



Appeal Decision

Site visit made on 29 October 2024

by **A Wright BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: **01 November 2024**

Appeal Ref: APP/M1595/W/23/3336013

Land adjoining (east side) Gammon Staples Farmhouse, Orsett, Essex RM16 3LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Carol Lawson against the decision of Thurrock Council.
 - The application Ref is 23/00657/OUT.
 - The development proposed is an outline application for 5 detached bungalows.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. After lodging the appeal, the appellant submitted another red line location plan superimposed onto an aerial image of the site. As this does not alter the proposed site boundary, my consideration of this information would not cause procedural unfairness or prejudice to interested parties. Therefore, I have had regard to this plan in my determination of the appeal.
3. Since the Council made its decision on the application, a revised National Planning Policy Framework (the Framework) was published in December 2023. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.
4. A draft National Planning Policy Framework (draft Framework) was published in July 2024. As the proposed changes could affect the main issues in this case, the Council and the appellant were invited to make further comments. The appellant responded and I have taken this into account in my decision.

Main Issues

5. The main issues in this appeal are:
 - whether the proposal would be inappropriate development in the Green Belt;
 - the effect of the proposal on the purposes of the Green Belt; 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 appeal site lies within the Green Belt identified under Policy CSSP4 of the Council's Core Strategy and Policies for Management of Development (as amended) 2015 (CSPMD). Policies CSSP4 and PMD6 of the CSPMD seek to maintain the open character of the Green Belt. Policy PMD6 states that planning permission will only be granted for new development in the Green Belt where it meets the requirements of the Framework, other plan policies and several criteria. The proposal does not fall within the development types and locations set out in the criteria.
7. 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 or the partial or complete redevelopment of previously developed land which would not have a greater impact on openness than the existing development (paragraph 154(g)).
8. The draft Framework includes some proposed changes to the assessment of openness for the exception under paragraph 154(g) and introduces an additional exception relating to development on grey belt land, a definition for which is set out. However, as the feedback from the recent consultation on the draft document is currently being analysed, it carries very little weight.
9. The definition of previously developed land in the Framework refers to land which is or was occupied by a permanent structure, including the curtilage of the developed land, but it indicates that it should not be assumed that the whole of the curtilage should be developed.
10. The appellant considers that the site is previously developed land as it forms part of an equestrian site which includes a permanent stable building, hay storage barn, equestrian arena and paddocks.
11. There are references to the characteristics of development around the site and in the wider area, and the appellant considers that Baker Street is a defined settlement. Nevertheless, no case is made that the proposal would meet any other exceptions in paragraph 154 of the Framework.
12. 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 counterpart of urban sprawl and often connotes the absence of development. It is an open textured term and can have both spatial and visual dimensions.
13. The appeal site comprises paddocks enclosed by timber post and rail fences, part of a vehicular access track, and parts of a driveway and small outbuilding used by occupants of the neighbouring Gammon Staples Farmhouse. The buildings and arena associated with the equestrian use lie to the west. As the site is currently predominantly grassed and undeveloped, the introduction of five permanent dwellings would inevitably lead to a loss of spatial openness.
14. The site lies adjacent to Baker Street, with landscaping separating it from the road. There is also vegetation along the southern boundary, beyond which is an elevated exit slip road from the A13. A small fence separates the site from the remaining part of the equestrian premises to the west, beyond which is a landscaped boundary alongside the A1089. Although there are some hedges and trees along the boundary with the farmhouse to the north, the neighbouring property overlooks the appeal site.

15. It is indicated that the scheme could be a contained, short cul de sac with improved and retained landscaping. However, the development would be visible from Baker Street and from the neighbouring house and land. Whilst there could be some screening of the houses from the road, any planting could be removed, become damaged or diseased and may only provide screening in the spring and summer months. Thus, the built development would also impact on visual openness.
16. 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 five dwellings on the site would result in the creation of gardens with their associated domestic paraphernalia. Although part of the site is used for accesses to the equestrian facility and adjacent dwelling, additional driveways and hardstandings would be formed and used for the manoeuvring, turning, and parking of vehicles associated with five dwellings. Such features and activities would also reduce spatial and visual openness compared to the existing use of the site.
17. Therefore, regardless of whether the site is previously developed land, the proposal would have a greater impact on the openness of the Green Belt than the existing development and would not fall within the exception in paragraph 154(g) of the Framework.

Effect of the proposal on Green Belt purposes

18. The five purposes of the Green Belt are set out in paragraph 143 of the Framework. There is no dispute that the proposal would not conflict with the purposes relating to the unrestricted sprawl of large built-up areas, preventing neighbouring towns merging into one another, and preserving the setting and special character of historic towns.
19. However, as the proposal would involve built development on a mostly open and undeveloped site, it would conflict with the purpose of safeguarding the countryside from encroachment. Further, the development could occur in the urban area and there is no spatial imperative requiring Green Belt land to accommodate the scheme. Therefore, the proposal would also be inconsistent with the purpose of assisting urban regeneration by encouraging the recycling of derelict or other urban land.
20. For the reasons above, I conclude that the proposal would be inappropriate development in the Green Belt, would not preserve its openness and would conflict with the purposes of including land within it. As such, it would harm the Green Belt and be contrary to Policies CSSP4 and PMD6 of the CSPMD where they seek to maintain the open character of the Green Belt.

Other considerations

21. The Framework seeks to boost the housing supply and highlights the important contribution small and medium sites can make, whilst supporting development which makes efficient use of land. The Council cannot currently demonstrate a five-year housing land supply required by the Framework. The appellant considers that there is a need to review and release Green Belt land to meet the Council's housing needs, including the appeal site. The proposal would make a contribution of five additional bungalows to the supply of housing, making better use of land with access to shops, services and public transport which policies in the CSPMD seek to support. It also has footpath

links and connections to the wider road network. It would contribute towards Thurrock's housing supply, making a modest difference to addressing the shortfall, and therefore I attribute moderate weight to this benefit.

22. The appellant indicates that there have previously been thefts on the site and that the appeal scheme would reduce the likelihood of crime occurring in the future. Nevertheless, there are other methods available for making the site more secure, such as alarm systems or CCTV, and there is little to suggest that the provision of dwellings is the only means of providing adequate security. Therefore, I accord this matter limited weight.
23. The Council previously granted planning permission and gave advice for an application for a certificate of appropriate alternative development (CAAD)¹ in respect of converting the existing stable and tack room into residential accommodation². Notwithstanding this, the appeal proposal is for five new dwellings on an adjoining area of land not occupied by the equestrian buildings, so the schemes are not comparable. Accordingly, I give little weight to the planning history.
24. There are references to other planning permissions granted and CAADs for developments on various sites in Baker Street which is washed over by the Green Belt. This includes 24 dwellings approved at the Woolings nearby³. However, there are limited details outlining the Council's reasons for granting those permissions or the advice given for CAAD applications, so I am not able to compare them with the appeal proposal and can only accord this matter limited weight.
25. I acknowledge that the proposed development would provide the opportunity for using low carbon materials and construction methods to minimise resource consumption. As all developments should contribute to this objective, I attach little weight to this benefit.

Other Matters

26. The Council did not find harm or development plan conflict in relation to several other matters, including highway safety. However, even if I were to agree with the Council on this point, the absence of harm would be a neutral matter which would not carry weight in favour of the proposal.
27. I acknowledge that there is some support for the scheme as it could provide homes suitable for older local people wishing to downsize. Nevertheless, this does not alter the harm that I have found.

Whether there would be Very Special Circumstances

28. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There would also be adverse impacts on its openness and purposes. 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.

¹ Under the Land Compensation Act 1961

² Application refs 16/01309/FUL and 21/00847/CAAD

³ Application ref 12/00952/FUL

29. I give modest weight to the provision of five additional homes and limited weight to the need for site security, the history of development adjoining the site and in the local area, and the opportunity to minimise resource consumption. However, the other considerations would not clearly outweigh the harm to the Green Belt by reason of inappropriateness, loss of openness and impact on its purposes. Consequently, the very special circumstances necessary to justify the proposed development do not exist. As such, it would be contrary to Policy PMD6 of the CSPMD where it requires new development in the Green Belt to meet the requirements of the Framework.

Planning Balance and Conclusion

30. 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. The proposal would also be contrary to Policies CSSP4 and PMD6 of the CS.

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. Therefore, the appeal should be dismissed.

A Wright

INSPECTOR