

<b>Reference:</b> 21/01804/FUL	<b>Site:</b> Beauchamp Place Malvern Road Grays RM17 5TH
<b>Ward:</b> Little Thurrock Rectory	<b>Proposal:</b> Removal of existing stables building and erection of communal dayroom (on different part of the land), with the extension of hardstanding and variation to layout of part of the site approved under 19/01635/CONDC

<b>Plan Number(s):</b>		
Reference	Name	Received
J003749-DD-01-A	Location Plan	20th October 2021
J003749-DD-02-A	Existing Site Layout	20th October 2021
J003749-DD-03-A	Proposed Site Layout	20th October 2021
J003749-DD-04	Proposed Plans	20th October 2021
J003749-DD-05	Proposed Plans	20th October 2021

The application is also accompanied by: - Covering letter / Supporting Statement	
<b>Applicant:</b> Mr J O'Connor	<b>Validated:</b> 27 October 2021 <b>Date of expiry:</b> 16 <sup>th</sup> February 2022 (Extension of time agreed)
<b>Recommendation:</b> To Refuse	

## 1.0 DESCRIPTION OF PROPOSAL

- 1.1 The application seeks permission for a communal dayroom on the site which has permanent permission as a gypsy traveller site for named occupiers. The proposed dayroom would measure 15.2m in width by 9.1m in depth by 4.5m in height with a pitched roof with clipped hips. The proposed floorplan indicates the building would accommodate a central open TV room which would lead to a kitchen/utility room, a rehabilitation room, a bathroom, a study room and a disabled bathroom.
- 1.2 To allow space for the provision of the dayroom the site layout approved under condition discharge application 19/01635/CONDC is required to be amended.

These changes comprise an extension of the area of hardsurfacing to the east and south east of the access to allow access to the dayroom and the modification of the 3 pitches to the eastern side of the site, moving these, in effect, anticlockwise round in the site, from their approved siting, so that these 3 plot are located to the north (1), and east (2) of the site, rather than the 3 plots all being to the east of the site.

- 1.3 The description of the proposal also includes the removal of a stable building on the site. The stable had an irregular footprint, occupying area of 31 sq.m. No elevation plans exist for the stable building but the applicant’s planning agent asserts that that stable building had a volume of 98.58 cubic metres. The stable was located in the northern part of the site. By contrast, the proposed dayroom has a floor area of 140 sq.m. and a volume of 482cubic metres. The dayroom would be located to the southern part of the site, beyond any existing built form.

**2.0 SITE DESCRIPTION**

- 2.1 The site is located on the eastern side of Malvern Road, adjacent to No. 51- 63 Malvern Road and to the south alongside the flank of the No 73 Malvern Road and further south alongside existing open land. To the east of the site runs the A1089. With the exception of the properties on Malvern Road the land around the site is relatively open. The site is designated as being within the Metropolitan Green Belt.
- 2.2 The site is as at a maximum approximately 155 metres in length and 55 metres in width. The site is approximately rectangular in shape.

**3.0 RELEVANT PLANNING HISTORY**

Application Reference	Description of Proposal	Decision
13/00574/FUL	Use of land to provide 5 pitches for Gypsy/Traveller families a total of 5 mobile homes, 5 touring caravans and 5 day rooms	Refused – Allowed on appeal.
18/01802/FUL	Use of land to provide 5 pitches for Gypsy / Traveller families a total of 5 mobile homes, 5 touring caravans and 1 dayroom	Refused – Allowed on appeal
19/01635/CONDC	Application for the approval of details reserved by condition nos. 6 (Site Development Scheme) and 7 (Schedule of Maintenance) of planning permission ref. 18/01802/FUL (Use of land to provide 5 pitches for Gypsy / Traveller families a total of 5 mobile homes, 5 touring caravans and 1 dayroom).	Details 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](http://www.thurrock.gov.uk/planning)

#### **4.2 PUBLICITY:**

This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby.

Two letters of objection have been received raising concerns about:

- Access to the site across an unmade accessway
- Bin store
- Intensified use of site

One letter of support has been received from the applicant citing:

- The building will be important to assist with occupiers of the site who have disabilities and provided physiotherapy facilities and improved washing facilities.

#### **4.3 LANDSCAPE AND ECOLOGY ADVISOR**

No objections.

#### **ENVIRONMENTAL HEALTH:**

4.4 No objections – Conditions suggested if permission were to be granted.

#### **5.0 POLICY CONTEXT**

##### **National Planning Guidance**

##### National Planning Policy Framework (NPPF)

The revised NPPF was published on 20 July 2021. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. This paragraph goes on to state that for decision taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or

- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date<sup>1</sup>, granting permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>2</sup>; or
  - ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- <sup>1</sup> This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites ...
- <sup>2</sup> The policies referred to are those in this Framework relating to: habitats sites and/or SSSIs, land designated as Green Belt, Local Green Space, AONBs, National Parks, Heritage Coast, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change.

The NPPF sets out the Government's planning policies. Paragraph 2 of the NPPF 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. The following chapter headings and content of the NPPF are particularly relevant to the consideration of the current proposals:

11. Making effective use of land
12. Achieving well-designed places
13. Protecting Green Belt land
15. Conserving and enhancing the natural environment

### 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:

- Determining a planning application

- Green Belt
- Housing needs of different groups
- Use of Planning Conditions

## **Local Planning Policy**

### 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:

#### Spatial Policies:

- CSSP4 (Sustainable Green Belt)

#### Thematic Policies:

- CSTP3 (Gypsies and Travellers)
- 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

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.

### 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.

## **6.0 ASSESSMENT**

The assessment below covers the following areas:

- I. Principle of Development
- II. Design, Character and Layout
- III. Effect on Neighbouring Properties
- IV. Traffic, Access and Car Parking
- V. Other Matters

### I. PRINCIPLE OF THE DEVELOPMENT

6.1 The site is identified on the Core Strategy Proposals Map as being within the Green Belt where policies CSSP4 and PMD6 apply. Policies CSSP4 and PMD6 state 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 Under the heading of Green Belt considerations it is necessary to refer to the following key questions:

- i. whether the proposals constitute inappropriate development in the Green Belt;
- ii. the effect of the proposals on the open nature of the Green Belt and the purposes of including land within it; and
- iii. whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances (VSC) necessary to justify inappropriate development.

- i. Whether the proposals constitute inappropriate development in Green Belt

6.2 Paragraph 137 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 Belts are their openness and their permanence.”* Paragraph 147 of the NPPF states that *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*.

Paragraph 148 goes on to state that local planning authorities should ensure that “substantial weight” is given to any harm to the Green Belt and that VSC will not exist unless the potential harm to the Green Belt B by way of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

6.3 With reference to proposed new buildings in the Green Belt, paragraph 149 confirms that a local planning authority should regard their construction as inappropriate, with the following exceptions:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the GB and do not conflict with the purposes of including land within it;
- 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;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) 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 GB, 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.

6.4 The applicant’s Cover Letter sets out their reason for the building. It states that:

*Whilst the proposal itself comprises the erection of a building within the Green Belt, and would normally be considered inappropriate development within the Green Belt, it does in fact fall within the exceptions set out within Paragraph 149 of the NPPF, specifically part (g) ...*

*As previously established, the site comprises Previously Developed Land, and therefore benefits from the ability to be partially or completely redeveloped, provided that there would not be a greater impact on the openness of the Green Belt or where the development would contribute to meeting an identified affordable*

*housing need. It is noted that the latter point can be disregarded given the application proposal being for a dayroom.*

*As a part of the application proposal, the existing stables have been demolished, and therefore the built form of the existing stables and its impact upon the openness of the Green Belt, and so this would counterbalance the impact of the proposed dayroom. The replacement of the stables with the dayroom as proposed is considered to have no greater impact upon the openness of the Green Belt, and therefore is a material consideration of significant weight in favour of the proposed development.*

*In addition to the details of the proposal itself, there exists further Very Special Circumstances to justify the development. As established during the previous appeal proceedings, the occupants of the site have significant medical issues which are a material consideration in determining the application. These considerations have been factored into the design of the dayroom...*

The applicant's cover letter also notes:

*The principle of providing a dayroom for the occupants of this site has been established as acceptable through determination of the previous appeal scheme which included a **smaller size dayroom** [emphasis added], and was allowed.*

- 6.5 In respect of the above, it should be noted that permission for the use of the site as a permanent gypsy and traveller site was granted in 2019, at appeal. Prior to this, at appeal in 2015 permission was granted for a temporary use, after which time, the use of the land for a traveller site was to cease and the land be returned to open Green Belt. Two small buildings existed on the site prior to that appeal decision, but in the context of the built form approved in 2019 they were significantly smaller. It is not considered that the whole site could realistically be classed as Previously Developed Land.
- 6.6 Even if it were to be considered Previously Developed Land, it is considered that the proposal does not accord with exception (g) as set out above. The applicant's agent suggests that the volume of the stable building was 93 cubic metres, the proposed day room would be 482 cubic metres (the footprint alone of the day room would be 140 sq.m. This is significantly in excess of the volume of the stable. It should also be noted that the applicant's letter refers to "a smaller day room" which was allowed by the Planning Inspector. The existing and proposed plans show an existing day room, as well as that which is proposed.
- 6.7 Accordingly, the mass and volume of the building proposed would be significantly greater than the existing stable building that was removed. Furthermore, the stable



building is was located to the northern boundary of the site, close to the mobile homes and other buildings on land to the north. The proposal would also result in hardstanding being spread further south and would move the built form, with the new day room further south.

- 6.8 Accordingly, even if the previously developed land argument were acceptable, the proposal would clearly have a greater impact on the Green Belt than the existing scenario and is contrary to part (g).
- 6.9 In light of the above, the proposal clearly comprises inappropriate development in the Green Belt, which is harmful by definition, with reference to the NPPF and Policy PMD6 and CSSP4. In accordance with the NPPF (para. 148), Policies PMD6 and CSSP4, substantial weight should be given to this harm.
- ii. The effect of the proposals on the open nature of the GB and the purposes of including land within it
- 6.10 The analysis in the paragraphs above concludes that the development is inappropriate development which is, by definition, harmful to the Green Belt (NPPF para. 147). However, it is also necessary to consider whether there is any other harm (NPPF para. 148)
- 6.11 As noted above paragraph 137 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open: the essential characteristics of GBs being described as their openness and their permanence.
- 6.12 Although this is an application for changes to only part of the site, it is evident that the built development and hard surfacing, together with an increase in size of the site, would be an increase from what was previously consented at appeal and the layout that was approved via condition. The proposals would increase new built development in an area, which is presently supposed to be open following the appeal decision. Advice published in NPPG (July 2019) addresses the role of the Green Belt in the planning system and, with reference to openness, cites the following matters to be taken into account when assessing impact:
- Openness is capable of having both spatial and visual aspects;
  - The duration of the development, and its remediability; and
  - The degree of activity likely to be generated, such as traffic generation
- 6.13 It is considered that the proposed development would have a detrimental impact on

both the spatial and visual aspects of openness, i.e. an impact as a result of the footprint of development and building volume. Whilst it is acknowledged that the stable building would/has been removed this building was smaller, less solidly constructed and on the northern part of the site where it had been for many years and closer to the other buildings on the site and other buildings on land to the north. The new building would be to the southern part of the site, of solid construction and further into the open countryside. The applicant has not sought a temporary planning permission and it must be assumed that the design-life of the development would be a few decades. The intended permanency of the development would therefore impact upon openness. Therefore, it is considered that the amount and scale of the development proposed would significantly reduce the openness of the site. As a consequence, the loss of openness, which is contrary to the NPPF, should be accorded substantial weight in the consideration of this application.

- 6.14 With regard to the visual impact on the Green Belt, the quantum of development proposed would undoubtedly harm the open visual character of the southern part of the site.
- 6.15 The current proposal would therefore reduce openness as both a spatial and visual concept.
- 6.16 Paragraph 138 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.

In response to each of these five purposes:

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

- 6.17 The site is situated within the Green Belt on the edge of Grays, in the Little Thurrock Ward. The land is part of a wider parcel which already has consent for use as a gypsy traveller site and associated built development. The proposal would extend built form southwards onto part of the land which was expected to remain open. However, for the purposes of the NPPF, the proposal is considered outside a large built-up area and, therefore, it is not directly contrary to the first purpose of the Green Belt.

*b. to prevent neighbouring towns from merging into one another*

- 6.18 The site is situated on the eastern edge of Grays, with the Dock Approach Road, directly to the east. Given the location of the application site, the development would not result in the confluence of any towns.

*c. to assist in safeguarding the countryside from encroachment*

- 6.19 The Cover Letter submitted considers that the proposal would have little impact on the Green Belt and countryside when compared to the existing consented development. Officers do not agree with the applicant's assessment of impact on this purpose of the Green Belt and there is no definitive guidance on the 'degrees of harm' to the Green Belt or what constitutes 'a small level of harm by encroachment'.
- 6.20 Therefore, regarding the third Green Belt purpose, the proposal would involve built development on part of the site which is meant to be open and undeveloped. The proposed development would spread across more of the applicant's site. It is therefore considered that the proposal would constitute an encroachment of built development into the countryside in this location and would constitute material harm to with this purpose.

*d. to preserve the setting and special character of historic towns*

- 6.21 The site is not near any historic towns; 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*

- 6.22 The proposed building is fundamentally linked to the occupiers and wider use of the site, so it could not take place in any other location. Pragmatically this matter cannot be argued to be contrary to this Green Belt purpose.
- 6.23 In conclusion under the headings (i) and (ii) it is considered that the current proposals would lead to harm to the Green Belt by way of inappropriate development (i.e. definitional harm), would be harmful by way of loss of openness and would be harmful as a result of conflict with Green Belt purpose (c). In accordance with 144 of the NPPF substantial weight should be afforded to this harm.

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

6.24 Paragraph 148 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”*

6.25 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’.

6.26 In considering whether Very Special Circumstances exist, factors put forward by an applicant which are generic or capable of being replicated on other sites, could be used on different cases leading to a decrease in openness of the GB. The provisions of VSC which are specific and not easily replicable may help to reduce the risk of a precedent being created. Mitigation measures designed to reduce the impact of a proposal are generally not capable of being a VSC. Ultimately, whether any particular combination of factors amounts to VSC will be a matter of planning judgement for the decision-taker.

6.27 Because the applicant’s agent considered the proposal to be appropriate development, no formal Very Special Circumstances were put forward as part of the submission. The cover letter submitted touches on the matter, stating

*In addition to the details of the proposal itself, there exists further Very Special Circumstances to justify the development. As established during the previous appeal proceedings, the occupants of the site have significant medical issues which are a material consideration in determining the application*

These will be addressed under the following headings.

- a. Medical issues of the occupants of the site were considered at appeal

These matters are assessed in the paragraphs below.

- a. Medical issues of the occupants of the site were considered at appeal.

### Consideration

- 6.28 It is correct to say that the medical needs of the family were considered at the time of the appeal, and the Inspector noted that it would allow a settled base to allow them to access healthcare facilities (para 34 of APP/M1595/W/19/3225961). There was nothing before the Inspector at the time from the applicants to suggest that a smaller day room would not suit the needs of the applicant.

- 6.29 The proposed day room also has a lot of space in addition to the space that would be used for medical needs. The details from the application are set out below:

*The dayroom as proposed, includes disabled toilet facilities and a rehabilitation/medical room. Both of these additions are considered vital to providing an appropriate level of amenity for the occupants of the site, and has been designed to cater for their specific needs.*

*The inclusion of a “study room” is considered good practice, particularly having regard to the emphasis on home-working that has resulted from COVID-19, and would allow a separate space for the families to provide home tutoring for the children occupying the site.*

*Whilst the “TV Room” is relatively large, it would double up as a separate dining area for the families occupying the site. It acknowledged that the application site benefits from a personal occupancy condition.*

*As such, it is considered that an appropriate condition can be imposed which would see the dayroom removed once the site ceases to be occupied by the named occupants.*

- 6.30 The Inspector balanced several matters in making her decision. The matters of healthcare formed just one part of that balancing exercise. The Inspector in allowing that appeal noted that “The proposal clearly conflicts with CS policy PMD6 and national planning policy. As set out in the Framework substantial weight should be given to the harm to the Green Belt” (para 15).
- 6.31 There is nothing before the Council to explain why the matter of a larger day room

was not considered at the outset, and during the previous planning application and appeal. Consent was given via appeal for a dayroom and there is nothing in this application which demonstrates why this day room is need in addition to the existing day room. In addition, while the medical needs of the occupiers are accepted, the information on the other accommodation is not considered satisfactory and it is not clear that a smaller more appropriately located day room has been considered.

- 6.32 In terms of human rights; the applicant's individual rights under the European Convention on Human Rights (ECHR) must be balanced against the wider public interest including the protection of the Green Belt from inappropriate development. Local and national planning polices which aim to regulate development and protect the Green Belt apply with equal forces to the whole population.
- 6.33 Article 8, affords a person the right to respect for their private and family life, their home and their correspondence. Article 8 also imposes a positive obligation to facilitate the Gypsy way of life to the extent that the vulnerable position of Gypsies as a minority group means that some special consideration should be given to their needs and different lifestyle in the regulatory planning framework and in reaching decisions on particular cases. However, Article 8 is a qualified right that requires a balance between the rights of the individual and the needs of the wider community.
- 6.34 The Supreme Court has unanimously held that the best interests of the child has to be considered and given paramount weight as part of the assessment of proportionality under Article 8. Whilst the Council is clearly sympathetic to the needs of the occupier it is not considered that it has been reasonably demonstrated that a refusal of this permission would interfere with the human rights of the occupiers of the site, particularly given that consent exists for a day room, albeit smaller than that proposed.
- 6.35 In summary, no evidence has been submitted to suggest that the refusal of planning permission here would compromise the health and wellbeing of the applicants on this site.
- 6.36 Accordingly the health needs of the occupier attract limited weight are not considered to constitute the Very Special Circumstances that would warrant a departure from policy being made.

#### Green Belt Conclusions

- 6.37 Under the heading considerations, it is concluded that the proposals comprise inappropriate development. Consequently, the development would be harmful in principle and reduce the openness of the Green Belt. Furthermore, it is considered

that the proposals would harm the openness of the Green Belt in terms of both the spatial and visual aspects of openness, and would cause some harm to the role that the site plays in fulfilling the purposes for including land within the Green Belt. In accordance with policy, substantial weight should be attached to this harm. With reference to the applicant’s case for very special circumstances, an assessment of the factors promoted is provided in the analysis above.

6.38 However, for convenience, a summary of the weight which should be placed on various Green Belt considerations is provided in the table below;

<b>Simplified Summary of GB Harm and applicant’s case for Very Special Circumstances</b>			
<u>Harm</u>	<u>Weight</u>	<u>Factors Promoted as Very Special Circumstances</u>	<u>Weight</u>
Inappropriate development	Substantial	Medical needs of the occupier	Limited

6.39 Within the table above, the factors promoted by the applicant can be assessed as attracting varying degrees of ‘positive’ weight in the balanced of considerations. As ever, in reaching a conclusion on the GB issues, a judgement as to balance between the 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, loss of openness and conflict with a Green Belt purpose. Limited factors have been promoted by the applicant as comprising the ‘very special circumstances’ required to justify inappropriate development 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’.

6.40 Taking into account all Green Belt considerations, Officers are of the opinion that in this case the identified harm to the Green Belt is not clearly outweighed by the accumulation of factors described above, so to amount to very special circumstances justifying inappropriate development.

**II. DESIGN, CHARACTER AND LAYOUT**

6.41 Policy PMD2 of the Core Strategy requires that all design proposals should respond to the sensitivity of the site and its surroundings and must contribute positively to

the character of the area in which it is proposed and should seek to contribute positively to local views, townscape, heritage assets and natural features and contribute to the creation of a positive sense of place.

- 6.42 Policy CSTP22 of the Core Strategy indicates that development proposals must demonstrate high quality design founded on a thorough understanding of, and positive response to, the local context.
- 6.43 The relocation of the plots within the site is not considered to be unacceptable, as it would move some of the plots further north within the site.
- 6.44 The design of the proposed day room is inoffensive and the design, per se is acceptable. However, as set out above, the day room is considered to be excessively large, especially when it is not clear that the day room previously approved will not be built.
- 6.45 The proposed day room would be set well to the south of the access to the site and the turning area. This effectively provided a natural break in the developed area of the site to the north and the undeveloped area to the south which was to be left open, or possibly for paddocks. The extension of the hard surfaced area and the provision of the large day room in its proposed location would lead to an incursion in the landscape and would be harmful to the character and appearance of the area, which, given its countryside location would be expected to be unbuilt. The proposal is therefore contrary to Policies PMD2 and CSTP22 in this regard.

### III. EFFECT ON NEIGHBOURING PROPERTIES

- 6.46 The proposed dayroom is to be used by the existing occupiers of the site, rather than to allow further occupation of the site. Accordingly, in absolute terms, it should not lead to an intensified use of the wider site.
- 6.47 The western part of the site layout would be unaffected by this proposal. Whilst the reorganisation of the plots would see one mobile home 'replace' the stables at the northern end of the site, it is considered there is suitable distance from the closest property (no 53) for this to not result in a material impact on those occupiers.
- 6.48 The changes to the layout of the east of the site are not considered to materially impact on the nearby neighbours.
- 6.49 Whilst concerns have been raised in section II above about the layout of the hardstanding and location of the new day room these relate to the site layout itself. It is acknowledged that the day room would be closer to the flank elevation of 73a and 73b Malvern Road than any of the existing development, however this



boundary of the site is screened with established planting and given the intervening distances it is not considered the proposal would have a harmful impact on the occupiers of these properties.

#### IV. TRAFFIC, ACCESS AND CAR PARKING

- 6.50 The proposal would not result in any changes to the access arrangement to the site and ample space would exist off the public highway for vehicle parking. No objection is raised on these grounds.

#### V. OTHER MATTERS

- 6.51 The comments from residents about the access are noted, however this matter has been considered in the past, and the Planning Inspector did not raise any objection to the access point. The ownership of the access to the site and matters connected to that would be a civil matter between neighbours.
- 6.52 The site has permission to be occupied by five named families and, when permission was first granted only the applicant and his close family were in occupation, it is likely that a lower level of activity would have been in evidence at that time.

### 7.0 CONCLUSION

- 7.1 The extension of the hard surfaced area and proposed day room is operational development which is inappropriate development in the Green Belt and is by definition harmful. In addition, the proposed development is considered to be an unacceptable urbanising feature which is harmful to the openness and would erode the rural character of the Green Belt. Substantial weight should be given to any harm to the Green Belt.
- 7.2 The matters put forward have been carefully evaluated; however, it is not considered that these factors clearly outweigh the harm caused to the Green Belt, together with the other harm identified. No very special circumstances therefore exist to enable an exception to policy to be made in this instance.
- 7.3 The proposal would also be harmful to the character and appearance of the area.
- 7.4 The development would conflict with Policies CSSP4 & PMD6 of the Core Strategy, the NPPF and the Planning Policy for Traveller Sites (August 2015) in relation to Green Belt principle and openness and also Policies CSTP22 and PMD2 of the Core Strategy in relation to character and design

### 8.0 RECOMMENDATION

To refuse for the following reason(s):

- 1 The application site is located within the Green Belt, as identified on the Policies Map accompanying the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015). National and local planning policies for the Green Belt set out within the NPPF and Thurrock Local Development Framework set out a presumption against inappropriate development in the Green Belt.

The proposals are considered to constitute inappropriate development with reference to policy and would by definition be harmful to the Green Belt. It is also considered that the proposals would harm the openness of the Green Belt and would be contrary to purpose c) of the Green Belt, as set out by paragraph 138 of the NPPF.

It is considered that the identified harm to the Green Belt is not clearly outweighed by other considerations so as to amount to the very special circumstances required to justify inappropriate development. The proposals are therefore contrary to Chapter 13 of the NPPF, the Planning Policy for Traveller Sites 2015, Policies CSSP4 and PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015 and the National Planning Policy Framework 2021..

- 2 The proposed development, by reason of the size of the building, increase in hardstanding and increase in the site southwards would have a detrimental and increasingly urbanising effect on the site, in comparison with the approved scheme, which would fail to respond to the sensitivity of the site, its surroundings or mitigate the negative impacts of the development. The proposal is therefore contrary to 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 2021.

#### Positive and Proactive Statement

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.

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**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)

