



Appeal Decision

Site visit made on 5 November 2024

by Thomas Courtney BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 February 2025

Appeal Ref: APP/M1595/W/24/3338899

Portland Lodge, Brentwood Road, Bulphan RM14 3TJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Tuckfield against the decision of Thurrock Council.
 - The application Ref is 23/00989/FUL.
 - The development proposed is the erection of nine detached dwellings (replacement of four existing dwellings and erection of a further five dwellings in place of existing commercial premises).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The National Planning Policy Framework (the 'Framework') was updated on the 12 December 2024. Both parties have been given the opportunity to comment on the new amendments and how they are relevant to the appeal.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the Framework and development plan policy;
 - the effect of the proposal on flood risk;
 - the effect of the proposal on highway safety;
 - the effect of the proposal on the character and appearance of the area, with particular regard to the design of House type 3; and
 - if the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development

4. Paragraph 154 of the Framework states that new development is inappropriate in the Green Belt unless it falls within the given list of exceptions. Under exception (g) the partial or complete redevelopment of previously developed land, whether

redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt is permitted.

5. The appeal site is located on the eastern side of Brentwood Road. It comprises a two-storey detached dwelling known as Portland Lodge, which is set back from the road, and a large industrial estate together with equestrian land and storage facilities. There is a mix of office buildings, warehouse units, garages, and shipping containers dotted around the site. A row of former stable buildings that lie alongside the access drive to Portland Lodge have been converted into a self-contained residential unit. Several shipping containers have also been converted to dwellings.
6. A significant proportion of the site features hardstanding and is used for the storage of vehicles. The largest and tallest of the buildings are located to the south of the site access. They consist of large warehouses, finished with green metallic cladding, hosting a variety of businesses and building contractors. The eastern and southern edges of the site are occupied by hardstanding, low-lying single storey buildings, containers and garden land associated with Portland Lodge.
7. The appellant states that the proposal would be a comprehensive redevelopment and would replace existing built form. However, whilst the entirety of the site constitutes previously-developed land, the proposed dwellings on Plots 3 – 6 would occupy parts of the site that are currently devoid of significant structures. The proposed dwellings would be detached and large given their two-storey height, amount of roofscape with projecting gables and significant footprint. They would also each have an associated detached double garage with a pitched roof. The resultant bulk and overall scale of the buildings would therefore be considerable.
8. I acknowledge that the development would not extend beyond the confines of the site. The proposal would remove vast areas of hardstanding used for vehicular storage as well as various single storey buildings and a pool building within the rear garden of Portland Lodge which is low in height, transparent and lightweight in nature. Notwithstanding this, the erection of large two-storey dwellings and garages on Plots 3 – 6 would introduce an excessive amount of built form to this part of the site. The scale of the proposed dwellings would be substantially greater than the existing buildings that currently sit in this part of the site.
9. Openness is identified in the Framework as one of the Green Belt's essential characteristics. It has been identified as being formed of both spatial and visual aspects. The proposal would introduce built form on areas of the site mainly consisting of hardstanding and devoid of two-storey structures. Over time, it is likely that the proposed garden areas could also include domestic paraphernalia such as sheds. The total volume of development proposed would be considerable and would exceed what currently exists within the site. It would thus materially impact on openness in a spatial aspect resulting in substantial harm to the Green Belt.
10. The proposal would visibly spread development across a greater proportion of the site, towards the eastern and south-eastern boundaries adjacent to open countryside. In visual terms, the proposed dwellings would be highly noticeable in light of their bulk, height and overall scale. Houses 3 – 6 would appear prominent when viewed from the open countryside to the east.

11. The impact of the proposal would be much greater than the outline developments approved in 2015 (ref 15/00487/OUT) and 2024 (ref 23/01389/OUT). The five approved dwellings, in both cases, were proposed to be located towards the western part of the site, close to the site access on Brentwood Road, in replacement of the existing buildings concentrated in this location. Due to the increased spread of development, the appeal proposal would affect openness more than the approved schemes. The proposal would also replace four existing dwellings, however, they consist of low-lying buildings and converted shipping containers. They are not comparable to the large two-storey dwellings proposed.
12. For these reasons, the proposed development would result in an adverse impact on both the spatial and visual openness of the Green Belt resulting in substantial harm to the Green Belt.
13. On this basis, the proposal would be inappropriate development in the Green Belt and would conflict with the exemption outlined at Paragraph 154(g) of the Framework. It would also conflict with Policies CSSP1, CSSP4, CSTP1, PMD2, and PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (the Local Plan) insofar as they seek to ensure that the Green Belt is preserved from inappropriate development and its openness is not harmed.

Flood risk

14. The site is located within a Critical Drainage Area. The Lead Local Flood Authority (LLFA) and Council required the submission of a Flood Risk Assessment (FRA) report.
15. As part of the appeal, the appellant has submitted an FRA report prepared by Ellingham Consulting Ltd. It states that the proposed development is located in Flood Zone 1 and is therefore appropriate development. It recommends that the finished floor level of the dwellings is 0.5m above surrounding ground level and there is 0.3m of flood resilient construction above finished floor level. The FRA also recommends other mitigatory measures to reduce the risk of flooding and to manage surface water run-off.
16. The LLFA stated that a drainage strategy designed up to the 100-year event plus the required climate change allowance should also be submitted. It should include an assessment of runoff rates, proposed discharge location, and demonstrate the SuDS hierarchy outlined in the NPPF has been followed. It should also include an assessment of exceedance flood flow routes above the design event demonstrating how it will be conveyed within the development.
17. Furthermore, the proposal should incorporate a range of SuDS, rainwater harvesting schemes and other features such as green roofs and permeable paving.
18. The Council has not provided any comments and the LLFA has not been consulted on the submitted FRA. The appellant also does not appear to have submitted a drainage strategy. I am therefore not able to adequately assess the scheme on this matter. I am not satisfied the development would not be at unacceptable risk from flooding or that it would not give rise to additional flood risk off-site.

19. Given this, the proposal would conflict with Policies OSDP1 and CSTP27 of the Local Plan insofar as they seek to ensure that proposals reduce flood risk, improve environmental conditions, and incorporate sustainable drainage systems.

Highway safety

20. The private motor vehicle would likely be the main mode of transport for the future occupiers of the proposed dwelling. However, the daily vehicular movements associated with nine dwellings is likely to be less than the vehicular movements associated with the existing commercial units and four existing dwellings. The proposal would therefore not lead to an intensification of traffic on Brentwood Road.
21. As with previously approved schemes, the development would use the existing access which has adequate sight lines. The site layout plan shows appropriate parking provision and turning space within the site.
22. Consequently, the proposal would not harm highway safety. It would not conflict with policies PMD2, PMD8, PMD9, and PMD10 of the Local Plan insofar as they seek to ensure proposals have appropriate layouts with suitable access, comply with parking standards, and do not prejudice road safety.

Character and appearance

23. The Council suggest that the design of house type 3 could be revised to reduce the expanse of brickwork surrounding the windows within the gables. I find that the appearance of the proposed house, although simplistic, would be well-balanced and quite ordinary. The expanse of brickwork would not be unreasonably excessive and would not represent poor design. It would thus not harm the character and appearance of the area.
24. Given this, the proposal would not conflict with Policies CSTP22 and PMD1 of the Local Plan insofar as they seek to ensure proposals are well-designed and respect local context and visual amenity.

Other considerations

25. The Framework highlights that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, with substantial weight given to any harm to the Green Belt. Very Special Circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
26. The appellant states that the proposal is a redevelopment of previously developed land, and that the principle of residential use is already established however this is not in dispute. They also opine that a lack of harm to openness and the purposes of including land in the Green Belt constitutes very special circumstances. As I have found harm on this matter and that the proposal would constitute inappropriate development, I have not attached any weight to this consideration.
27. The redevelopment of the site, the removal of an unrestricted B2 use, and provision of landscaping would visually improve the site. It would be an effective use of land to provide new housing. These considerations weigh moderately in favour of the proposal. The fact that approximately 60% of the borough is Green

Belt land may mean that the Council considers releasing land for housing construction. This is a neutral matter with no weight either for or against the development.

28. In support of the appeal, my attention has been drawn to development at Pieris Plan (ref 14/01406/OUT). I do not have the full details as to how this scheme was approved. However, the site was assessed by the Council through a formal sustainability appraisal and identified in a Call for Sites procedure. As such, it is not comparable to the proposal. The new dwellings at Doesgate Farm (ref 20/01402/FUL) were erected within the footprints of the demolished buildings, which were substantially large structures. This is not the case with the appeal scheme which proposes houses on parts of the site that do not feature any large two-storey buildings. Limited weight is therefore attached to these references.
29. Furthermore, the planning statement also refers to the redevelopment of Garlesters Farm in Bulphan. The approved dwellings are attractively designed with barn hipped roofs and black timber cladding. They harmonise well with the surrounding landscape and have not harmed openness. They are not comparable to the proposed dwellings. I have also been referred to several other housing developments. However, I do not have the full details of the circumstances that led to planning permission being granted and so I cannot be sure that they represent a direct parallel to the appeal proposal, including in respect of scale, location, use and development plan policy. In any case, I have determined the appeal on its own merits.
30. The proposed dwellings would be acceptably designed with sustainable materials. The development would also include energy efficiency measures, water use reduction measures and biodiversity enhancements. These considerations each attract a limited amount of weight in favour of the appeal.
31. Furthermore, the occupiers of the dwellings would have the opportunity to support local business, and the construction process would support the local economy. Whilst these are positive factors, the weight attributed to them is moderate owing to the small scale of the proposed development.
32. The appellant opines that the site is in a sustainable and accessible location. However, given the walking times and distances to various amenities and facilities, and the limited public transport options, it seems most likely to me that most journeys from the new houses would be by private vehicle. I am therefore not convinced about the site's sustainability credentials. Nevertheless, even if I were to find no harm to sustainability, this would be a neutral consideration with no weight either for or against the development.

Conclusion

33. The proposal would cause harm to the Green Belt by way of inappropriateness, as well as substantial harm to openness. The other considerations advanced in this case do not clearly outweigh the substantial harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
34. The Council is unable to demonstrate a five-year supply of deliverable housing sites. Therefore, paragraph 11 d) of the Framework is engaged. However, paragraph 11 d) i) states that there are circumstances where the application of

policies in the Framework to protect areas or assets of particular importance provide a clear reason for refusing the proposal. Footnote 7 identifies the Green Belt as such an area and therefore the presumption in favour of sustainable development does not apply in this case.

35. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above, the appeal should be dismissed.

Thomas Courtney

INSPECTOR