

Reference: 19/00247/FUL	Site: Judds Farm Harrow Lane Bulphan Essex RM14 3RE
Ward: Orsett	Proposal: Demolition of existing buildings & hard standing and erection of cart lodge style garage for existing dwelling, construction of 8 residential units with associated amenity space, vehicular parking and strategic landscaping

Plan Number(s):		
Reference	Name	Received
1799-01	Existing Site Plan	14 February 2019
1799-02C	Proposed Site Plan	10 May 2019
1799-03A	Proposed 5 Bed Dwelling House Type 1 (Plots 1, 6 and 7)	11 March 2019
1799-04A	Proposed 5 Bed Dwelling House Type 2 (Plots 3,5 and 8)	11 March 2019
1799-05A	Proposed 5 Bed Dwelling House Type 2 (Plots 2 and 4)	11 March 2019
1799-06	Proposed Cart Lodge	14 February 2019
1799-07	Existing Outbuilding 1 – Floor Plans and Elevations	14 February 2019
1799-08	Existing Outbuilding 2 – Floor Plans and Elevations	14 February 2019
1799-09	Existing Outbuilding 3 – Floor Plans and Elevations	14 February 2019
1799-10	Topographical	14 February 2019
1799-11C	Proposed Block/Roof Plans	10 May 2019
1799-12A	Entrance Details	11 March 2019
1799-13	Site Location Plan	14 February 2019
1799-14	Visuals	14 February 2019

The application is also accompanied by:

- Design and Access Statement
- Flood Risk Assessment
- Transport Assessment

<p>Applicant: Mr D Barron</p>	<p>Validated: 15 February 2019</p> <p>Date of expiry: 7 June 2019 (Extension of time agreed with applicant)</p>
<p>Recommendation: Refuse</p>	

This application is scheduled for determination by the Council’s Planning Committee because the application was called in by Cllr G Rice, Cllr J Kent, Cllr M Kerin, S Shinnick and Cllr M Fletcher in accordance with Part 3 (b) 2.1 (d) (i) of the Council’s constitution to consider the proposal against Green Belt policy.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 This application seeks planning permission for the demolition / removal of the existing buildings / hard standing and the construction of eight two-storey houses with associated amenity space, vehicular parking and landscaping. The proposal also includes the construction of a detached garage for the existing farmhouse to the north of the site.
- 1.2 The development would be laid out in a cul-de-sac arrangement, with access taken from Harrow Lane to the west corner of the site. Each dwelling would have private off street parking.

2.0 SITE DESCRIPTION

- 2.1 The site is found towards the end of Harrow Lane which is accessed from Fen Lane. The site is located within the open Fens of Bulphan and the site is bounded by arable fields to the south. The site is within Green Belt and parts of the site are within Flood Zones 1, 2 and 3a.
- 2.2 The site measures some 0.61 hectares and is occupied by a detached house (known as Judds farmhouse) and ancillary outbuildings. An existing pond is found to the east of the site.

3.0 RELEVANT HISTORY

Application Reference	Description of Proposal	Decision
16/01366/FUL	Change of Use of Former Agricultural Buildings to Ancillary Residential Accommodation	Approved
16/01391/PHA	Rear extension with a depth of 8 metres from the original rear wall of the	Prior Approval Not Required

3.1		property, with a maximum height of 4 metres and eaves height of 2.9 metres.	
	16/01392/CLOPUD	Single storey side extensions and two storey rear extension	Approved

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

PUBLICITY:

4.2 This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby. There has been two letters of objection, which cite the following concerns:

- Additional traffic;
- Access to the site;
- Light pollution;
- Loss of amenity.

4.3 ARCHAEOLOGY:

No objection, subject to conditions.

4.4 EMERGENCY PLANNING:

No objection.

4.5 ENVIRONMENT AGENCY:

No objection, subject to the Sequential and Exception Tests being met.

4.6 ENVIRONMENTAL HEALTH:

No objection, subject to conditions.

4.7 HIGHWAYS:

No objection, subject to conditions.

4.8 LANDSCAPE AND ECOLOGY:

Objection on landscape grounds, no objection to ecology.

5.0 POLICY CONTEXT

National Planning Guidance

5.1 National Planning Policy Framework (NPPF)

The NPPF was published on 27 March 2012 and amended on 19 February 2019. 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:

5. Delivering a sufficient supply of homes
11. Making effective use of land
13. Protecting Green Belt land

5.2 Planning Practice Guidance

In March 2014 the Department for Communities and Local Government (now known as Ministry of Housing, Communities and Local Government) 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
- Natural Environment
- Use of Planning Conditions

5.3 Local Planning Policy

Local Planning Policy Thurrock Local Development Framework (2015)

The “Core Strategy and Policies for Management of Development Focused Review: Consistency with National Planning Policy Framework Focused Review” was

adopted by Council on the 28 February 2015. The following policies apply to the proposals:

Spatial Policies:

- CSSP1 (Sustainable Housing and Locations);
- CSSP4 (Sustainable Green Belt)
- OSDP1 (Promotion of Sustainable Growth and Regeneration in Thurrock)¹

Thematic Policies:

- CSTP1 (Strategic Housing Provision)
- CSTP2 (The Provision of Affordable Housing)
- CSTP19 (Biodiversity)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)²
- CSTP27 (Management and Reduction of Flood Risk)²

Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)²
- PMD2 (Design and Layout)²
- PMD6 (Development in the Green Belt)²
- PMD7 (Biodiversity, Geological Conservation and Development)²
- PMD8 (Parking Standards)³
- PMD9 (Road Network Hierarchy)
- PMD15 (Flood Risk Assessment)²

[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. ³Wording of forward to LDF-CS Policy 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. The Council consulted on an Issues and Options (Stage 2 Spatial Options and Sites) document earlier this year.

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.

6.0 ASSESSMENT

6.1 The principal issues to be considered in the determination of this application are:

- I. Principle of development and impact upon the Green Belt
- II. Access, traffic and highway impacts
- III. Site layout and design
- IV. Landscape and ecology
- V. Amenity and neighbours
- VI. Flood Risk
- VII. Archaeology
- VIII. Developer contributions

I. PRINCIPLE OF DEVELOPMENT AND IMPACT UPON THE GREEN BELT

6.2 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

6.3 The site is identified on the LDF Core Strategy Proposals Map as being 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 to accord with the requirements of the NPPF.

- 6.4 Paragraph 133 within Chapter 13 of the NPPF states that the Government attaches great importance to Green Belts 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 143 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.
- 6.5 The NPPF sets out a limited number of exceptions within paragraph 145. This includes exception (g) which allows for the *“limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development; or – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”* The applicant considers the proposal to constitute development on previously developed land (PDL) and therefore the proposal is acceptable.
- 6.6 The site is currently occupied by existing outbuildings and hardstanding and therefore part of it can be considered to constitute PDL. However, the development would only fall within the above exception if it would not have a greater impact upon the openness of the Green Belt than the existing development. In addition it should be noted that the NPPF definition of PDL states that it should not be assumed that the whole of the curtilage of PDL should be developed. In this instance the extent of the existing development on the site is far less than proposed in the current application. The proposal would extend beyond the footprint of existing structures and result in development which extends across the majority of the site encroaching into undeveloped areas. In addition the existing structures on site are shallow pitch roofed buildings which have a rural appearance with associated hardstanding. The proposal is for 8 buildings of substantial scale and a large cartlodge garage. The proposal also includes extensive hardstanding and various features associated with residential development such as fences and wall. The result of this is a development which occupies a far greater proportion of the site and includes structures of far larger scale which would result in a greater impact upon openness than the existing development. Therefore it would not fall within exception (g) as set out in paragraph 145 of the NPPF.

6.7 Given the above the proposal would clearly and unequivocally have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development on the site. Consequently, the proposals comprise inappropriate development with reference to the NPPF and Policy PMD6.

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

6.8 Having established that the proposals are inappropriate development, it is necessary to consider the matter of harm. 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.

6.9 Paragraph 134 of the NPPF sets out the five purposes which the Green Belt serves as follows:

- a. to check the unrestricted sprawl of large built-up areas;
- b. to prevent neighbouring towns from merging into one another;
- c. to assist in safeguarding the countryside from encroachment;
- d. to preserve the setting and special character of historic towns; and
- e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

6.10 In response to each of these five purposes:

A. to check the unrestricted sprawl of large built-up areas

6.11 The site is located within a rural area outside the main village of Bulphan. For the purposes of the NPPF, the site is considered to be outside of any 'large built up areas'. It would not therefore result in the sprawling of an existing built up area, but it would nonetheless represent the addition of new urban form on the site.

B. to prevent neighbouring towns from merging into one another

6.12 The development would not conflict with this Green Belt purpose.

C. to assist in safeguarding the countryside from encroachment

6.13 With regard to the third Green Belt purpose, the proposal would involve built development on parts of the site which are currently open and free of any built form.

The term "countryside" can conceivably include different landscape characteristics (e.g. farmland, woodland, marshland etc.) and there can be no dispute that the site comprises "countryside" for the purposes of applying the NPPF policy test. The

proposal would increase the volume of built form from 5397m³ to 8918m³ and create an urbanised cul-de-sac of large detached residential properties. As set out above, the site is presently occupied by a single dwellinghouse and agricultural style outbuildings are found within discrete areas of the site. It is clear that the level of development proposed would encroach upon the countryside in this location; the construction of eight houses would constitute material harm to the openness and rural character of the Green Belt. The development would consequently conflict with this purpose.

D. to preserve the setting and special character of historic towns

6.14 The proposals do not conflict with this defined purpose of the Green Belt.

E. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

6.15 In general terms, the development could occur in the urban area and, in principle; there is no spatial imperative why Green Belt land is required to accommodate the proposals. The proposed development is inconsistent with the fifth purpose of the Green Belt. Therefore, the development of this Green Belt site as proposed might discourage, rather than encourage urban renewal. Members will be aware that a new Local Plan for the Borough is being prepared and it is recognised that the release of some Green Belt land may be required in order to meet future growth. Indeed, the existing adopted Core Strategy (policy CSSP1) recognises the scenario of some Green Belt release. Although the new Local Plan may well identify locations for the release of Green Belt land, the document is at a very early stage and cannot be afforded weight in the decision-making process.

6.16 In light of the above analysis, it is considered that the proposals would clearly be harmful to openness and would be contrary to purposes (c) and (e) of the above listed purposes of including land in the Green Belt. Substantial weight should be afforded to these factors.

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

6.17 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. 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.

6.18 With regard 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 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*".

6.19 The Design & Access Statement sets out the applicant's Very Special Circumstances case which is assessed below:

a) Lack of 5 years housing supply

6.20 The applicant has argued that the Council's lack of 5 year housing supply is a very special circumstance which should be afforded weight.

Consideration

6.21 The Council acknowledges that there is presently a lack of 5 year housing supply. However the NPPG advises that 'unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the 'very special circumstances' justifying inappropriate development on a site within the Green Belt' (Paragraph 034 Reference ID: 3-034-20141006).

6.22 The current proposals would provide a limited benefit in contributing towards addressing the shortfall in the supply of new housing as set out in Core Strategy policy delivery targets and as required by the NPPF. The matter of housing delivery contributes towards very special circumstances and should therefore be accorded significant weight in the consideration of this application. However, as noted above, this single issue on its own cannot comprise the very special circumstances to justify inappropriate development, and as such, for such circumstances to exist this factor must combine with other considerations.

b) Provision of sustainable homes constructed to a high standard

6.23 The applicant states that the development would deliver sustainable home.

Consideration

- 6.24 Policies PMD12 (Sustainable Buildings) and PMD13 (Decentralised, Renewable and Low-Carbon Energy Generation) are relevant to the proposals. Policy PMD12 requires new residential development to achieve a level 4 rating under the Code for Sustainable Homes (CSH) and major non-residential development to achieve appropriate BREEAM standards. However, following a technical housing standards review the Government withdrew the CSH in April 2015 and compliance with the Code can no longer be required through a planning permission. Part L (conservation of fuel and power) of the Building Regulations is still applicable.
- 6.25 Policy PMD13 of the Core Strategy sets targets for the provision of decentralised, renewable and low-carbon energy generation but the application provides no information regarding the intention to comply with this policy.
- 6.26 The applicant's intention to exceed Building Regulation requirement is welcomed. However, this intention is not evidenced with reference to a sustainability or energy appraisal. Furthermore, this factor is not particularly site-specific and could be cited as a consideration amounting to very special circumstances on many other sites. Accordingly, this factor attracts no weight in the balance of Green Belt considerations.
- 6.27 In terms of design quality, the Council expects all new development to be of the highest quality. The provision of larger houses which would be constructed to a high standard is not considered a Very Special Circumstance. Accordingly, this factor should be given no weight in the determination of the application as a Very Special Circumstance.

c) Increased ecological value of the site

- 6.28 The applicant has stated they would accept a condition to ensure the ecological value of the site is improved. They consider that the ecological improvements that could be gained on the site constitute a Very Special Circumstance.

Consideration

- 6.29 Both the NPPF and Core Strategy Policy PMD7 require, when determining planning applications, that local planning authorities aim to conserve and enhance biodiversity by applying a number of principles including the encouragement of opportunities to incorporate biodiversity in and around developments.
- 6.30 In this case, the applicant has not provided any ecological surveys or reports to demonstrate how the construction of six detached dwellings would improve the ecological value of the site. In the absence of such information it is difficult to identify the ecological benefits of the scheme.

6.31 The Council’s Landscape and Ecology Advisor notes in their consultation response ‘Overall the development continues to provide little space for new planting or private amenity space’. Therefore the space that could contribute towards biodiversity improvements are likely to be limited. Accordingly, this factor should be given no weight in the determination of the application as a Very Special Circumstance.

6.32 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	Lack of 5 years housing supply	Significant weight
Reduction in the openness of the Green Belt			
Conflict (to varying degrees) with a number of the purposes of including land in the Green Belt – purposes c and e.		Provision of sustainable homes which are well constructed	No weight
		Increase ecological value of site	No weight

6.33 As ever, 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 harm to the Green Belt with reference to inappropriate development and loss of openness. Several factors have been promoted by the applicant as ‘Very Special Circumstances’ and it is for the Committee to judge:

- i. the weight to be attributed to these factors;
- ii. whether the factors are genuinely ‘very special’ (i.e. site specific) or whether the accumulation of generic factors combine at this location to comprise ‘very special circumstances’.

6.34 Each circumstance put forward by the applicant attempts to redress that balance in favour of the development. In accordance with the NPPF, the harm has to be *clearly* outweighed by Very Special Circumstances. Taking into account all Green Belt considerations, Members are advised that the case associated with this development proposal falls some considerable way short of constituting genuine very special circumstances and it follows that the application should be refused.

There are no planning conditions that could be used to make the proposal acceptable in planning terms.

II. ACCESS, TRAFFIC AND HIGHWAY IMPACTS

- 6.35 It is considered that the Council's parking requirement of three off-street spaces could be met within the current layout and subject to conditions requiring adequate visibility splays, refuse collection and cycle parking, the development is considered to comply with policies PMD8 and PMD9. The Council's Highways officer has raised no objection to the level of development proposed in terms of highway intensification.

III. SITE LAYOUT AND DESIGN

- 6.36 The scheme would take the form of a cul-de-sac featuring eight substantially sized detached houses laid out in a uniform arrangement with urbanising features typical of any residential development. The layout and overall appearance of the development does not pay regard to the isolated location of the site. Owing to the scale of the scheme and its urbanised layout, the development would be completely out of character with the open, rural nature of the open fenland it would be located.
- 6.37 In light of the above, the proposal would be contrary to Policies PMD2, CSTP22 and CSTP23 of the Core Strategy and the National Planning Policy Framework 2019.

VI. LANDSCAPE AND ECOLOGY

- 6.38 There is a large willow tree within the site which would be affected by the proposed cartlodge garage. No detailed measurements have been provided for the tree however it is considered that the canopy in reality is greater than that shown on the plans. It would be necessary to carry out extensive crown lifting/reducing on this tree if the cart lodge was maintained in its current position which would be unacceptable.
- 6.39 The existing trees along the boundary would be removed. It is considered that these offer some screening of the proposed development as well as an effective wind break and therefore their removal would increase views into the site from the adjacent public rights of way. At present the southern boundary of the site is very open with views into the site from the nearby public footpath. There will be little scope for new planting along this boundary as trees would soon cast shade over the gardens and patios. The proposal would therefore be contrary to policies PMD2 and CSTP23 of the Core Strategy and the National Planning Policy Framework 2019.
- 6.40 It is considered that the site does not contain any habitat features that are likely to support protected species. There is no objection to the scheme on ecology grounds and the proposal complies with policies CSTP19 and PMD7

V. AMENITY AND NEIGHBOURS

- 6.41 The new properties would be suitably distant from neighbours not to impact on the amenities that nearby occupiers presently enjoy. The houses would be set out so as not to impact on one another. Policy PMD1 is considered to be satisfied in this regard.
- 6.42 Notwithstanding the above, neighbour objections based upon the development of the Green Belt support the conclusions reached in section I of this report.

VI. FLOOD RISK

- 6.43 As part of the site falls within a high risk flood zone the Sequential Test needs to be assessed. The Sequential Test aims to steer new development to locations away from high risk flood zones. The proposal falls within a 'more vulnerable' use according to PPG's 'Table 2 – Flood Risk Vulnerability Classification'. The applicant has not provided any Sequential Testing evidence to demonstrate that the dwellings could not be located in a lower risk flood zone. The proposal therefore fails the Sequential Test.
- 6.44 As a more vulnerable use, Table 3 of the PPG – Flood Risk Vulnerability and Flood Zone 'Compatibility' details that the Exception Test is required to assess this more vulnerable use. For the Exception Test to be passed the proposed development needs to provide 'wider sustainability benefits to the community that outweigh flood risk' [first part], and demonstrate that the development will be 'safe for its lifetime' [second part].
- 6.45 The Environment Agency raise no objection to the application subject to satisfying both the Sequential and Exceptions Tests. The proposal seeks eight detached dwellings and a cartlodge garage. The applicant has not demonstrated how the proposed dwellings would provide wider sustainability benefits to the community and consequently fails to meet the first part of the Exception Test. In relation to the second part, the applicant has provided a Drainage Strategy seeking to demonstrate that the site would have adequate drainage to enable the site to be safe for its lifetime. Notwithstanding the Drainage Strategy submitted, the applicant has not passed the Sequential Test or part one of the Exceptions Test in relation to the sustainability benefits of the proposal. Consequently, it is considered that the proposal is contrary to the objectives of Core Strategy Policies CSTP27, PMD15 and the NPPF in relation to flood risk.

VII. ARCHAEOLOGY

- 6.46 The Council's Archaeology Advisor has advised the Historic Environment Record shows the proposed development lies within an area of known archaeological deposits. The Archaeology Advisor has warned that the proposed development lies adjacent to a known Romano British cemetery which, when excavated, contained a number of burials and some Romano British settlement remains (EHER5215). It is likely that these features extend into the Site. Cartographic evidence indicates that,

in the late 19th century, the plot also contained a historic farmstead marked on the First Edition Ordnance Survey Map as 'Judd's and Thripp's Farm'. The former historic farmstead was demolished in the 21st century but may have had its origins in the medieval period. There is therefore the potential for multi-period archaeological remains. Therefore, a condition regarding Trial trenching and excavation would need to be added to any approval.

VIII. DEVELOPER CONTRIBUTIONS

- 6.47 Policy PMD16 indicates that where needs would arise as a result of development; the Council will seek to secure planning obligations under Section 106 of the Town and Country Planning Act 1990 and any other relevant guidance. The Policy states that the Council will seek to ensure that development proposals contribute to the delivery of strategic infrastructure to enable the cumulative impact of development to be managed and to meet the reasonable cost of new infrastructure made necessary by the proposal.
- 6.48 The NPPG guidance indicates that for developments of 10 units of less, and which have a maximum combined gross floor space of no more than 1000sq.m affordable housing or tariff style contributions should not be sought. Accordingly, given that this proposal seeks permission for 8 dwellings no contributions can be secured in this instance.
- 6.49 The site is within the Essex Coast RAMS zone of influence and therefore it would be necessary for the LPA to secure a contribution towards mitigation of the effects of recreational disturbance on Thames Estuary and Marshes SPA. In the event that the application were being recommended favourably such a contribution could be secured via an appropriate legal agreement.

7.0 CONCLUSIONS AND REASONS FOR REFUSAL

- 7.1 The proposed development represents an inappropriate form of development within the Green Belt which is harmful by definition. The development would result in further harm by introducing built development where there is presently none; the dwellings, garages and hard surfacing would represent urbanising features which would be visually damaging to the countryside and undermining to the openness of this part of the countryside.
- 7.2 The applicant has not advanced any factors which would 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. There are no planning conditions that could be used to make the proposal acceptable in planning terms. The development is clearly contrary to Policy PMD6 of the Core Strategy and guidance contained in the NPPF. Refusal is therefore recommended.

8.0 RECOMMENDATION

- 8.1 To Refuse for the following reasons:

1. The proposed development, by reason of its scale, siting and location would result in inappropriate development in the Green Belt which is by definition harmful. In addition, the development would also cause loss of openness due to the siting and substantial increase in the scale of the buildings proposed on the site. 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 2019.
2. The application site is within a fenland landscape which is typified by long open views, with a sparse settlement pattern. The proposed development would, by virtue of the siting of the buildings and forms of enclosure close to the site boundaries and the public right of way alongside loss of vegetation, be likely to be detrimental to visual amenity, the openness and character of the flat, fenland area. The proposal would therefore be contrary to Policies PMD2, CSTP22 and CSTP23 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 2019.
3. The proposal, by reason of the insufficient flood risk information submitted for this more vulnerable use, fails to meet both the Sequential and Exceptions Tests and subsequently fails to adequately demonstrate that the development will be safe and not increase flood risk elsewhere. The proposal would be contrary to Policies CSTP27 and PMD15 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 2019.

Informative:

- 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

