invited to make further comments on these. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.

Main Issues

5. The main issues in this appeal are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposed development on the character and appearance of the area; and

- whether any harm by reason 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 proposal.

Reasons

Whether the proposal would be inappropriate development

6. The site lies within the Green Belt identified in the Council's Core Strategy and Policies for Management of Development document (as amended) 2015 (CSPMD). Policy CSSP4 of the CSPMD seeks to maintain the purpose, function and open character of the Green Belt, whilst Policy CSSP1 only permits development on Green Belt land where it is specifically allocated for residential development and where it is required to maintain a five-year rolling housing land supply.
7. CSPMD Policy PMD6 sets out more specific requirements for development in the Green Belt. It states that planning permission will only be granted for new development where it meets the requirements of the Framework and several policy criteria. It allows infill residential development in established residential frontages. Outside these, it requires infilling and partial or complete redevelopment of a previously developed site to have no greater impact on the openness and purpose of the Green Belt than the existing development, not exceed the height of the existing buildings, and not occupy a larger area of the site than the existing buildings, amongst other things.
8. Paragraph 154 of the Framework lists the types of new buildings that are not inappropriate in the Green Belt, subject to certain conditions. This includes limited infilling in villages (paragraph 154(e)). It also includes limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development (paragraph 154(g)).
9. There is no dispute that Fobbing is a village. To the east of the site, linear suburban development runs along a significant length of High Road, much of which is within residential frontages on the Policies Map. I note the recent approvals of nearby housing developments fronting High Road, one of which is outside the defined residential frontage. However, the appeal site lies on Inglefield Road, a narrow, well landscaped country lane with no footways. There is some residential development along the lane, but this is sporadic with large gaps between many of the houses. As such, it has a rural character which does not form part of the close knit, built development comprising Fobbing village. Therefore, the proposal would not constitute an exception as set out under paragraph 154(e) of the Framework.

Effect of the proposal on openness

10. As set out in the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness is the absence of development and has both spatial and visual dimensions.
11. Set back from Inglefield Road, the appeal site is bisected by a stable block, adjacent storage building and row of tall conifer trees. There is a high boundary fence and wall alongside the lane with entrance gates providing access to a long, shared driveway, at the end of which is a curved roof steel barn no longer

required for storage purposes and an area of hardstanding. Other parts of the site comprise a paddock and open land.

12. The proposed dwelling would replace the existing barn towards the rear of the site. Although it would have a similar footprint and position to the barn, due to its high vertical side walls, large, pitched roof and sizeable flat roofed dormers, the proposed house would be significantly higher, bulkier and more imposing than the existing building. As such, it would lead to a loss of spatial openness.
13. The house known as "Woodlands" close to the site entrance, the boundary walls and fences and the existing buildings and trees within the site would screen some views of the proposed dwelling from the lane. However, it would be visible from Inglefield Road above the entrance gates and so there would also be an erosion to the visual openness of the site.
14. The effect on openness is not only related to the size of the proposal but also its purpose and the intensity of its use. The introduction of a dwelling on the site would result in the creation of a garden with its associated domestic paraphernalia. Also, the hardstanding would be used for the turning, manoeuvring, and parking of vehicles. Such features and activities would also reduce spatial and visual openness compared to the existing use of the site.
15. Therefore, it follows that the development would not be an exception under paragraph 154(g) of the Framework.
16. For the reasons above, I conclude that the proposal would be inappropriate development in the Green Belt. As such, it would conflict with Policies CSSP1, CSSP4 and PMD6 of the CSPMD and the Framework.

Character and appearance

17. The appeal site does not have significant landscape value, but it lies on Inglefield Road which has a rural character, and is surrounded by open land, including residential gardens. The existing steel barn is a typical rural building which blends into the landscape due to its relatively low rounded roof and largely grey and green exterior. There are some dwellings nearby which are predominantly single storey with traditional style dormers in the roofspace.
18. The proposal would replace the barn with a large dwelling, including front and rear flat roof dormers. The roof pitch and materials would be similar to other properties in the area. However, due to its tall roof height and relatively narrow frontage, the proposed house would have a square, top-heavy appearance. Further, the proposed dormers, because of their boxy design, extent across much of the roof width and hanging tile finishes, would be a bulky feature.
19. The proposed building would be in a similar location to the existing barn, but because of its much larger height and scale, the dwelling would be more prominent than the existing structure in views from the lane. Therefore, the design and form of the proposed house would be discordant with the traditional, rural style of dwellings evident in other parts of Inglefield Road, visible above the entrance gate from the lane.
20. The proposed brick walls would fail to reflect the rendered wall finishes prevalent on buildings in the immediate locality. However, the appellant is willing to accept a condition requiring the submission of further details relating

to external materials which would ensure no undue harm to the appearance of the area from the wall finishes.

21. The appellant is also willing to submit a landscaping scheme, but this would not overcome the unacceptable design and form of the proposed building.
22. Consequently, I conclude that the proposed development would harm the character and appearance of the area. This would be contrary to Policies CSTP22, CSTP23 and PMD2 of the CSPMD where they require high quality design which positively responds to the local context and contributes to the character of the area. It would also conflict with the Framework which sets out that development should be sympathetic to local character and development that is not well designed should be refused.

Other considerations

Contribution to housing land supply

23. The Framework seeks to boost the housing supply and highlights the important contribution small and medium sites can make. The Council cannot currently demonstrate a five-year housing land supply required by the Framework. The HDT 2022 confirms delivery at 46% over the past three years, a drop from the HDT 2021 figure of 49% and significantly below the 75% referred to in the Framework.
24. The proposed development would make a modest contribution of one family dwelling to the supply of housing. One dwelling would make some difference to addressing the shortfall and therefore I attribute modest weight to this benefit.

Other benefits

25. The appellant states that the development would include energy efficiency measures, an electric vehicle charging point (EVCP) and cycle storage. As all developments should contribute to these objectives, I attach only limited weight to these benefits.

Other Matters

26. The proposal would be likely to have a significant effect, either alone or in combination, on the Thames Estuary and Marshes Special Protection Area due to its location within the Zone of Influence set out in the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document 2020. However, there is no need to consider the implications of the proposal on the protected site because the scheme is unacceptable for other reasons.

Whether there would be Very Special Circumstances

27. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The appeal scheme would be inappropriate development in the Green Belt. There would also be adverse impacts on openness and harm to the character and appearance of the area. Substantial weight should be given to the harm caused to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.

28. I give modest weight to the provision of an additional dwelling and limited weight to the inclusion of energy efficiency measures, an EVCP and cycle storage. However, the other considerations would not clearly outweigh the harm to the Green Belt by reason of inappropriateness, loss of openness and other harm. Consequently, the very special circumstances necessary to justify the proposed development do not exist.

Planning Balance and Conclusion

29. Paragraph 11(d) of the Framework is engaged as the Council is currently unable to demonstrate a five-year housing land supply. In such circumstances, this states that development should be approved unless the application of policies in the Framework that protect areas of particular importance provides a clear reason for refusing the development. In this appeal, the application of the Framework's Green Belt policies provides a clear reason to refuse the development.
30. The proposal would also be contrary to CSPMD Policies CSSP1, CSSP4 and PMD6 in respect of the Green Belt and Policies CSTP22, CSTP23 and PMD2 relating to character and appearance.
31. Consequently, the proposal conflicts with the development plan and the material considerations, including the Framework and the very special circumstances test therein, do not indicate that the appeal should be decided other than in accordance with it. Accordingly, the appeal should be dismissed.

A Wright

INSPECTOR