

<p>Reference: 18/00988/HHA</p>	<p>Site: Farmhouse Manor House Farm Brentwood Road Bulphan Essex RM14 3TJ</p>
<p>Ward: Orsett</p>	<p>Proposal: Two storey front extension, single storey side extensions, alterations to roof, basement & single storey garage block with associated hardstanding following the demolition of existing side extension and outbuilding.</p>

Plan Number(s):		
Reference	Name	Received
1499 - 01	Location Plan	11th July 2018
1499 - 02	Existing Plans	11th July 2018
1499 - 03	Elevations	11th July 2018
1499 - 04	Elevations	11th July 2018
1499 - 05	Proposed Site Layout	11th July 2018
1499 - 06	Proposed Floor Plans	11th July 2018
1499 - 07	Proposed Floor Plans	11th July 2018
1499 - 08	Proposed Elevations	11th July 2018
1499 - 09	Parking Block Plan	11th July 2018
1499 - 10	Sections	11th July 2018
1499 - 11	Other	11th July 2018
1499 - 12	Other	11th July 2018

<p>The application is also accompanied by:</p> <ul style="list-style-type: none"> - Planning Statement 	
<p>Applicant: Mr M Norcross</p>	<p>Validated: 11 July 2018 Date of expiry: 22 October 2018 (Extension of time agreed with applicant)</p>
<p>Recommendation: Refuse</p>	

1.0 BACKGROUND

- 1.1 At the meeting of the Planning Committee held on 13 September 2018 Members considered a report on the above proposal. The report

recommended that planning permission be refused for reasons based upon the following:

- 1) The proposal constitutes inappropriate development in the Green Belt which is harmful by definition. Further harm is also identified through the massing and bulk of the extensions, particularly at first floor and roof level;
- 2) The proposal would have an adverse impact upon the street scene and the character of the area.

A copy of the report presented to the September 2018 meeting is attached as Appendix 1.

During the debate Members indicated support for the application on the basis of the following:

- Limited harm to the Green Belt due to the presence of other buildings and developments;
- Proposal of good design;
- Permitted development fall-back position is larger than the proposal;
- Proposal would provide a large executive house for which there is a need in the Borough.

- 1.2 In accordance with Chapter 5, part 3, section 7 of the Council's Constitution, the item was deferred to allow Officers to prepare a report outlining the implications of making a decision contrary to the Planning Officer's recommendation and to consider appropriate conditions that could be imposed.

2.0 ASSESSMENT

- 2.1 As set out in the original report (Appendix 1), the Council is required to consider the following questions in order to determine whether the proposal is acceptable in the Green Belt:

1. Whether the proposals constitute inappropriate development in the Green Belt;
2. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it; and
3. Whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify inappropriate development.

1. Whether the proposals constitute inappropriate development in the Green Belt;

In order to determine whether the proposal constitutes inappropriate development the relevant development plan policies and paragraphs of the NPPF must be considered.

- 2.3 The application site is located within the Green Belt as defined within the Thurrock Local Development Framework, Core Strategy (2015). Policy PMD6 applies and states that permission will only be granted for development in the Green Belt providing it meets the requirements of the NPPF and specific restrictions within PMD6.
- 2.4 The starting point for this assessment is paragraph 143 of the NPPF. This states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 2.5 There are a number of exceptions to inappropriate development in the Green Belt set out in paragraph 145. In this instance the relevant exception is the following:

'c) 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'

- 2.6 In order to determine whether an extension to a dwelling is proportionate to the original dwelling the following section of PMD6 would apply:

'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.'

- 2.7 As set out in the previous report, the two reasonably sized room 'allowance' for this property is 46 sq.m. The proposed extensions constitute a total floor space of 732sqm. However, the basement floor space has been discounted from this as it is wholly subterranean in this instance and would not impact upon openness. The existing outbuilding to be demolished has also been accounted for. On this basis, the proposed extensions result in an additional floor space above ground level of 357.8 sq.m when compared to the two reasonably sized room allowance of 46 sq.m. These extensions represent an increase in floor space of 128% when compared to the original building (floor space of 277.6sqm). There can be no dispute that the proposal would represent significantly disproportionate additions to the original building.

As the proposed extensions do not fall within the relevant exceptions set out in the NPPF and PMD6 they represent inappropriate development in

the Green Belt.

2. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it;

2.8 In this instance the proposal would significantly increase the bulk and mass of the building, reducing the openness of the Green Belt by introducing built form where there is presently none. This would be particularly apparent at first floor and roof level.

3. Whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify inappropriate development.

2.9 Having established that the proposal represents inappropriate development and identified further harm to openness, it is necessary for the applicant to demonstrate Very Special Circumstances. Neither the NPPF nor the Adopted Core Strategy provide guidance as to what can comprise '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'.

In considering whether 'very special circumstances' exist, factors put forward by an applicant which are generic or capable of being easily replicated on other sites should not be accepted.

The provisions of very special circumstances which are specific and not easily replicable may help to reduce the risk of such a precedent being created. Mitigation measures designed to reduce the impact of a proposal are generally not capable of being 'very special circumstances'. Ultimately, whether any particular combination of factors amounts to very special circumstances will be a matter of planning judgment for the decision-taker.

At the 13 September 2018 meeting, Members considered the following circumstances. Each is assessed below.

- I. Limited harm to the Green Belt due to the presence of other buildings and developments;
- II. Proposal of good design;
- III. Permitted development fall-back position is larger than the proposal;
- IV. Proposal would provide a large executive house for which there is a need in the Borough.

i. Limited harm to the Green Belt due to the presence of other buildings and developments

- 2.10 Attention has been drawn to other buildings and housing developments in the proximity of the application site. However, these would have been considered on their own merits and assessed against the Development Plan policies in force at the time of determination. The presence of other buildings within the vicinity of the site cannot, as a matter of principle, outweigh the harm that would be caused to openness by the extension of Manor House Farm.

This factor should be given no weight in the assessment of this case.

ii. Proposal of good design

- 2.11 During the committee meeting much of the discussion took place around the consideration of the design of the proposal and how the scheme would complement a large manor house. However, both the Council's Development Plan policies and the NPPF require good design as a matter of course.

Importantly, good design is a circumstance that could be replicated on all sites. The scale of the proposed extensions is substantial and the design of the proposal does not reduce this.

This factor should be given no weight in the assessment of this case.

iii. Permitted development fall-back position is larger than the proposal

- 2.12 The applicant's chief argument is focused upon the 'permitted development fall-back' position, i.e. that a larger, more obtrusive scheme could be constructed without the need for planning permission, making the proposal more acceptable.

It is recognised that the property could be extended by utilising Permitted Development rights however the 'PD' extensions are markedly different from the current proposal and would not include any works at first floor level or in the roof. In addition the floor layout of the proposed 'PD' side extensions would be contrived in order to ensure that it meets the relevant criteria of Permitted Development. Whilst this does not in itself invalidate the fall-back position it does make it less likely due to the awkward internal layout and the need to build external walls in close proximity to one another.

Given the massing and bulk of the extensions, particularly at first floor and roof level it is considered that the proposal would result in a greater impact upon openness than the permitted development scheme. Permitted

Development rights are not exclusive to this property; it is a situation that could be replicated on other sites in the Green Belt.

The PD fall-back should be given very limited weight in the assessment of the proposals.

iv. Proposal would provide a large executive house for which there is a need in the Borough.

2.13 The latest [May 2016] Strategic Housing Marketing Assessment [SHMA] and the update Addendum [May 2017] does not explicitly set out the requirement for executive homes in Thurrock, but it is appreciated that Members are keen to see more larger homes in Borough. Nonetheless, this application seeks planning permission for the extension of an existing building; it would not provide additional housing stock in the Borough. The existing dwelling already has a floor space of some 375 sq m which represents a large family home. The further increase in size would have no tangible benefit to stock of larger housing in the Borough and therefore this is afforded no weight as a very special circumstance. In addition it is an argument that could easily be replicated on other houses in the Borough.

3.0 OTHER MATTERS

3.1 Members requested that consideration be given to potential conditions that could be imposed in the event that permission is granted. For reference the pertinent conditions have been listed at the end of this report. Particular consideration has been given to the imposition of a condition removing permitted development rights to prevent further extensions and alterations without planning permission. However, the limitations of Class A would already have been exhausted by the proposal and therefore removing PD rights in relation to this class would serve no meaningful purpose. Nonetheless, such a condition could be imposed in relation to parts B (extensions and alterations to the roof) and E (outbuildings). Whilst the removal of these permitted development rights would prevent further extensions and outbuildings without permission, significant harm would have already resulted from the current proposal and therefore the removal of such rights would not make the development acceptable.

3.2 Members are reminded that this option was considered by the Planning Inspector during the appeal against the refusal of planning application for extensions to the property in 2009 (ref 09/00638/FUL). In determining the appeal the Inspector concluded the use of a condition would not outweigh the harm that would be caused to the Green Belt. Therefore whilst a draft condition has been set out below for Members information, this would not outweigh the harm to the Green Belt that would result from the granting of permission.

4.0 CONCLUSIONS

- 4.1 This application seeks planning permission for extensions to a dwelling in the Green Belt. When considered against the Council's Development Plan, the proposal is found to be unacceptable, constituting 'inappropriate development' which is harmful by definition. Further harm has been identified through the massing and bulk of the extensions, particularly at first floor and roof level.
- 4.2 The proposal is therefore unacceptable when assessed against Policy PMD6 and the NPPF. Substantial weight should be given to any harm to the Green Belt.
- 4.3 Officers have reconsidered the case put forward but remain of the opinion that it falls some considerable way short of constituting the very special circumstances that are required to allow a departure to be made from national and local planning policy. The matters discussed are not considered either individually or collectively to constitute very special circumstances. In fact, they fall some way short of that stringent test. As a result, these cannot clearly outweigh the harm arising. Accordingly the application fails the relevant Green Belt tests and should be refused.
- 4.4 The reasons for supporting the application, as put forward by the Planning Committee on 13 September 2018, are not considered to provide sufficient grounds to approve the application. Therefore the recommendation remains the same as previously advised.
- 4.5 In terms of the implications of granting planning permission contrary to the development plan and national policy this would potentially set a precedent for development in the Green Belt. Whilst every application is assessed on its own merits, a similar logic and interpretation of policy should be applied to ensure consistency of decision making. By granting planning permission for inappropriate development in the Green Belt contrary to policy on the basis of circumstances that are easily replicated elsewhere Members would potentially be establishing a precedent for development in the Green Belt.
- 4.6 The application has been advertised as a departure from the development plan as any decision to grant planning permission would be contrary to local and national policy. This departure notice is due to expire on 18 October 2018. Any further representations received in relation to this advertisement will be reported at the Committee meeting.

5.0 RECOMMENDATION

- 5.1 The application is recommended for refusal for the following reasons:

1. The proposed extensions (including the garage) would, by reason of their scale result in disproportionate additions to the original dwelling, representing inappropriate development in the Green Belt which is by definition harmful. In addition these extensions would also cause actual loss of openness due to the substantial increase in the scale of the dwelling. The circumstances put forward by the applicant do not constitute very special circumstances to justify inappropriate development in the Green Belt. The proposal is therefore contrary to Policy 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 2018.
2. The proposed extensions (including the garage), would by reason of their siting, width and scale result in an overly bulky and incongruous form of development on this prominent corner plot adversely impacting upon the street scene and character of the area. The proposal would therefore be contrary to guidance in the Residential Alterations and Extension Design Guide SPD 2017 policies PMD2 and CSTP22 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 2018.

