

<b>Reference:</b> 18/01760/HHA	<b>Site:</b> The Lodge Fen Lane Bulphan Essex RM14 3RL
<b>Ward:</b> Orsett	<b>Proposal:</b> Single storey side and rear extension

Plan Number(s):		
Reference	Name	Received
224-03	Proposed Site Layout	7th December 2018
224-01	Existing Plans	21st December 2018
224-02	Proposed Plans	21st December 2018
RM14 3RL	Location Plan	21st December 2018
M002	Location Plan	21st December 2018

The application is also accompanied by: - Design & access statement	
<b>Applicant:</b> Mr Kevin Knight	<b>Validated:</b> 21 December 2018 <b>Date of expiry:</b> 15 February 2019
<b>Recommendation:</b> Refuse	

This application is scheduled for determination by the Council's Planning Committee because the application was called in by Cllr. G. W. Rice, Cllr B. Rice, Cllr. C. Baldwin, Cllr. S. Shinnick and Cllr. L. Worrall to consider issues regarding Green Belt Policy in accordance with Part 3 (b) 2.1 (c) of the Council's constitution.

**1.0 DESCRIPTION OF PROPOSAL**

- 1.1 The application seeks planning permission for a single storey side and rear extension.
- 1.2 Two planning applications (18/00898/HHA & 18/01302/HHA) for a similar form of development were refused in August and November 2018. In relation to the

previous schemes there has been a small reduction in the footprint of the extensions and minor changes to the design.

## 2.0 SITE DESCRIPTION

2.1 The application site comprises a four bedroom detached house on land within the Metropolitan Green Belt in Bulphan.

## 3.0 RELEVANT HISTORY

Application Reference	Description of Proposal	Decision
03/00211/FUL	Four bedroom detached dwelling and double garage	Approved
18/00898/HHA	Orangery and side extension	Refused
18/01302/HHA	Side and rear extension	Refused

## 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](http://www.thurrock.gov.uk/planning)

### PUBLICITY:

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

## 5.0 POLICY CONTEXT

### 5.1 National Planning policy Framework

The NPPF was published on 27th March 2012 and amended on 24th July 2018. Paragraph 10 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 11 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:

- 2. Achieving sustainable development
- 4. Decision-making
- 13. Protecting Green Belt land

## 5.2 Planning Policy Guidance

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 a range of 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
- Use of Planning Conditions

## 5.3 Thurrock Local Development Framework (as amended) 2015

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:

### OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

- OSDP1 (Promotion of Sustainable Growth and Regeneration in Thurrock)<sup>1</sup>

### THEMATIC POLICIES

- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)<sup>2</sup>

### POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)<sup>2</sup>
- PMD2 (Design and Layout)<sup>2</sup>
- PMD6 (Development in the Green Belt)<sup>2</sup>

[Footnote: 1New Policy inserted by the Focused Review of the LDF Core Strategy. 2Wording of LDF-CS Policy and forward amended either in part or in full by the Focused Review of the LDF Core Strategy].

## 5.4 Thurrock Local Plan

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.

#### 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 Extension 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**

6.1 The assessment below covers the following areas:

- I. Planning History
- II. Principle of the Development
- III. Design and Appearance
- IV. Impact on Neighbour Amenity

#### I. PLANNING HISTORY

6.2 The existing dwelling was granted planning permission on the basis that it replaced a pre-existing building on the site. Permitted development rights were removed as the dwelling was the maximum size acceptable in this instance. As a result any proposed extensions to the dwelling require planning permission and should be assessed against the Development Plan.

6.3 Members will recall the refusal of application (18/01302/HHA) in November 2018. In resolving to refuse the application the Committee took the view that the proposal would result in inappropriate development in the Green Belt which is by definition harmful to openness. There have been no changes in policy terms which would alter the previous assessment. Very minor amendments have been made to the proposal through a limited reduction in the footprint of the extension and minor changes to the design. The previous decisions made in August 2018 and November 2018 are material considerations which should be afforded substantial weight in the determination of this application.

## II. PRINCIPLE OF DEVELOPMENT

6.4 Under this heading, it is necessary to refer to the following key questions:

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

6.5 The site is identified on the LDF Core Strategy Proposal's Map within the Green Belt where policies CSSP4 and PMD6 apply. Policy CSSP4 identifies that the Council will 'maintain the purpose function and open character of the Green Belt in Thurrock', and policy PMD6 states that the Council will 'maintain, protect and enhance the open character of the Green Belt in Thurrock'. These policies aim to prevent urban sprawl and maintain the essential characteristics of the openness and permanence of the Green Belt in accordance with the requirements of the NPPF.

6.6 Paragraph 133 of the NPPF states that the Government attaches great importance to the Green Belt and that the "fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence." Paragraph 145 states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. The NPPF sets out a limited number of exceptions to this, including:

*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.*

6.7 For the purposes of this planning application the original dwelling is as built under planning permission 03/00211/FUL. This dwelling has a total of 7 habitable rooms, amounting to a floorspace of 115.46 sq.m. The area of two reasonably sized rooms in this case would therefore be 32.98 sq.m. The proposed extension would have a total floor area of approximately 76.67 sq.m (as shown on the submitted ground floor plan). This is more than double the size of what is considered to be a proportionate addition to the building.

6.8 The proposal would not be within the size permissible using the standard set out in Policy PMD6 of the Core Strategy. Therefore it must represent a disproportionate addition and would not fall within the exceptions to inappropriate development as set out in National Planning Policy Framework. The proposal therefore represents inappropriate development in the Green Belt which is by definition harmful to openness contrary to Policy PMD6 and the NPPF.

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

6.9 Inappropriate development is, by definition, harmful to the Green Belt, but it is also necessary to consider whether there is any other harm to the Green Belt and the purposes of including land therein. In this instance the proposed extensions would increase the overall footprint of the dwelling encroaching further into the site than the existing. This would result in the building appearing more prominent within the Green Belt than the existing and would reduce openness, encroaching further upon the generally open character of the countryside.

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.

6.10 Having established the proposal constitutes inappropriate development consideration must be given to whether there are any very special circumstances which clearly outweigh the harm to the Green Belt. Paragraph 144 of the NPPF states that, when considering any planning application, local planning 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”.

6.11 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, could be used on different sites leading to a decrease in the openness of the Green Belt 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.

- 6.12 In this instance no very special circumstances have been put forward by the applicant to justify inappropriate development in the Green Belt. Whilst the application has been accompanied by a design and access statement, this does not outline any very special circumstances. The applicant does however indicate that Brandon Hall (which is adjacent to the application site) is a three storey dwelling with substantial outbuildings spread across the curtilage. The applicant is of the opinion the proposed extension would not appear disproportionate in relation to the adjacent property. Finally, the applicant suggests that other development in the area has taken place which is not modest in scale. These factors do not constitute very special circumstances. It should also be noted that permitted development rights have been removed on the property. As a result there is no permitted development fall-back position which can be relied upon in this instance.
- 6.13 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. In this case there is significant harm to the Green Belt with reference to inappropriate development and loss of openness. No factors have been promoted by the applicant as 'very special circumstances'. Having taking into account all Green Belt considerations, it is considered that the identified harm to the Green Belt is not clearly outweighed by any other considerations that might constitute very special circumstances justifying inappropriate development.

## II. DESIGN AND APPEARANCE

- 6.14 The proposed single storey would follow the rear building line and wrap around the corner of the building in an L-shape form. There would be four roof lanterns within the flat roof of the rear element of the extension.
- 6.15 The proposal is considered to be of an acceptable design in relation to the appearance of the existing building complying with Policies PMD2 and CSTP22 of the Core Strategy.

- 6.16 Whilst the design is considered to be acceptable in relation to the existing building this does not outweigh the identified harm to the Green Belt.

### III. IMPACT ON NEIGHBOUR AMENITY

- 6.17 The proposed extension is not considered to be harmful to the occupiers of the neighbouring properties. The proposal accords with Policy PMD1 in this respect, however this does not overcome the objections raised earlier in this report.

## 7.0 CONCLUSIONS AND REASON(S) FOR REFUSAL

- 7.1 This application represents a very similar proposal to that which was refused by the Council's Planning Committee in November 2018. The proposed extension would grossly exceed the limitations set out by Policy PMD6 of the Core Strategy and accordingly represents inappropriate development in the Green Belt which is by definition harmful to openness contrary to Policy PMD6 and chapter 13 of the NPPF. No very special circumstances have been identified that would warrant an exception to local and national planning policies.

## 8.0 RECOMMENDATION

- 8.1 Refuse for the following reasons:

1. The proposed extension, by reason of its size, represents a disproportionate addition to the dwelling and as a result constitutes inappropriate development in the Green Belt, which is by definition, harmful to openness. There are no very special circumstances which would clearly outweigh the harm to the Green Belt. Therefore the proposal would be contrary to policy PMD6 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development (2015) and chapter 13 of the National Planning Policy Framework (2018).

### INFORMATIVE(S)

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

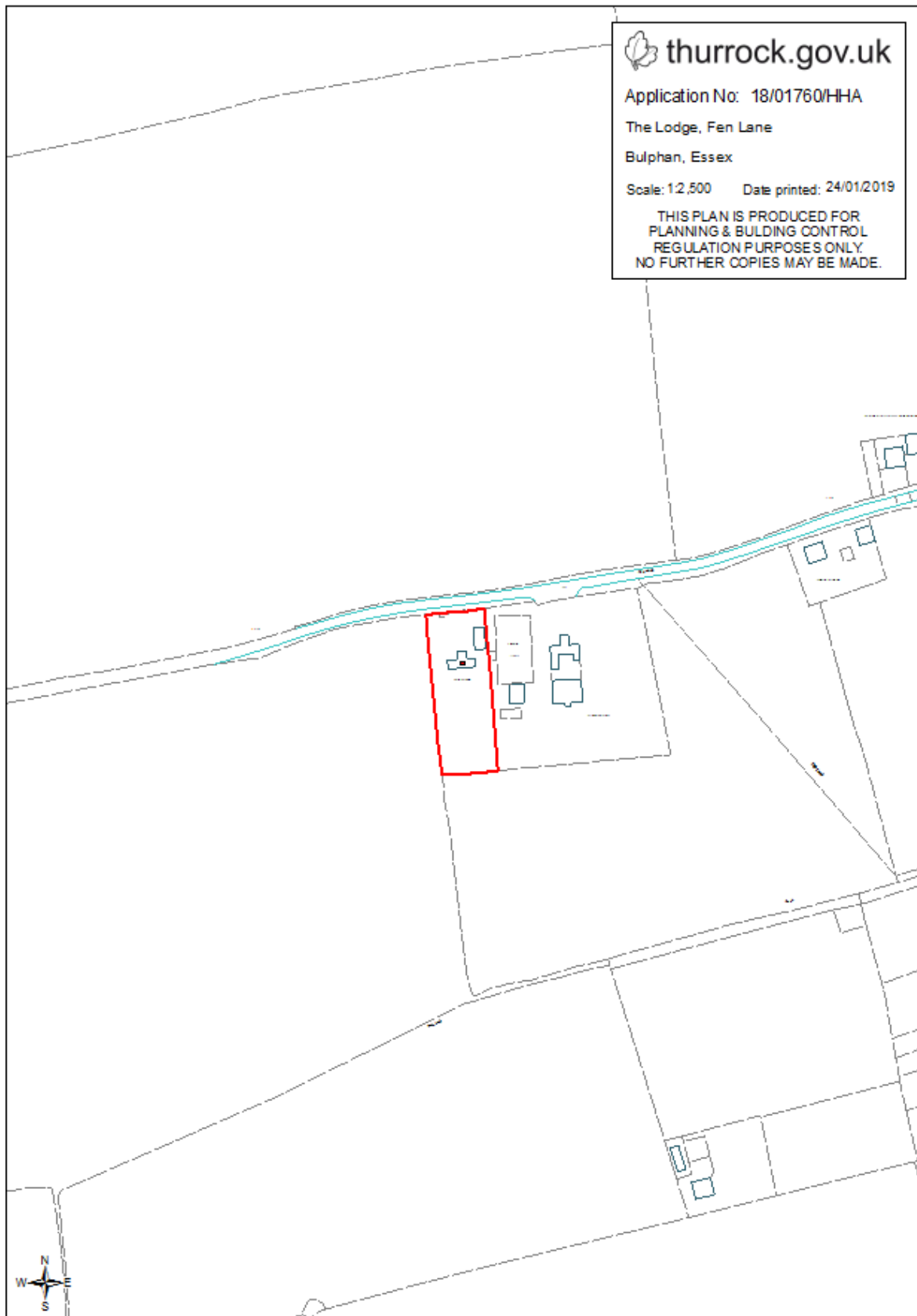
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing with the Applicant/Agent. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the 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](http://www.thurrock.gov.uk/planning)



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The Lodge, Fen Lane  
Bulphan, Essex  
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