

<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> 28 March 2019
<b>Recommendation:</b> Refuse	

## 1.0 Background

1.1 At the meeting of the Planning Committee held on 14 February 2019 Members considered a report on the above proposal. The report recommended that planning permission be refused for reasons based upon the following:

*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).*

- 1.2 During debate Members indicated support for the application and the following alternative motion was put forward by Cllr Rice and seconded by Cllr Lawrence

*That the application be approved because the extension would not result in disproportionate addition to the original building.*

- 1.3 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. A copy of the report presented at the February 2019 meeting is attached as Appendix 1.

## **2.0 ASSESSMENT AND LEGAL CONSIDERATIONS**

- 2.1 As set out in the original report, the Council is required to determine whether the proposal is a proportionate extension to the existing building.

Policy PMD6 sets out the Council's approach to defining proportionate additions to properties in the Green Belt which is based upon a calculation of 'two reasonably sized rooms'. This policy is consistent with the NPPF (2019) and has been supported by the Planning Inspectorate at appeal.

For the purposes of this planning application the original dwelling is as built under planning permission 03/00211/FUL. Members should be aware that the current dwelling is a replacement of an earlier dwelling and when it was re-built the property was enlarged to accommodate two reasonably sized rooms at that time.

The dwelling as it stands represents the original dwelling for the purposes of the NPPF. The property has a total of 7 habitable rooms, amounting to a floorspace of 115.46 sq.m. The two reasonably sized room 'allowance' for this property is 32.98 sq.m.

An extension of up to 32.98 could be considered to be proportionate. However, in this case, the proposed extension would have a total floor area of approximately 76.67 sq.m which is more than twice the size of what is permissible under the Council's Development Plan policies.

Based upon the above, there can be no dispute that the proposal would represent a disproportionate addition to the original building when assessed against the development plan. The matter is not subjective; 76.67 sq.m is over twice the maximum of 32.98 sq.m.

Based upon the above, the proposal is inappropriate development. Substantial weight must be given to this fact.

There are no very special circumstances and it follows that the application, as a

matter of fact and law, must be refused. There are no planning conditions that could be used to make the proposal acceptable in planning terms.

Members must be reminded that the Council's approach to proportionate extensions to dwellings in the Green Belt has, through the application of Policy PMD6 and earlier iterations of this policy in the Local Plan (1997), been fairly and consistently applied for more than 20 years. There are no material considerations that would indicate that Policy PMD6 should be applied differently in respect of this proposal.

If this policy is departed from for this development proposal in the Green Belt, the policy will be extremely difficult to justify and follow in the future. Members are reminded of this committee's statutory responsibilities under sections 70(2) of the Town and Country Planning Act 1990 and 38(6) of the Planning and Compulsory Purchase Act 2004. Here, the Development Plan policy PMD6 is material to the application for planning permission and members' decision must be taken in accordance with the Development Plan unless there are material considerations that indicate otherwise:

Section 70(2) requires of members that, *"In dealing with such an application the authority shall have regard to (a) the provisions of the development plan, so far as material to the application, (b) any local finance considerations, so far as material to the application, and (c) any other material considerations."*

Section 38(6) requires that *"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*

Members should note that as a matter of law, the material considerations to be taken into account for the purposes of s 70(2)(c) and 38(6) include the Government's policies on Green Belt development as set out in the National Planning Policy Framework published 24 July 2018 and updated 19 February 2019 – these are analysed in detail in the 14 February 2019 committee report. Officers are of the view that there are no other material considerations that would enable members to approve this development proposal under s 70(2) and 38(6).

The granting of planning permission contrary to the Development Plan where there are no material considerations to justify such a decision would be unsound, unfair, inconsistent and would put the Local Authority at a high risk of a successful legal challenge and of costs being awarded against the Council. Such a decision is also likely to have reputational risks for the Council.

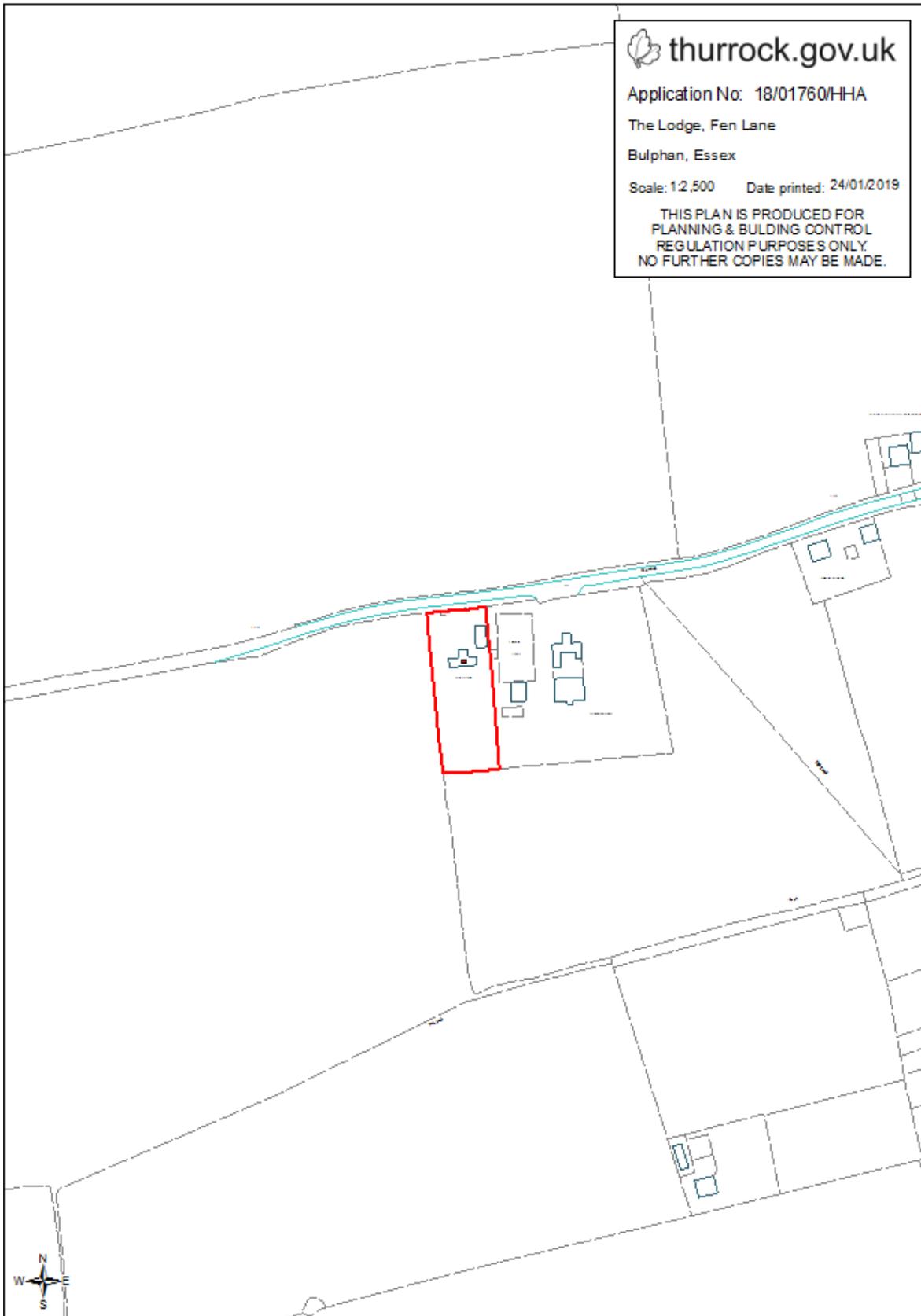
### **3.0 RECOMMENDATION**

- 3.1 The proposal is not in compliance with the Council's Development Plan as a whole and as such the application is recommended for refusal 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 the Development Plan, specifically policy PMD6 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development (2015) chapter 13 of the National Planning Policy Framework (2019).

**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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