

Reference: 17/01506/FUL	Site: Former Harrow Inn Harrow Lane Bulphan Essex RM14 3RL
Ward: Orsett	Proposal: Proposed ancillary residential detached dwelling with non-adjjoining garage.

Plan Number(s):		
Reference	Name	Received
PL-002A	Site Layout	15th November 2017
PL-005	Roof Plans	15th November 2017
PL-001A	Proposed Elevations	15th November 2017

The application is also accompanied by: <ul style="list-style-type: none"> - Planning Statement / Design & Access Statement - Flood Risk Assessment 	
Applicant: Joy Jarvis	Validated: 15 November 2017 Date of expiry: 12 February 2018 (extension of time agreed with applicant)
Recommendation: Refusal	

The application is scheduled for determination by the Council's Planning Committee because the previous associated application (16/01446/FUL) was determined at Planning Committee due to its major scale and strategic implications for the Green Belt.

1.0 DESCRIPTION OF PROPOSAL

1.1 This application seeks planning permission for the construction of a detached 3 bedroom dwelling and detached quadruple garage. It is proposed that the dwelling would be ancillary to the approved Wellness Centre (16/01446/FUL) at the site.

2.0 SITE DESCRIPTION

- 2.1 The application site is located on the southern side Fen Lane, west of Harrow Lane. Until recently, the 2.15 ha site consisted of the fire damaged Harrow Inn and restaurant in two separate buildings. Following the grant of planning permission for the construction of a Wellness Centre, the original buildings have been demolished. At the time of publication, construction works were underway on the Wellness Centre.
- 2.2 The site is located in the Metropolitan Green Belt and is surrounded by open fenland.

3.0 RELEVANT HISTORY

Application Reference	Description of Proposal	Decision
16/01446/FUL	Demolition of former public house and restaurant and erection of a weight loss and wellness centre (with 21 guest rooms) and associated access improvements, parking and landscaping.	Approved
17/00376/CONDC	Discharge of conditions 3[Samples of Materials], 5[Design Details], 6[Landscaping Plan], 7[Sight Splays], 9 [CEMP], 10[FWEP], 11[Drainage Strategy], 12[Surface Water Maintenance Plan] from approved planning application 16.01446.FUL.	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.

One comment has been received which is summarised below:

- A residence on the site might help with security and aid good supervision;
- The flat roof design does not seem to be of the quality now expected for new-builds in Thurrock.

4.3 FLOOD RISK MANAGER:

No objection, subject to conditions.

4.4 LANDSCAPE AND ECOLOGY ADVISOR:

Objection to the impact on visual amenity.

4.5 HIGHWAYS:

No objections.

4.6 ENVIRONMENTAL HEALTH:

No objections, subject to conditions.

5.0 POLICY CONTEXT

National Planning Guidance

National Planning Policy Framework (NPPF)

The NPPF was published on 27th March 2012. Paragraph 13 of the Framework sets out a presumption in favour of sustainable development. Paragraph 196 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 197 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:

6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
9. Protecting Green Belt land
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment

Planning Practice 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 42 subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning

application comprise:

- Climate change
- Conserving and enhancing the historic environment
- Design
- Determining a planning application
- Flood Risk and Coastal Change
- Natural Environment
- 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 2015. The following Core Strategy policies apply to the proposals:

Spatial Policies:

- CSSP1 (Sustainable Housing and Locations);

Thematic Policies:

- CSTP1 (Strategic Housing Provision)
- CSTP19 (Biodiversity)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)²
- CSTP25 (Addressing Climate Change)²
- CSTP26 (Renewable or Low-Carbon Energy Generation)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)

- PMD8 (Parking Standards)³
- PMD9 (Road Network Hierarchy)
- PMD12 (Sustainable Buildings)²
- PMD13 (Decentralised, Renewable and Low Carbon Energy Generation); and
- 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].

Focused Review of the LDF Core Strategy (2014)

This Review was commenced in late 2012 with the purpose to ensure that the Core Strategy and the process by which it was arrived at are not fundamentally at odds with the NPPF. There are instances where policies and supporting text are recommended for revision to ensure consistency with the NPPF. The Review was submitted to the Planning Inspectorate for independent examination in August 2013. An Examination in Public took place in April 2014. The Inspector concluded that the amendments were sound subject to recommended changes. 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 28th February 2015.

Draft Site Specific Allocations and Policies DPD

This Consultation Draft “Issues and Options” DPD was subject to consultation commencing during 2012. The Draft Site Specific Allocations DPD ‘Further Issues and Options’ was the subject of a further round of consultation during 2013. The Planning Inspectorate is advising local authorities not to continue to progress their Site Allocation Plans towards examination whether their previously adopted Core Strategy is no longer in compliance with the NPPF. This is the situation for the Borough.

Thurrock Core Strategy Position Statement and Approval for the Preparation of a New Local Plan for Thurrock

The above report was considered at the February meeting 2014 of the Cabinet. The report highlighted issues arising from growth targets, contextual changes, impacts of recent economic change on the delivery of new housing to meet the Borough’s Housing Needs and ensuring consistency with Government Policy. The report questioned the ability of the Core Strategy Focused Review and the Core

Strategy 'Broad Locations & Strategic Sites' to ensure that the Core Strategy is up-to-date and consistent with Government Policy and recommended the 'parking' of these processes in favour of a more wholesale review. Members resolved that the Council undertake a full review of Core Strategy and prepare a new Local Plan

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. It is currently anticipated that consultation on an Issues and Options (Stage 2 Spatial Options and Sites) document will be undertaken early in 2018.

6.0 ASSESSMENT

6.1 The assessment below covers the following material considerations:

- I. Principle of development and impact upon the Green Belt
- II. Design and Layout
- III. Impact Upon Landscape and Ecology
- IV. Access, Traffic Impact and Car Parking
- V. Flood Risk and Site Drainage

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 79 within Chapter 9 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 89 states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. The NPPF sets out a limited number of exceptions to this, namely:

- buildings for agriculture and forestry;
- appropriate facilities for outdoor sport, recreation and cemeteries;
- proportionate extensions or alterations to a building;
- the replacement of a building;
- limited infilling in villages; and
- the partial or complete redevelopment of previously developed sites whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

6.5 The site was considered during the previous application to fall within the NPPF's definition of Previously Developed Land. Permission was granted for the Wellness Centre due to the very special circumstances put forward, but that decision was very carefully balanced. The proposal would introduce a new house and garage onto the site, in addition to the approved Wellness Centre, which would clearly have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Consequently, the proposals comprise inappropriate development with reference to the NPPF.

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

6.6 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.

6.7 Paragraph 80 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.

6.8 In response to each of these five purposes:

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

6.9 The site is located in an isolated location, outside the 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, in excess of the area previously granted consented. Whilst the development would be contained within the overall boundaries of the site it would be distant from the approved Wellness Centre. If permitted, the development would to a certain degree, increase the risk of other similar open areas of land being developed resulting in the sprawl of development from this site.

b. to prevent neighbouring towns from merging into one another

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

c. to assist in safeguarding the countryside from encroachment

6.11 With regard to the third Green Belt purpose, the proposal would involve built development on what is currently an open and undeveloped part of the site. The dwelling would be significantly distant from the Wellness Centre and the footprint of the previous built form on the site. It is important to note that the Wellness Centre occupies the approximate location of the demolished buildings and the section of land that was previously developed. It is therefore considered that the proposal would constitute an encroachment of built development into the countryside in this location.

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

6.12 As there are no historic town 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

6.13 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 residential dwelling and garage is inconsistent with the fifth purpose of the Green Belt.

6.14 In light of the above analysis, it is considered that the proposals would be contrary to 3 of the 5 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

6.15 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.

6.16 With regard to the NPPF, paragraph 87 states that *'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'*. Paragraph 88 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"*.

6.17 The Planning Statement sets out the applicant's Very Special Circumstance which are assessed below:

a. Managers / Owners accommodation is fundamental to progression of the Wellbeing Centre

6.18 The applicant considers the manager's accommodation to be integral to the success of the Wellness Centre and suggests that the very special circumstances identified for the Wellness Centre should also apply to the manager's accommodation.

6.19 While the applicant's desire to be on site is understood it is not considered that the benefits to the applicant's business clearly outweigh the harm that would be caused to the Green Belt. The proposed 3-bedroom house and garage would result in significant additional built development over and above that which was approved when consent was granted for the Wellness Centre. It is also essential that any very special circumstances case is unique and not easily replicable. Therefore, it is not sufficient to re-submit the previous very special circumstances and apply them to the current proposal. This factor should not be given any weight in the determination of the application as a very special circumstance.

b. Health and Safety Review identifies the need for managers accommodation

6.20 Following the approval of the Wellness Centre, the applicant commissioned a specialist Health and Safety review which recommends that staff are allocated separate facilities from paying guests. The review suggests separate management accommodation would be desirable. The details are summarised below:

6.21 *'In view of the nature of the facility, I would suggest that washing/showering (away from guests) is a key element of this. It is not desirable for paying guests to share with employees and I would suggest that guests would not be expected to be faced with this'*

6.22 *'It is not generally appropriate for staff accommodation to be included within the main facility; there are sound arguments for it to be located away so as not to adversely affect the guest's enjoyment during their stay. Also, a separate facility allows employees an opportunity to relax and take a break time away from clients.'*

6.23 *'I would suggest that the availability of on-call trained First Aid staff on 24/7 basis is essential; the proposed additional building allows this service to be provided discretely'*

6.24 The Health and Safety comments, outlined above, do not explicitly state, or justify the need for a separate large detached dwelling and quadruple garage. The main argument from the Health and Safety review suggests that it is undesirable for paying guests to share the same facilities as the management staff.

- 6.25 Furthermore, the approved plans of the Wellness Centre (WCB.04) illustrate a self-contained flat has been already provided. The flat includes a living/dining/kitchen area, a bathroom and two separate bedrooms. The Health and Safety comments, therefore, do not adequately justify why the accommodation provided within the Wellness Centre are no longer sufficient, particularly, given that the flat included within the Wellness Centre has separate showing/washing facilities, secluded away from guests which enables management staff to be close access to paying guests for purposes of first aid.
- 6.26 Accordingly this factor should be given no weight in the determination of the application as a very special circumstance.

c. Pre-application history and a CABE review:

- 6.27 Prior to the application for the Wellness Centre (16/01446/FUL) being submitted, the scheme was subject to a CABE Design Review. The applicant maintains:
- 6.28 *'CABE confirmed that, whilst the proposal is larger than previously existing, the excellent design afforded high quality development that would enhance the immediate environment. That remains true for this application. The design ethos from the principle building, has been carried through to the ancillary accommodation.'*
- 6.29 This matter was noted in the consideration of the previous proposal and was afforded little weight in consideration of the application. It is important to note that the CABE review related to the original scheme as considered, no new review has been undertaken for this application. As such, this factor should be afforded no weight in the current proposal.

d. Improvements to security of the wider site

The applicant states the following:

- 6.30 *Additional garaging for both private and company vehicles is provided on domestic scale, addressing previous security problems that have been strongly evident of the past'*
- 6.31 Little evidence has been submitted to indicate the extent of previous security issues however it is understood that machinery has been stolen from the site in the past. Once the business is up and running and people are on site theft would become far less likely. This factor should not be given any weight in the determination of the application as a very special circumstance. Further, as detailed at paragraph 6.25 there is already managers accommodation on the approved plans; this would allow security of the site to be monitored.

e. Minor additional accommodation in the Green Belt

6.32 The applicant suggests the proposal represent a minor addition and has no further impact to the openness character of the Green Belt. Details for the footprint and area of the original buildings of the site, the approved Wellness Centre and the current proposal are summarised below:

	Footprint (sqm)	Volume (m3)	Height (m)
Previous pub / restaurant building	800	4500	N/A
Previous Building Total	800	4500	N/A
Approved Wellness Centre	1900	5600	8m / 10.7m (lowest / highest points)
Approved Building Total	1900	5600	Average: 9.35m

Current Proposal			
Detached dwelling	138	925	6.69m
Detached garage	75	270	3.6m
Proposed Total	213	1195	Average: 5.2m
Difference between previous buildings and approved/proposed buildings	1313 sqm increase	2295 m3 increase	N/A

6.33 As demonstrated in the table above, the proposal would represent a significant increase in the footprint and volume over and above the original buildings at the site. Despite being described as a three bedroom detached house, the floor space of the proposed property, at 240sqm would normally be comparable to a modern 5-bedroom house. Similarly, the quadruple garage, at 75sqm would be comparable to the area occupied by large modern two bedroom flats.

6.34 This factor should be given no weight in the assessment of the case.

6.35 With reference to the applicant’s case for very special circumstances, an assessment of the factors promoted is provided in the analysis above. However, for convenience, a summary of the weight which should be 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	Weight

		Special Circumstances	
Inappropriate development	Substantial	Separate managers / owners accommodation is fundamental to the progress of the Wellness Centre	No weight
Reduction in the openness of the Green Belt		Health and Safety review identifies need for managers accommodation	No weight
		Pre-application history / CABE review	No weight
		Improved security	No weight
		Minor additions to the Green Belt	No weight

6.36 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. However, this is not considered to be the full extent of the harm. Further assessment, elsewhere in this report, there are other harms to landscape and visual receptors etc. 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’.

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

II. DESIGN AND LAYOUT

6.38 The proposed dwelling and garage would be located closer to the western boundary of the site and therefore closer to Harrow Lane. Whilst there is no fundamental concern raised in relation to the design of the building, the development would be clearly visible and would have a demonstrable negative impact upon the rural fenland setting. This matter is considered in more detail below.

III. LANDSCAPE AND ECOLOGY

- 6.39 The application site is within a fenland landscape which is typified by long open views, with a sparse settlement pattern. The development would appear very apparent in this environment.
- 6.40 The Council's Landscape & Ecology Advisor has objected to the application on the basis that the development would be significant and detrimental to visual amenity and the openness character of the area. The development is considered to conflict with Policies PMD2, CSTP22 of the Core Strategy and the criteria of the NPPF.

IV. ACCESS, TRAFFIC IMPACT AND PARKING

- 6.41 The vehicular access from Harrow Lane would remain as approved (ref 16/01446/FUL) and serve as the main access/exit to the Wellness Centre. The approved secondary access is now proposed to serve the ancillary detached dwelling. The Council's Highways Officer has raised no objections to the scheme.

V. FLOOD RISK AND SITE DRAINAGE

- 6.42 The site is located within the highest risk flood zone (flood zone 3a) as identified on the Environment Agency flood maps and as set out in the PPG's 'Table 1 - Flood Zones'. This means that the site is subject to a high probability of flooding and the PPG provides guidance on flood risk and vulnerability.
- 6.43 The Sequential Test aims to steer new development to locations away from high risk flood zones. As the site falls within a high risk flood zone the Sequential Test needs to be assessed. It is considered that the proposal is likely to fall within the 'more vulnerable' use on the PPG's 'Table 2 - Flood Risk Vulnerability Classification' where development is 'appropriate' for this flood zone as identified in the PPG's 'Table 3 – Flood Risk Vulnerability and Flood Zone Compatibility' table.
- 6.44 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 Flood Risk Manager raised no objection to the application. However, the proposal seeks to erect a single dwelling and a quadruple garage at the site. As noted elsewhere in this report, the site is deemed as Previously Developed Land, although for commercial purposes. Therefore, it is not considered the proposal would provide wider sustainability benefits to the community and, fails to meet the first part of the Exception Test
- 6.46 The Emergency Planning Officer comments are currently outstanding, but if required, a Site Specific Flood Warning and Evacuation Plan (FWEP) and could be dealt with by condition.

7.0 CONCLUSIONS AND REASON(S) FOR REFUSAL

- 7.1 The principle issue for consideration in this case is the assessment of the proposals against planning policies for the Green Belt and whether there are very special circumstances which outweigh harm such that a departure from normal policy can be justified. The proposals are 'inappropriate development' in the Green Belt and would lead to a loss of openness. Substantial weight should be attached to this harm in the balance of considerations.
- 7.2 The applicant has cited factors to suggest that they consider there are very special circumstances to justify the proposed development within the Green Belt. The basis of their argument relies on the approved Wellness Centre.
- 7.3 It is concluded that the case for very special circumstances does not outweigh the identified harm to the Green Belt described above. Furthermore, there are additional objections in relation to the impact to landscape of the site.

8.0 RECOMMENDATION

- 8.1 Refuse planning permission, for the following reasons:

- 1 Policy PMD6 of the Thurrock Local Development Framework Core Strategy applies and states that permission will not be given, except in very special circumstances, for the construction of new buildings, or for the change of use of land or the re-use of buildings unless it meets the requirements and objectives of National Government Guidance.

The NPPF (at paragraph 89) sets out the forms of development which may be acceptable in the Green Belt. The proposed development does not fall within any of the appropriate uses for new buildings set out by the NPPF and Policy PMD6. Consequently, the proposals represent "inappropriate development" in the Green Belt and are a departure from development plan policy.

Paragraph 87 of the NPPF sets out a general presumption against inappropriate development within the Green Belt and states that such development should not be approved, except in very special circumstances. Paragraph 87 also states that inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The development does not meet any of the exceptions set out in Policy PMD6 of the NPPF and consequently the proposals constitute inappropriate development.

The applicant has failed to demonstrate the very special circumstances necessary to allow a departure from policy being made. The proposals are therefore contrary to Policy PMD6 of the Core Strategy and guidance in the NPPF in principle. Notwithstanding the in-principle harm identified above, by reason of the mass, bulk and serious incursion into open land, the proposals are also harmful to the

character and openness of the Green Belt at this point, contrary to Policy PMD6 of the Core Strategy and criteria within the NPPF.

- 2 Policy PMD2 of the Thurrock Local Development Framework Core Strategy requires all design proposals to 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.

Policy CSTP22 of the Thurrock Local Development Framework Core Strategy indicates that development proposals must demonstrate high quality design founded on a thorough understanding of, and positive response to, the local context.

Section 7 of the NPPF sets out the need for new development to deliver good design. Paragraph 57 specifies that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Paragraph 61 states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic consideration.

The application site is within a fenland landscape which is typified by long open views, with a sparse settlement pattern. The proposed buildings would be located close to the site boundaries and a public right of way; with proposal to enclose and screen them with fencing. Given the nature of the surrounding landscape it would be difficult to mitigate adverse visual effects. The proposal is visually significant and detrimental to visual amenity and the openness character of the area. The proposal would therefore by reason of its location, layout and design be poorly related to the prevailing character of the area and site and would be contrary to Policies PMD2, CSTP22 of the Core Strategy and the criteria of the NPPF.

- 3 Policy PMD15 of the Thurrock Local Development Framework Core Strategy requires that development proposals subject to the Exceptions Test in Thurrock must show that the following criteria have been met (in addition to FRA requirements outlined in the NPPF and associated Planning Practice Guidance): In addressing that part of the Exception Test requiring demonstration that the development provides wider sustainability benefits to the community that outweigh flood risk, reference should be made to the main assessment criteria outlined in the Thurrock Sustainability Appraisal and any opportunities to reduce the overall flood risk posed to the community, including schemes to make space for water.

Paragraph 102 of the NPPF sets out that for an Exception Test to be passed it must be demonstrated

- that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared and;
- a site-specific flood risk assessment must demonstrate that the development will

be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Both these elements of the test will have to be passed for development to be allocated. However, in this case, the proposed new dwelling and garage fails the first test in providing wider sustainability benefits, as informed by the Strategic Flood Risk Assessment.

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

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

- 1 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.

