

Reference: 23/00813/HHA	Site: Greystead Parkers Farm Road Orsett Essex RM16 3HX
Ward: Orsett	Proposal: Garage extension

Plan Number(s):		
Reference	Name	Received
8837_101_A	Location Plan	3 rd July 2023
8837_102 rev A	Proposed Block Plan	3 rd July 2023
8837_103_rev B	Existing and Proposed Elevations	3 rd July 2023
8837_104 rev B	Proposed Elevations	3 rd July 2023
8837_105 rev C	Proposed Site Layout Plan	3 rd July 2023

The application is also accompanied by:

- Application form
- Design and Access Statement, 7 December 2020
- Counsel advice – John Dagg, 1st May 2022
- Counsel advice – John Dagg, 9th November 2020
- Cover Letter dated 3rd July 2023
- Planning Statement
- Appendix A – Greystead decision notice 19/00367/HHA
- Appendix B – Greystead appeal decision 19/00367/HHA 10.12.19
- Appendix C – Scrapbook records 1-5
- Appendix D – Letter from Karen Frost
- Appendix E – Photo schedule
- Appendix F – Mr and Mrs Peters appeal decision ref. APP/G2245/A/96/268812/P4 and A/APP/G2245/A/96/272452/P4
- Appendix G – Greystead appeal decision T/APP/Y1565/A/96/265832/P5 16.10.96

- Appendix H – Planning History
- Appendix I – The Lodge 18/01760/HHA 25.03.19
- Appendix J – Fen Cottage 15/00008/HHA 30.10.15
- Appendix K -Letter of Complaint 19 August 2019
- Appendix L – Public Rights of Way Map

Applicant:

Mr R Hunn

Validated:

5 July 2023

Date of expiry:

31 October 2023

(Extension of Time Agreed)

Recommendation: Refusal

The application is scheduled for determination by the Council’s Planning Committee because it has been called in by Cllrs B Johnson, G Snell, A Carter, B Maney and L Spillman (in accordance with the Constitution, Chapter 5, Part 3 (b), 2.1 (d) (ii)) to assess the impact of the proposal upon the Green Belt.

1.0 DESCRIPTION OF PROPOSAL

1.1 The application seeks planning permission for a single storey side extension to a detached pool house building at the site. The proposal involves the erection of a garage extension linked to the existing pool house and conservatory building and would provide an additional garage, measuring 6m x 10.1m, and 60 sqm in size, at the detached property. The applicant has detailed within the application that the garage extension is required in order to provide additional garaging to securely store his vehicles and spares associated with his long-term hobby of motor racing.

2.0 SITE DESCRIPTION

2.1 The application site is occupied by a detached dwellinghouse, a large pool house with a conservatory, and a detached garage. The site is located within the Metropolitan Green Belt. The dwellinghouse is set within a large curtilage bordered by one neighbouring detached dwelling to the north and by extensive agricultural land to the east, south and west. The site does not benefit from Permitted Development rights for the construction of extensions under Class A and outbuildings under Class E of The Town and Country Planning (General Permitted Development) order 2015 (as amended).

3.0 RELEVANT HISTORY

Application reference	Description of Proposal	Decision
58/00152/FUL	Construction of private garage with flat over	Approved
59/00466/FUL	Erection of Garage with Flat over - Part of grounds of Greystead	Approved
67/00566/OUT	Lounge and Kitchen Extension - Adj Greystead	Approved
69/00767/FUL	Porch addition (Details)	Approved
85/00547/FUL	Double Garage.	Approved
94/00591/FUL	Demolition of existing dwelling and erection of new dwelling	Refused
95/00023/LDC	Proposed new covered swimming pool and plant room	Lawful
95/00417/FUL	Replacement building	Approved Appeal against Condition 8 (PD restrictions under Classes A, B, C, D and E) was Allowed - and PINS varied Condition 8 to restrict PD rights under Classes A and E, without additional permission
96/00907/LDC	Use of agricultural land as domestic garden on land adj Greystead [to the South]	Unlawful
16/01507/CLOPUD	Single storey garage using the existing access.	Unlawful
17/01111/HHA	Garage extension	Refused
19/00367/HHA	Garage extension	Refused, Appeal Dismissed 10.12.19
20/01711/HHA	Garage extension	Withdrawn 30.06.23

4.0 CONSULTATIONS AND REPRESENTATIONS

- 4.1 Detailed below is a summary of the consultation responses received. The full version of each consultation response can be viewed on the Council's website via public access at the following link: www.thurrock.gov.uk/planning

4.2 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters, press notice and public site notice which has been displayed nearby. No written comments have been received.

4.3 HIGHWAYS:

No objections

5.0 POLICY CONTEXT

National Planning Policy Framework (NPPF)

- 5.1 The revised NPPF was published on 5th September 2023. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. Paragraph 2 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 10 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

The following headings and content of the NPPF are relevant to the consideration of the current proposals:

- 4. Decision-making
- 12. Achieving well-designed places
- 13. Protecting Green Belt land

National Planning Practice Guidance (NPPG)

- 5.2 In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains 42 subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Design
- Determining a planning application
- Green Belt

- Use of Planning Conditions

Local Planning Policy: Thurrock Local Development Framework 2015

5.3 The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” in (as amended) in January 2015. The following Core Strategy policies apply to the proposals:

Spatial Policies:

- CSSP4 (Sustainable Green Belt)

Thematic Policies:

- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)

Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD6 (Development in the Green Belt)
- PMD8 (Parking Standards)

Thurrock Local Plan

5.4 In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an Issues and Options (Stage 1) document and simultaneously undertook a ‘Call for Sites’ exercise. In December 2018 the Council began consultation on an Issues and Options (Stage 2 Spatial Options and Sites) document, this consultation has now closed and the responses have been considered and reported to Council. On 23 October 2019 the Council agreed the publication of the Issues and Options 2 Report of Consultation on the Council’s website and agreed the approach to preparing a new Local Plan.

5.5 Thurrock Design Strategy

In March 2017 the Council launched the Thurrock Design Strategy. The Design Strategy sets out the main design principles to be used by applicants for all new

development in Thurrock. The Design Strategy is a supplementary planning document (SPD) which supports policies in the adopted Core Strategy.

5.6 Thurrock Residential Alterations and Extensions Design Guide (RAE)

In September 2017 the Council launched the RAE Design Guide which provides advice and guidance for applicants who are proposing residential alterations and extensions. The Design Guide is a supplementary planning document (SPD) which supports policies in the adopted Core Strategy.

6.0 ASSESSMENT

Background

- 6.1 This proposal has been submitted following several repeated attempts to obtain planning permission for a garage extension at the site in recent years. As can be seen from the planning history, the proposed garage extension has been refused, and upheld at appeal, as recently as December 2019. The refusals have been based on the proposal by reason of its excessive size contravening Green Belt policy grounds as inappropriate development, harmful to the character and openness of the Green Belt, and with the absence of any Very Special Circumstances to justify development contrary to policy PMD6.
- 6.2 In the most recent planning appeal, following the refusal of planning application ref. 19/00367/HHA, the Planning Inspector concluded that the proposed garage extension (which proposed a slightly larger footprint than that proposed under this current application, at 78 sqm) was inappropriate development in the Green Belt. The Inspector also commented that, *‘The proposed extension would be positioned between the pool building and the northern boundary. It would be set back further than the existing garage and I accept that there would be limited visibility of it. However, a lack of visibility does not in itself mean there would be no loss of openness. The proposal would reduce the open gap to the boundary and would amount to encroachment of the countryside, contrary to the purposes of the Green Belt as set out in the Framework. Although in isolation the loss of openness would be limited, nonetheless, there would be harm, albeit relatively minor, arising from this, in addition to that arising from the inappropriate nature of the development.’*
- 6.3 The Inspector concluded that this previous proposal, in addition to being inappropriate development, did not have a case demonstrating Very Special Circumstances that clearly outweighed the harm caused, conflicting with Policy PMD6 and the NPPF and dismissed the appeal.

6.4 Since this previously dismissed appeal, the Applicant has submitted two applications including further information most notably two notes following Counsel advice, in an attempt to overcome the previous in-principle objection. Application ref. 20/01711/HHA was withdrawn by the Applicant following advice from the Officer that the application was likely to be recommended unfavourably as being contrary to Policy PMD6 as inappropriate and disproportionate development. This current application being considered by Members is an identical proposal.

6.5 The assessment below covers the following areas:

- I. Principle of the Development in the Green Belt
- II. Design, Layout and Character Impact
- III. Impact on Neighbouring Amenity
- IV. Access and Car Parking

I. PRINCIPLE OF THE DEVELOPMENT IN THE GREEN BELT

6.6 The application site is located in a rural part of the Borough in Parkers Farm Road in Orsett where there are few surrounding detached residential dwellings.

6.7 Policy PMD6 of the Core Strategy states that planning permission will only be granted for new development in the Green Belt provided it meets as appropriate the requirements of the NPPF, other policies in this Core Strategy, and the following:

1. Extensions

- i. The extension of a building must not result in disproportionate additions over and above the size of the original building. In the case of residential extensions this means no larger than two reasonably sized rooms or any equivalent amount.*
- ii. The extension of the curtilage of a residential property which involves an incursion into the Green Belt will only be permitted where it can be demonstrated that very special circumstances apply.*

Green Belt Assessment

6.8 The site is located within the Metropolitan Green Belt where strict controls apply in relation all new development. Core Strategy Policy PMD6 applies in this area. National and local policies, including this policy, seek extensions to residential dwellings to be proportionate and that would consequently not exceed that represented by two reasonably sized rooms for the dwelling.

- 6.9 As can be seen in the planning history, the original property has already been extended several times and has well-exceeded what would be considered acceptable extensions and additions to the property. The level of extensions and additional development also explains why the Permitted Development rights in relation to extensions to the property and outbuildings, under Classes A and E of The Town and Country Planning (General Permitted Development Order) 2015 (as amended), were restricted in 1995. It is therefore reasonable to conclude that any additional development at the property, such as that proposed, would be considered inappropriate development, as has been found at the appeal in 2019.
- 6.10 The current proposal, adding a further 60 sqm footprint to the site, would be considered a disproportionate extension. The proposal would result in the existing pool house, conservatory and garage additions being extended further and having a resulting footprint approximately one and half times the footprint of the main dwellinghouse, increasing the footprint of the buildings within the curtilage. This would be contrary to Policy PMD6 and the guidance within the NPPF and would be inappropriate development within the Metropolitan Green Belt. Significant weight is given to the harm arising from the inappropriateness and there appear to be no very special circumstances to outweigh the in-principle harm, and harm to openness, caused.
- 6.11 In response to the Council's view that the proposal would be inappropriate and disproportionate development, the Agent has submitted the following additional information which has been assessed with respect to its relevance to the application and are summarised below.

Counsel Opinions dated 9th November 2020 and 1st May 2022

- 6.12 In the opinion provided dated 9th November 2020, the Counsel note states that the national policy and the development plan allow for some carefully described exceptions to the general restriction on 'construction of new buildings' in the Green Belt. The opinion provided considers the relevant exception here provides for an extension to the 'original building'. That is defined in the Glossary (Annex 2) to the NPPF as 'A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.' Paragraph 145 c) of the NPPF states that, '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; ...'. The advice highlights that the reference is to 'a building', and not to any particular type of building. Policy PMD6 in relation to Extensions states the following:

' i. The extension of a building must not result in disproportionate additions over and above the size of the original building. In the case of residential extensions this means no larger than two reasonably sized rooms or any equivalent amount.'

- 6.13 The Counsel opinion submitted states that previously the planning applications (at Greystead) were assessed in regard to the proportion of the development in comparison to the host dwellinghouse, however, the Counsel opinion considers that it should be in comparison to the host building, which in this case would be the pool house building.
- 6.14 The Counsel's view then goes on to explain that, on the basis that the footprint comparison of proposed addition is made with respect to the pool house building, that the garage extension would then amount to proportionate development to that building.
- 6.15 The application includes the submitted 1st May 2022 Counsel opinion, which reiterates much of this same advice, and is supportive of the proposal. In Counsel's initial advice, John Dagg refers to local planning policy PMD6 and states *"If the intention had been to impose a stricter limit than 'proportionate' on extension of dwellinghouse outbuildings it would be expected that it would be clearly stated. I cited the Supreme Court's 2012 approach to the interpretation of policy in my original Advice"*. In the May 2022 opinion, Counsel has advised that, in the alternative, there is a strong Very Special Circumstances case to be argued where the level of potential Green Belt harm is very low and that there is no other planning harm. Counsel highlights, in his paragraph 6, the policy presumption against the withdrawal of Permitted Development rights and that it continues today, in paragraph 54 of the NPPF 2023. He also refers to points made in the submitted Planning Statement by reference to the Inspector's comments and reasoning in relation to the 1996 appeal decision at Greystead, the purpose of his limiting condition on Permitted Development rights to "control future development rather than its prevention". The concluding sentence within the Counsel summary states, "that balance should be assessed against the background that ordinarily this proposal would be permitted development and that p.d. rights should only be restricted if there is clear justification".

Consideration:

- 6.16 The two Counsel notes of advice have been fully considered by officers, including Legal officers, and the Council's Legal team advise as follows:

Council's Legal Opinion

- 6.17 The Council's Legal team advise that on a strict interpretation of that paragraph, the applicant's Counsel is likely correct in saying that the 'original building' that is being extended is the pool house building and not the dwellinghouse. Accordingly, the proposed new extension should 'not result in a disproportionate addition over and above the size of the original building' – being the pool house building.

- 6.18 However, the Council's Legal team advise that in regard to Policy PMD6 section 1, sub section i), there are two sentences in this part of the policy. Each of these provides a test and the Council's Legal team advises the following:

First sentence:

'The extension of a building must not result in disproportionate additions over and above the size of the original building.'

This is applicable to any building in the Green Belt (as for para 149 c NPPF). This test should be applied in each case where NPPF exception c) might apply.

Second sentence:

'In the case of residential extensions this means no larger than two reasonably sized rooms or any equivalent amount.'

This applies only to 'residential extensions'. Whilst residential extensions are not defined, there is no express limitation to dwellinghouses. Extensions within the residential curtilage are considered as residential extensions and this part of the test needs to be considered.

- 6.19 It is the Legal team's view that the purpose of this sentence is to provide a cap to limit the size of extensions within a residential curtilage, which goes to the heart of the matter. Whilst in relation to residential extensions, the existence of this second limb to PMD6 1(i) should be acknowledged; it could be sufficient to apply the first test and find the proposal to be disproportionate and recommend refusal. In such instance, there would be no need to go onto apply this test.
- 6.20 However, if the proposal appears proportionate, in the case of residential extensions, officers should then go on to apply the test in the second sentence, to ensure that whilst the extension proposed is considered proportionate to the 'original building' it is not larger than 'two reasonable sized rooms or equivalent'.
- 6.21 This means that although a building could in principle be proportionate, the application might still be refused, because it fails the test in the second sentence of PMD6 1(i).
- 6.22 The pool house building with the conservatory is already arguably a large outbuilding, and the proposal would increase this footprint further still to the point where the existing pool house, conservatory and garage additions would have a resulting footprint approximately one and half times the size of the main dwellinghouse, increasing the footprint of the buildings within the curtilage. So,

while a legal argument *may* be made in regard to the proposed extension to 'a building' being proportionate, consideration would still need to be given to this second sentence and the fact that the proposal exceeds to the two reasonable room allowance considered acceptable at the site.

- 6.23 On the basis that the Council's Legal team concurs with the Counsel's consideration of what is the 'original building' then this would have implications for the assessment of similar Green Belt applications in the future in so far as the calculations of the two reasonable room allowance. The consideration of proportionality would still fall to be considered on the merits of each case given that every site is different.
- 6.24 In addition, the matter of the Permitted Development rights restrictive condition has already been challenged at appeal. When the specific wording of that condition was appealed, the Inspector commented that they believed, 'the main issue in this case is whether, in the light of prevailing policies, the condition is reasonable and necessary as a means of safeguarding the openness of the Green Belt.' The Inspector concluded that, 'the volume of building erected as 'permitted development' could amount to a material enlargement of the [then] new dwelling in comparison with the dwelling it replaced. As the construction of new buildings in the Green Belt is, with certain limited exceptions, inappropriate development, it is my view that such enlargements would undermine the efficacy of policies which permit the replacement of dwellings as an exception to the presumption against inappropriate development in the Green Belt.'
- 6.25 The Inspector goes on to state that, 'As the existing swimming pool illustrates, the 'permitted development' rights available, particularly under Classes A and E could have substantial impact on the space about the buildings and on the overall openness of the surroundings. In my opinion, the purpose of the condition is to control future development rather than its prevention. Such caution would be justified by the sensitivity of the location in the Green Belt.' The Inspector ultimately determined the appeal as allowed but revised the permitted development right restrictive condition to continue to restrict development deemed permitted under Classes A and E. The matter of the restriction of permitted development rights has also been challenged at the most recent dismissed planning appeal in 2019. It is notable that the Inspector in this appeal stated the proposed garage extension, (which sought a larger footprint of 78 sqm, as opposed to the 60 sqm sought under the current scheme) would be both inappropriate development and disproportionate, which is considered material to the overall assessment of the current proposal given the similarity in the proposals and the recent time in which the decision was made and the similarities between the proposals.

6.26 The Council has been referred to the following planning appeal decision: Mr and Mrs Peters appeal decision for a garage in Edenbridge, Sevenoaks (ref. APP/G2245/A/96/268812/P4 and A/APP/G2245/A/96/272452/P4). This case relates to an allowed appeal for a garage of a slightly smaller size to that proposed at Greystead, measuring 9.5m by 5.5m. In that case, the Planning Inspectorate considered the garage to not be an extension to the dwelling and to also be inappropriate development. However, the Inspector noted that the proposed garage would have replaced a building with a similar footprint that had recently been removed and considered that this amounted to Very Special Circumstances as the garage would have been possible under permitted development if it not for the site's location within the curtilage of a listed building. The proposed garage would also have no impact on openness.

Consideration:

- 6.27 This case was considered entirely on its own specific merits that the Inspector cites in their appeal decision. The Inspector concluded it was inappropriate development but considered the specific circumstances put forward by the applicant of that application as to amount to Very Special Circumstances to allow the development. As such, this case was determined on its own merits and has no material bearing on the assessment of the specific circumstances or impact on openness of this current proposal.
- 6.28 Following the full assessment of the additional information submitted by the Agent the Council continues to remain of the view that the proposal would represent disproportionate development in regard to the overall curtilage of the residential site and thereby inappropriate development in the Green Belt, contrary to Policy PMD6 and the NPPF.

Very Special Circumstances

- 6.29 As detailed above, the proposed development represents inappropriate development within the Metropolitan Green Belt. Paragraph 147 of the NPPF states that inappropriate development is by definition harmful to the Green Belt and that it should not be approved except in very special circumstances.
- 6.30 The NPPF also states "When considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt". Paragraph 148 states that Very Special Circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

- 6.31 Neither the NPPF nor the adopted Core Strategy provide guidance as to what can comprise as 'very special circumstances', either singly or in combination. However, some interpretation of very special circumstances has been provided by the Courts. The rarity or uniqueness of a factor may make it very special, but it has also been held that the aggregation of commonplace factors could combine to create very special circumstances (i.e. 'very special' is not necessarily to be interpreted as the converse of 'commonplace'). However, the demonstration of very special circumstances is a 'high' test and the circumstances which are relied upon must be genuinely 'very special'.
- 6.32 With regards to the NPPF, paragraph 143 states *that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'*. Paragraph 144 goes on to state that, when considering any planning application, local authorities "*should ensure that substantial weight is 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, is clearly outweighed by other considerations*".
- 6.33 The second Counsel opinion submitted with the application, dated 1st May 2022, refers to potential reasons which the applicant could consider to constitute as Very Special Circumstances. As part of the overall and full assessment of the proposal, these are summarised and assessed below:
- 6.34 a) *the level of harm to openness is low.*

In the May 2022 opinion, Counsel has advised that, there is a strong Very Special Circumstances case to be argued where the level of potential Green Belt harm is very low and that there is no other planning harm.

Consideration

- 6.35 Whilst it is acknowledged the due to the siting of the proposed garage extension it may not have a significantly harmful impact with regard to openness, it should be noted that in dismissing the appeal against the 2019 application the Planning Inspector states at paragraph 10: "*Openness is an essential characteristic of the Green Belt. It can be taken as the absence of buildings and development, whether or not prominent from a public viewpoint. The proposal would increase the footprint, scale and mass of the built form on the site. As a result, the openness of the Green belt would be reduced to some degree.*" Accordingly, the applicant's assessment of lack of harm is challenged, as the Inspector acknowledged there would be some reduction in openness as a result of the very similar development. Furthermore, Paragraph 148 of the NPPF specifically states that *any* harm should be given substantial weight. This means that the NPPF prevents harm of level

being given less than substantial weight. Consequently, it is not considered that this argument could be given any weight attached as a Very Special Circumstance.

6.36 *b) the policy presumption against the withdrawal of Permitted Development rights and that it continues today, in paragraph 54 of the NPPF 2023 and referenced at appeal.*

Planning consent 95/00417/FUL was granted for a replacement building and included a restrictive condition under condition 8. The applicant submitted an appeal against Condition 8, regarding the Permitted Development right restrictions under Classes A, B, C, D and E, and the appeal was allowed. In allowing the appeal, the Planning Inspector varied the wording of Condition 8 to restrict Permitted Development rights under Classes A and E, without additional permission. Paragraph 54 of the NPPF states that, 'Similarly, planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.' The Counsel opinion from 1st May 2022 comments that given the policy presumption against limiting Permitted Development rights in Paragraph 54, this should be considered in the balance as a Very Special Circumstance for the proposal.

Consideration

- 6.37 The Applicant's case indicates a presumption against the imposition of such condition is a material planning consideration (or that the condition is not a material consideration because of that presumption). Firstly, this submission does not amount to a positive benefit so cannot be given positive weight in support of the application. Secondly, the planning condition exists against the site. This means the planning condition is a material consideration, and is a matter of fact, weighing against approval. Should the applicant wish to seek the removal of this restrictive condition they are free to submit a planning application seeking this. It is relevant to advise, however, that the matter of the Permitted Development rights restrictive condition imposed at the site under consent 95/00417/FUL has already been challenged at appeal, as detailed earlier in this report. When the specific wording of that condition was appealed, the Inspector commented that they believed, 'the main issue in this case is whether, in the light of prevailing policies, the condition is reasonable and necessary as a means of safeguarding the openness of the Green Belt.' The Inspector concluded that, 'the volume of building erected as 'permitted development' could amount to a material enlargement of the [then] new dwelling in comparison with the dwelling it replaced. As the construction of new buildings in the Green Belt is, with certain limited exceptions, inappropriate development, it is my view that such enlargements would undermine the efficacy of policies which permit the replacement of dwellings as an exception to the presumption against inappropriate development in the Green Belt.'

- 6.38 The Inspector goes on to state that, ‘As the existing swimming pool illustrates, the ‘permitted development’ rights available, particularly under Classes A and E could have substantial impact on the space about the buildings and on the overall openness of the surroundings. In my opinion, the purpose of the condition is to control future development rather than its prevention. Such caution would be justified by the sensitivity of the location in the Green Belt.’
- 6.39 The Inspector ultimately determined the appeal as allowed but revised the permitted development right restrictive condition to continue to restrict development deemed permitted under Classes A and E. The matter of the restriction of permitted development rights has also not been challenged at the most recent dismissed planning appeal in 2019. It is notable that the Inspector in this appeal stated the proposed garage extension would be both inappropriate development and disproportionate, which is considered material to the overall assessment of the current proposal given the similarity in the proposals and the recent time in which the decision was made. As a consequence, it is considered that the justification for the restriction of Classes A and E has been fully considered, including at appeal, and would not be considered to conflict with the objectives of paragraph 54. No weight is therefore given to this purported Very Special Circumstance.
- 6.40 A summary of the weight which has been placed on the various Green Belt considerations is provided below:

Summary of Green Belt Harm and Very Special Circumstances			
Harm	Weight	Factors Promoted as Very Special Circumstances	Weight
Inappropriate development	Substantial	<i>a) the level of harm to openness is low</i>	No weight
		<i>b) the policy presumption against the withdrawal of Permitted Development rights and that it continues today, in paragraph 54 of the NPPF 2023 and referenced at appeal</i>	No weight

- 6.41 In reaching a conclusion on Green Belt issues, a judgement as to the balance between harm and whether the harm is clearly outweighed must be reached. The harm should be clearly outweighed by other material planning considerations which have been demonstrated to be benefits. In this case there is harm to the Green Belt with reference to inappropriate development (i.e. harm by definition), loss of

openness and harm to Green Belt purpose. The NPPF specifies this must be given substantial weight. For the reasons given above, neither of the two factors promoted by the applicant as considerations amounting to 'Very Special Circumstances' have been demonstrated to be benefits necessary to justify inappropriate development. However, it is for the Committee to judge:

- i. whether and how the factors are demonstrated to be genuinely 'Very Special' or whether the accumulation of generic factors combine at this location to comprise 'Very Special Circumstances' and if so
- ii. weight to be attributed to those factors

6.42 It is considered that the applicant has not advanced any factors which would cumulatively amount to Very Special Circumstances that could overcome the harm that would result by way of inappropriateness and the other harm identified in the assessment. The proposal is clearly contrary to Policies CSSP4, PMD2 and PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended 2015) and the National Planning Policy Framework 2023.

II. DESIGN, LAYOUT AND CHARACTER IMPACT

6.43 The overall design of the proposal is considered sympathetic and relates suitably to the character of the existing dwelling. The ridge line of the proposed garage roof would be set at the same height as the existing pool house building, with exception to the smaller linked extension which would be set at a lower ridge height, and the overall extension roof would be hipped to match. The materials proposed would reflect those of the pool house building.

6.44 Given the position and orientation of the garage extension to the pool house building within the application site, the proposal would be visible from the driveway serving the site. However, given the majority of the driveway is set beyond the entrance gates close to the adjacent highway of Parkers Farm Road, the visual impact from the public realm would be limited in this instance.

6.45 Notwithstanding the in-principle objection, it is considered the proposal would be acceptable in relation to policies CSTP22, CSTP23 and PMD2.

III. IMPACT ON NEIGHBOURING AMENITY

6.46 Due to the level of separation between neighbouring properties, and the existing established Leylandii planting along the northern boundary of the site, the proposal

would not result in any adverse or additional impacts upon neighbour amenity and would be in accordance with policy PMD1 and the RAE.

IV. ACCESS AND CAR PARKING

6.47 Given the existing garage parking would remain, and the fact the proposal seeks to provide additional garaging at the site, the proposal would not result in any highway or parking impacts. A relatively modest additional area of hardstanding to the immediate west of the proposed extension would be extended and created in front of the garage extension to ensure suitable vehicle access could be achieved. The proposal would be in accordance with policy PMD8.

7.0 CONCLUSIONS AND REASON(S) FOR REFUSAL

7.1 The application site is located within the Metropolitan Green Belt where limitations apply in relation to additional development, as set out in policy PMD6. The current proposal, adding a further 60 sqm footprint to the site, would be considered a disproportionate extension. Existing development present within the application site already exceeds the two reasonably sized room allowance, and therefore, the proposal would further increase this excess.

7.2 Whilst the applicant has put forward additional information, including Counsel opinion, and two separate factors they consider should be taken into account in deciding whether Very Special Circumstances exist, these have all been considered and assessed. This information and these factors would not cumulatively amount to Very Special Circumstances that could overcome the harm that would result by way of the inappropriateness and other harm identified by way of disproportionate development in the Green Belt.

8.0 RECOMMENDATION

8.1 Refuse planning permission for the following reason:

1 The proposed garage extension would be in excess of the amount that would be considered proportionate to the existing curtilage of the dwelling in this case, and in excess of the two reasonable sized room allowance specified by Policy PMD6 of the Core Strategy. The development would therefore result in inappropriate development in the Green Belt which is, by definition, harmful. The proposal would also cause a reduction in the openness. It is not considered that the matters put forward as very special circumstances clearly outweigh the identified harm to the Green Belt so as to amount to the very special circumstances required to justify inappropriate development. The proposal is therefore contrary to Policies CSSP4 and PMD6 of the adopted Thurrock Core Strategy and Policies for the Management

of Development (as amended 2015) and the National Planning Policy Framework 2023.

Informative:

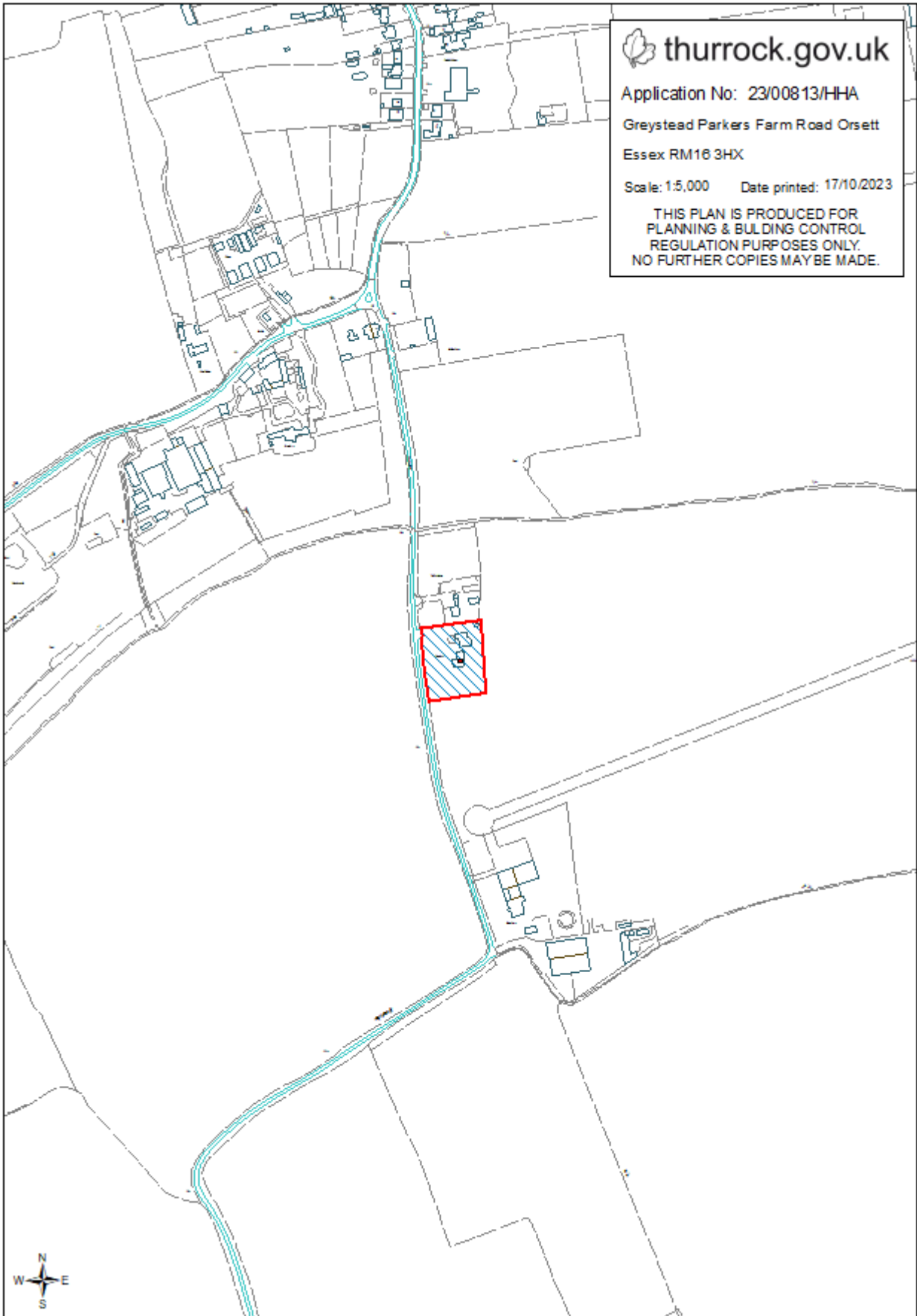
Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant/Agent. However the issues are so fundamental to the proposals that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for refusal, approval has not been possible.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

www.thurrock.gov.uk/planning



 thurrock.gov.uk

Application No: 23/00813/HHA

Greystead Parkers Farm Road Orsett

Essex RM16 3HX

Scale: 1:5,000 Date printed: 17/10/2023

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