

<p>Reference: 22/00101/CV</p>	<p>Site: Doesgate Farm Doesgate Lane Bulphan RM14 3TB</p>
<p>Ward: Orsett</p>	<p>Proposal: Application for the variation of condition no 2 (Plans) of planning permission ref 20/01402/FUL (Demolition of existing buildings and redevelopment for residential use (Use Class C3) comprising the construction of 5 detached dwellings with associated access and landscaping) to include 5 detached single garages</p>

Plan Number(s):		
Reference	Name	Received
PLAN - 2387_102 REV - _BARN 1	Proposed Plans	26th January 2022
PLAN - 2387_103 REV - _BARN 2	Proposed Plans	26th January 2022
PLAN - 2387_200 REV	Existing Plans	26th January 2022
2021/02/DF/11 PLOTS 1-5	Proposed Plans	26th January 2022
(No Nos.)	Location Plan	26th January 2022
2021/02/DF/25	Plan – Overall Scheme	26th January 2022

The application is also accompanied by:

- Cover Letter, dated 25 January 2022
- Decision Notice 20/01402/FUL
- Topography Plan 2721-01
- Existing and Proposed Floorspace and Volumes
- Landscape and Visual Impact Assessment and Green Belt Assessment, ref. CSA/5195/02 May 2021
- Landscape Visuals Type 1, drawing ref. CSA/5195/102 September 2020
- Building Condition Report, October 2020

- CGI Images

Applicant:

Mr Eddie Wright

Validated:

27 January 2022

Date of expiry:

22 April 2022

(Extension of Time as Agreed)

Recommendation: To Refuse

This application is scheduled for determination by the Council's Planning Committee as the application has been called-in by Cllrs Johnson, Gledhill, Duffin, Hebb and Maney in order that the Planning Committee give full consideration to the use of the entire and original curtilage of this Green Belt (GB) site.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 Approval has already been granted for the demolition of existing structures and erection of 5no. 4-bedroom houses at the site, which are currently under construction (ref. 20/01402/FUL). The approved plans showed car parking for each plot in the form of open, in-curtilage parking, rather than the provision of garages.
- 1.2 This is an application seeks to amend the approved plans to introduce a detached single garage measuring 6m x 3.1m for each of the approved properties.
- 1.3 This application follows the refusal of a similar proposal under ref. 21/00219/CV in April 2021. This previous application was refused for two reasons: i) contrary to GB in principle and without any considerations clearly outweighing GB and any other harm so as to amount to Very Special Circumstances; ii) harm to character and appearance of the locality. In an attempt to overcome the previous reason for refusal, the current application has reduced the footprint of the proposed garages and provided further information with regards the previous and original barn building.

2.0 SITE DESCRIPTION

- 2.1 The application site is a largely rectangular area of land on the southern side of Doesgate Lane, outside any settlement. Horndon on the Hill is located to the south and Bulphan to the west. The site is located within the Metropolitan Green Belt. A Grade II listed building (Doesgate Farmhouse) is located to the east of the site.

3.0 RELEVANT HISTORY

Application Reference	Description of Proposal	Decision
21/01540/CONDC	Application for the approval of details reserved by condition no 3 (Details of Materials), 4 (CEMP) and 6 (Landscaping Scheme) of planning permission ref. 20/01402/FUL (Demolition of existing buildings and redevelopment for residential use (Use Class C3) comprising the construction of 5 detached dwellings with associated access and landscaping.)	Approved
21/00902/CV	Application for the variation of condition no. 2 [Plans] of planning permission ref: 20/01402/FUL (Demolition of existing buildings and redevelopment for residential use (Use Class C3) comprising the construction of 5 detached dwellings with associated access and landscaping).	Withdrawn
21/00769/CONDC	Application for the approval of details reserved by condition no 4 (Windows and Doors) of planning permission ref 20/01660/LBC & 20/01659/HHA (Single storey side extension)	Approved
21/00219/CV	Application for the variation of condition no 2 (Plans) of planning permission ref 20/01402/FUL (Demolition of existing buildings and redevelopment for residential use (Use Class C3) comprising the construction of 5 detached dwellings with associated access and landscaping.)	Refused 13.04.21
21/00237/CONDC	Application for the approval of details reserved by condition no 7 (Bat Survey), of planning permission ref. 20/01402/FUL (Demolition of existing buildings and redevelopment for residential use (Use Class C3) comprising the construction of 5 detached dwellings with associated access and landscaping.)	Approved
20/01659/HHA	Single storey side extension	Approved
20/01660/LBC	Single storey side extension	Approved
20/01402/FUL	Demolition of existing buildings and redevelopment for residential use (Use Class C3) comprising the construction of 5 detached dwellings with associated access and landscaping.	Approved
94/00640/FUL	Change of use and conversion of existing stabling facilities and rest room to 2 No.	Refused

	semi-detached dwellings (including partial demolition)	
89/00394/FUL	Extension of stabling facilities for brood mares	Approved
88/00192/OUT	Detached Two Storey Dwelling & Detached Double Garage (Outline).	Refused
69/01040/FUL	Driveway and lean-to (As amended by letter dated 16.12.69.)	Approved
57/00585/FUL	Garage and alterations to form bathroom and lavatories	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

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. No comments have been received.

4.3 ECC SPECILIAST ARCHAEOLOGICAL ADVICE:

No recommendations made.

4.4 ENVIRONMENTAL HEALTH OFFICER:

No recommendations made.

4.5 HERITAGE ADVISOR:

No objections, subject to condition.

4.6 HIGHWAYS:

No objections.

4.7 LANDSCAPE AND ECOLOGY ADVISOR:

No objections.

4.8 ESSEX POLICE:

No comments. Recommend Secured by Design assessment.

5.0 POLICY CONTEXT

National Planning Policy Framework (NPPF)

- 5.1 The NPPF was published on 20 July 2021. 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:

The following headings and content of the NPPF are relevant to the consideration the current proposals:

4. Promoting sustainable transport
5. Delivering a sufficient supply of homes
12. Achieving well-designed places
13. Protecting Green Belt and
16. Conserving and enhancing the historic environment

National Planning Practice Guidance

- 5.2 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 number 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
- Green Belt
- Historic environment
- Use of planning conditions.

Local Planning Policy

Thurrock Local Development Framework (as amended) 2015

- 5.3 The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” in 2015. The following Core Strategy policies apply to the proposals:

SPATIAL POLICIES

- CSSP1: Sustainable Housing and Locations
- CSSP4: Sustainable Green Belt
- CSTP1: Strategic Housing Provision
- CSTP2: The Provision of Affordable Housing

THEMATIC POLICIES

- CSTP22: Thurrock Design
- CSTP23: Thurrock Character and Distinctiveness
- CSTP24: Heritage Assets and the Historic Environment
- CSTP25: Addressing Climate Change

POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1: Minimising Pollution and Impacts on Amenity
- PMD2: Design and Layout
- PMD4: Historic Environment
- PMD6: Development in the Green Belt
- PMD8: Parking Standards
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Thurrock Local Development Framework 1997

Annex 1 – Criteria relating to the control of development in residential areas

Thurrock Design Guide – Residential Alterations and Extensions (RAE): September 2017 - SPD

Thurrock Local Plan

5.4 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.

6.0 ASSESSMENT

6.1 This is an application under section 73 of the Town and Country Planning Act 1990 to vary conditions attached to a grant of planning permission. Where an application submitted under S.73 of the 1990 Act is approved, the legal effect is to issue a new grant of planning permission, whilst leaving the original planning consent unaffected.

6.2 Accordingly, if the current application is approved both the original consent (ref.20/01402/FUL) and the current proposal would comprise and the current proposal would comprise 'self-contained' planning permissions, although the latter permission can be assumed to represent the more 'up to date' consent. When considering an application under s.73, the Council as local planning authority should consider matters related to the conditions only and not the planning permission itself.

6.3 The application proposes to vary condition number 2 of planning permission 20/01402/FUL to amend approved plans of the approved application, to introduce 5 detached single garages, one per dwelling.

6.4 The assessment below covers the following areas:

- I. Principle of the Development in the GB
- II. Design and Layout and Impact upon the Area
- III. Impact Upon Ecology and Biodiversity
- IV. Archaeology and Historic Buildings
- V. Traffic Impact, Access and Car Parking

I. PRINCIPLE OF THE DEVELOPMENT IN THE GREEN BELT

- 6.5 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

- 6.6 The site is identified on the LDF Core Strategy Proposals Map as being within the Green Belt wherein 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. The NPPF at paragraph 149 states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt. Exceptions to this include:

g) limited infilling or the partial or complete redevelopment of previously developed land (PDL), 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 (PDL) and contribute to meeting an identified affordable housing need within the area of the local planning authority.

The first sub-heading of paragraph 149 is relevant to this case.

- 6.7 Policy PMD6 of the Core Strategy allows for the infilling and partial or complete redevelopment of a previously developed site comprising more than a single building, and located outside of Established Residential Frontages.
- 6.8 In establishing whether the proposal would constitute appropriate development in the Green Belt paragraph 149 (g) of the NPPF comprises an exception to inappropriate development for new buildings and refers to the limited infilling or the partial or complete redevelopment of PDL which would “not have a greater impact

on the openness of the GB than the existing development”. The glossary at Annex 2 of the NPPF defines PDL as:

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

- 6.9 As the buildings on-site were previously used as livery stables, there are not ‘agricultural buildings’ and so the exclusion to the definition of PDL engages. In this particular instance it is considered that part of the application site can be considered to constitute PDL. The application could subsequently be considered as appropriate development in principle provided other matters relating to the footprint, volume, impact of openness and the ‘feel’ of the site (as recently referenced in several appeal decisions) would be unharmed.
- 6.10 The approved development granted under 20/01420/FUL includes the removal of the three existing equestrian and storage buildings on the site. These original buildings have been demolished and removed and development has commenced on the new dwellings. In order to determine whether the development would have a greater impact upon openness consideration must be given to the respective scale of the existing, approved and proposed development on the site.
- 6.11 Footprint and volume comparisons are a starting point for the PDL test of “no greater impact on the openness of the GB than the existing development”, however the relative character of the existing and proposed structures are also important in the assessment.
- 6.12 The table below clarifies the footprints and volumes that were included for removal, not including existing hardstanding, and considered under the original planning application 20/01402/FUL:

Existing Building	Max. Height (m)	Footprint (m²)	Volume (m³)
Stable Block	6.15	539.3	1,632
Barn Store	5.4	108.2	508.7
Riding Hall	6.5	377.5	2016.4
Total	-	1,025	4,157

- 6.13 The table below clarifies the footprint and volume for the approved scheme (20/01420/FUL):

Proposed Building Approved under 20/01420/FUL	Max. Height (m)	Footprint (m²)	Volume (m³)
Plot 1	7.9	203	725
Plot 2	7.9	203	725
Plot 3	7.9	203	725
Plot 4	7.9	207	770
Plot 5	7.9	207	770
Total	-	1,023	3,715

- 6.14 Following the refusal of the previous s.73 application (ref. 21/00219/CV) the applicant has come forward with a revised footprint and volumes assessment of the original buildings, including reference to a mezzanine floor to the barn store which was considered an unsafe area. The table below details the footprint and volume for the proposed scheme (i.e. the previously approved scheme plus the proposed garages):

Proposed Building	Max. Height (m)	Footprint (m²)	Volume (m³)
Plot 1	7.9	203	725
Plot 2	7.9	203	725
Plot 3	7.9	203	725
Plot 4	7.9	207	770
Plot 5	7.9	207	770
Garages (x5)	4	93	268
Total	-	1,116	3,983

- 6.15 As can be clearly seen from the above table, the proposal would result in additional footprint of 93 sq. m, 91 sq. m above the footprint of the original buildings on the site; these original buildings have since been demolished and cannot be taken into account retrospectively. Additional volume of 268m³ would also be added to the built form on the site above and beyond what was previously approved. The applicant has referenced 93 sq. m floorspace created by an unusable mezzanine floor within the original barn store building and considers that this should have been included within the original planning application and overall assessment of floor area calculations. However, the building that contained this floor area has been demolished and no longer exists. Furthermore, as an unsafe and unusable mezzanine it is unclear how this area could have been included within any of the original calculations. The approved development is well underway. It is, therefore, considered that this floor area cannot be included retrospectively in any

assessment as neither this additional floor area nor the building exist. The 93 sq. m cannot subsequently be included in any calculations of the development in regard to its Green Belt impact.

- 6.16 The overall height of built form would increase by approximately 1.5m, and as a result of the addition of the proposed 5 garages, the footprint of built form on site would exceed that of the previously existing development. Similarly, given that the garages would be detached this would result in an additional 5 new buildings on site. As such there would be a greater impact on the openness of the Green Belt as a result of the spread of built development.
- 6.17 In light of the above, the proposals do not fall within any of the exceptions to inappropriate development as defined in paragraph 149 of the NPPF, and the proposal comprises inappropriate development in the GB, which is harmful by definition with reference to the NPPF and Core Strategy Policies PMD6 and CSSP4. In accordance with the NPPF (para. 148), substantial weight should be given to this harm.
2. The effect of the proposals on the open nature of the GB and the purposes of including land within it
- 6.18 Having established that the proposal would represent 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.
- 6.19 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.
- 6.20 In response to each of these five purposes:
- A. to check the unrestricted sprawl of large built-up areas*
- 6.21 The site is situated at in a small area of housing along Doesgate Lane, between Bulphan and Laindon. 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

- 6.22 The site is situated away from nearby towns and therefore would not result in the confluence of any towns. Therefore the development would not conflict with this Green Belt purpose.

C. to assist in safeguarding the countryside from encroachment

- 6.23 With regards to the third Green Belt purpose, it is acknowledged that the proposed dwellings would not be sited exactly within the footprint of the existing buildings however, the re-location would still consolidate the built form within the site. Plot nos. 1 – 4 would be sited broadly within the 'spread' current buildings. Although plot 5 would not be sited on the footprint of any existing building, it would not project beyond the southern extent of the existing built envelope. Therefore the development would not conflict with this Green Belt purpose.

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

- 6.24 As there are no historic towns in the immediate vicinity of the site, 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

- 6.25 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.

- 6.26 In light of the above analysis, it is considered that the proposals would be contrary to purpose (e) of the above listed purposes of including land in the Green Belt. In addition, the proposed introduction of 5 garage building would, de-facto, be harmful to the openness of the GB. Paragraph no. 137 of the NPPF defines the essential characteristics of the GB as its openness and permanence. 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 VSC necessary to justify inappropriate development

- 6.27 Neither the NPPF nor the Adopted Core Strategy provide guidance as to what can

comprise VSC, either singly or in combination. However, some interpretation of VSC 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 VSC 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 GB. 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 VSC will be a matter of planning judgment for the decision-taker.

- 6.28 With regard to the NPPF, paragraph 147 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, 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"*.
- 6.29 For reasons noted above, the Council takes the view that the proposal would constitute inappropriate development.
- 6.30 The applicant has not submitted any formal arguments or considerations which could clearly outweigh harm such that VSC exist, but the Green Belt Assessment submitted indicates that the applicant considers the previously existing mezzanine floor within the barn store building, which comprised 93 sq. m, should be included retrospectively in the consideration of the available floor area for the resulting proposed development. This 93 sq. m equates to 1 sq. m greater than the 92 sq. m floor area provided by the total of each of the 5 detached garages proposed. The applicant consequently considers that the development would be acceptable in GB terms.
- 6.31 There is no justification within the additional information submitted to warrant the inclusion of floor area which no longer exists, within a building which also no longer exists, to be included in an assessment already carried out on a development which has commenced. Officers consider the argument put forward by the applicant is a means to retrofit the calculations of the floor area of the original building in order to provide garaging which had not been included in the approved

scheme. There are alternative options available to the applicant should garage parking be desired; the applicant could submit a s.73 application to revise the approved plans to include integral garaging within each dwelling or retain detached garages with a corresponding reduction in the footprint and volume of the dwellinghouses. This would not need to involve the creation of additional built form or floor area to the GB and would be unlikely to raise an objection in principle if the alterations did not exceed the previously considered floor areas and volumes. The applicant has elected to not take this approach instead submitting an application which results in further built form and development on the site, by way of revising what the applicant considers to be the original floor area, in comparison to the previous approved plans. In light of the above, application is continued to be considered to represent inappropriate development harmful in principle and also harmful to GB openness.

- 6.32 Where a proposal represents inappropriate development, paragraph nos. 147 and 148 of the NPPF require that:
- 6.33 Inappropriate development should not be approved except in VSC. VSC will not exist unless the potential harm to the GB by reason of inappropriateness and any other harm is clearly outweighed by other considerations.
- 6.34 It is considered that the applicant has not advanced any factors which would amount to very special circumstances that could clearly outweigh and 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 proposal is clearly contrary to Policies CSSP4, PMD2 and 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 2021.
- 6.35 While the construction of the dwellings granted under the original approval has commenced on site, an assessment of the proposed changes to the approved scheme via the inclusion of the additional built form and development will need to be carried out.

II. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

- 6.36 The existing buildings and hard surfaces would be replaced by five dwellings laid out in an L-shape. A single access and a private estate road would be provided in largely the same position as existing arrangements. The site frontage would broadly retain the existing vegetation, with the addition of re-contoured sight splays, and an access gate within the site. Since the granting of planning permission, a discharge of conditions application (ref. 21/01540/CONDC) has been approved relating to the

agreement of conditions relating to the detailed materials and landscaping scheme for the development and it would therefore not be reasonable to impose the same condition. If the application was being recommended favourably, a condition stipulating the materials to be used for the garaging should be included.

- 6.37 The new houses have been designed to respect the forms, height and massing of typical rural barns and houses in this part of Essex. The proposed dwellings would sit comfortably within their respective plots. The plans submitted show the development to take the form of two storey dwellings of traditional proportions and detailing. The proposed ridge heights and proportions would be consistent and typical of traditional outbuildings. The proposed new dwellings would appear as a group set back from the road and cut-off from views by some retained native mature hedging. However, the introduction of a detached garage for each property would result in a far more urban feel, and the development would no longer appear as rural outbuildings.
- 6.38 The proposed dwellings closest to Doesgate Lane, and the neighbouring property at 2 Doesgate Cottages, is designed in such a way that there would be no first floor windows within the flank elevation, to avoid concerns of overlooking or amenity, with existing site screening to be retained.
- 6.39 The proposal would adequately comply with Council minimum standards with regard to levels of private amenity area, with generous plot sizes to provide a high standard of amenity for residents and to respect the established amenity of the locality.
- 6.40 The applicant proposes to use good quality materials as would be expected for a development in this location. The fenestration and fine detailing of the scheme is considered acceptable.
- 6.41 The proposed layout and design, resulting from the introduction of the detached garages would, impact upon the rural character of the site and is therefore considered unacceptable contrary to policies CSTP22, CSTP23, PMD1 and PMD2 of the adopted Core Strategy, and the NPPF.

III. IMPACT UPON ECOLOGY AND BIODIVERSITY

- 6.42 In the approved application, no objection was raised but conditions were imposed in relation to undertaking a bat survey on site. This condition has since been discharged (ref: 21/00237/CONDC) and it would therefore not be reasonable to impose the same condition if the application were recommended for approval.
- 6.43 A landscape and visual impact assessment has been submitted which concludes

that the scheme will not have any significant effects on landscape character or visual amenity. The proposed houses are a little taller than the existing barns but have an overall lower volume.

- 6.44 As described above the boundary hedges are generally in a poor condition and the approved landscape scheme includes measures for enhancing these.
- 6.45 The site is within the Essex Coast RAMS zone of influence and the proposed development falls within the scope of the RAMS as relevant development. Without mitigation the proposed development is likely to have a significant effect on the Thames Estuary and Marshes Special Protection Area. To avoid the developer needing to undertake their own individual Habitat Regulations Assessment the Essex Local Planning Authorities within the Zones of Influence have developed a mitigation strategy to deliver the necessary mitigation to address mitigation impacts to be funded through a tariff applicable to all new additional dwellings. The current tariff is £127.30 per additional dwelling. This scheme would result in a net increase of 5 units; therefore it would be necessary to apply a tariff of £636.50 in order to fund works to mitigate the in-combination effects of recreational disturbance on SPA, however this tariff has already been paid as part of the extant approval.

IV. ARCHAEOLOGY AND HISTORIC BUILDINGS

- 6.46 Policy PMD4 states *'the Council will follow the approach set out in the NPPF in the determination of applications affecting Thurrock's built or archaeological heritage assets'*. When assessing the impact upon a designated heritage asset the NPPF advises on differing levels of assessment, these are 'total loss of the heritage asset', 'substantial harm' and 'less than substantial harm'.
- 6.47 Doesgate Farm is adjacent and to the east of the site and is a Grade II Listed timber framed and plastered farmhouse, with red plain tile roof, dating to the seventeenth century (List UID: 1146666).
- 6.48 Within the approved application, the Council's Built Heritage Advisor raised concerns that the proposed dwellings were visibly domestic in nature, incongruous with the character of the listed building's setting. However on balance, it was considered that the benefits of the scheme would outweigh the 'less than substantial harm' impact upon the listed farmhouse adjacent.
- 6.49 The Heritage Advisor considers that the proposed amendments would not result in an increase in the less than substantial level of harm that already results from the demolition of the existing farm buildings and the residential development of the site. However, to ensure the development was appropriate it would be necessary to impose relevant conditions, were permission granted.

V. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.50 There are no proposed changes to the detailed access arrangements to the overall site. The proposal would continue to provide 3 parking spaces per dwelling. The Highways Officer raises no objections to the size and location of the garages proposed. The proposal would comply with Policies PMD8 and PMD2 with respect to highway matters.

7.0 CONCLUSIONS AND REASON(S) FOR REFUSAL

- 7.1 The proposed development is sited within the GB and is considered to fall outside of the exceptions to inappropriate development as set out in the NPPF Paragraph 149(g). This is because the introduction of five garages would increase the built footprint beyond the footprint of the buildings to be demolished. The proposal would represent an inappropriate form of development which would affect the openness of the GB. There would be an increase in built form on site, both in terms of the footprint and the number of buildings.
- 7.2 Thus, where a proposal represents inappropriate development, considerations which clearly outweigh the harm to the GB must exist for VSC to exist. In this case it is not considered that the argument put forward by the applicant, in relation to the inclusion of floor area which previously existing within the main building which has since been demolished, clearly outweighs the identified harm to the GB.
- 7.3 The proposal is clearly contrary to Policies CSSP4, PMD2 and 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 2021.
- 7.4 The addition of 5 detached garages would urbanise the site, detracting from the rural setting and thus harmful to the character and visual amenities of the property and wider area contrary to guidance in the NPPF, Policies CSTP22 and PMD2 of the Core Strategy and Policies for the Management of Development DPD (as amended) 2015.

8.0 RECOMMENDATION

- 8.1 Refuse, for the following reasons:

- 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. 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 Part 13 of the NPPF and Policies CSSP4 and PMD6 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015).

- 2 The proposal would, by reason of its siting, scale and massing, urbanise the site, failing to respect the rural context and setting. The proposal is therefore harmful to the character and visual amenities of the property and wider area contrary to guidance in the NPPF, Policies CSTP22 and PMD2 of the Core Strategy and Policies for the Management of Development DPD (as amended) 2015.

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 determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant/Agent the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to liaise with the Applicant/Agent to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

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

