

Planning Committee 02 December 2021 (28 October 2021 – Appendix 1)	Application Reference: 21/00304/FUL
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Reference: 21/00304/FUL	Site: Land Rear Of Ewen House High Road Fobbing Essex
Ward: Corringham And Fobbing	Proposal: Two single storey detached dwellings for people over the age of 55 on land to the rear of Ewen House with a traffic light system and an extended width of dropped kerb to the High Road with minor alterations to Ewen House (external chimney changed to internal and bin store)

Plan Number(s):		
Reference	Name	Received
PSLP1:500S(VS) C	Proposed Site Layout	23 August 2021
F3PGF/01	Fibonacci 3 Proposed Ground Floor Plan	23 February 2021
F3PE(PV&HP)02	Fibonacci 3 Proposed Elevations (PV & HP)	23 February 2021
F3(S)1:100S	Fibonacci 3 (Spirals) 1:100 Scale	23 February 2021
PSCi.C1:1250S	Proposed Landscape Section inc. Contours	20 May 2021
PSLP.C1:1250S	Proposed Site Location Plan inc. Contours	1 June 2021
11-13/1/A	Existing Plans – Ewen House	23 February 2021
11-13/1/C	Proposed Plans – Ewen House	16 August 2021
110-1.A.TL 100/210	Traffic Light	16 August 2021
(No Nos.)	Location Plan	8 March 2021

<p>The application is also accompanied by:</p> <ul style="list-style-type: none"> - Air Source Heat Pump specifications - Design and Access Statement - Drone Footage - Fibonacci Spirals (various) - Heritage Statement - House of Commons, Communities and Local Government Committee Housing for older People, Second Report of Session 2017–19 and Government Response
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<ul style="list-style-type: none"> - Solar Panels specifications - Vehicle Charging Point specifications - Very Special Circumstances 	
Applicant: Mr Ricky Jeffs	Validated: 8 March 2021 Date of expiry: 1 November 2021 (Extension of time agreed with applicant)
Recommendation: Refuse	

This application is scheduled for determination by the Council's Planning Committee because it has been called in by Cllrs G Rice, V Holloway, L Worrall, C Kent and S Shinnick (in accordance with the Constitution Chapter 5, Part 3 (b), 2.1 (d) (ii)) to examine Green Belt issues.

1.0 DESCRIPTION OF PROPOSAL

1.1 The application seeks planning permission for two single storey residential properties (for over 55 year olds) in a backland development arrangement, situated to the rear of Ewen House on the High Road Fobbing. The development would be accessed along a long, thin access alongside Ewen House. The application also seeks minor alterations to Ewen House itself.

2.0 SITE DESCRIPTION

2.1 The main part of the application site is to the rear of Ewen House in Fobbing but the site also includes the main house, as some minor changes are proposed to the dwelling, and an access route to the side of the dwelling. Only part of the garden area of the dwelling is included within the application site. The rear part of the application site appears to have been used for purposes akin to a builders storage yard. There are presently some buildings, shelters and equipment at the site. The site is within Fobbing Conservation Area and the Green Belt.

3.0 RELEVANT HISTORY

Application Reference	Description of Proposal	Decision

20/00327/HHA	First floor rear extension and addition of obscured glass to balcony area.	Approved
18/01838/OUT	Outline planning permission with all matters (except for layout) reserved for demolition and removal of all buildings and hardstanding on site and construction of 4 detached single storey dwellinghouses with associated parking, landscaping and fencing on land to the rear of Ewen House	Refusal
18/01814/CLOPUD	New storage building for B8 use (warehousing) on land to the rear of Ewen House under Part 7, Class H of the Town and Country Planning (General Permitted Development) (England) Order 2015	Refused
16/00100/HHA	Dormer to front elevation	Approved
13/01181/HHA	Formation of two front dormers and insertion of a conservation roof light to front roof slope.	Approved
11/00680/HHA	Erection of greenhouse	Approved
09/00382/FUL	Use of existing flat roof over ground floor extension as a balcony and erection of screen fencing on northwest and southeast elevations.	Approved
01/01270/FUL	Demolition of existing buildings and erection of 2 no. detached houses with detached garages	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. There were 19 comments received, there were 12 comments of support and 7 of objection.

4.3 The matters raised in support are summarised as:

- Homes for neglected sector of the community/benefit to the community;
- No impact to the surroundings;
- Create local jobs
- Preferable to current use

4.4 The matters raised in objection are summarised as:

- Highways – access and safety
- Effect on conservation area and listed building
- Harm to wildlife

4.5 ARCHAEOLOGY:

Recommend conditions in regard to trial trenching and excavation.

4.6 HIGHWAYS:

Object due to access, recommend refusal.

4.7 HISTORIC BUILDINGS:

Object over the effect to the conservation area and listed church opposite, recommend refusal.

4.8 LANDSCAPE AND ECOLOGY:

No objection, subject to landscaping condition and RAMS payment.

5.0 POLICY CONTEXT

National Planning Guidance

National Planning Policy Framework (NPPF)

- 5.1 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 date¹, 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 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.
 - 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 ...
 - 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.

5.2 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:

- 2. Achieving sustainable development
- 5. Delivering a sufficient supply of homes
- 13. Protecting Green Belt land
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

National Planning Practice Guidance (PPG)

5.3 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 subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Design: process and tools
- Determining a planning application
- Green Belt
- Historic environment
- Housing needs of different groups
- Housing: optional technical standards
- Natural Environment
- Renewable and low carbon energy
- Transport evidence bases in plan making and decision taking
- Use of Planning Conditions

Local Planning Policy

5.4 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:

OVERARCHING SUSTAINABLE DEVELOPMENT POLICY:

- OSDP1: Promotion of Sustainable Growth and Regeneration in Thurrock

SPATIAL POLICIES:

- CSSP1: Sustainable Housing and Locations
- CSSP4: Sustainable Green Belt

THEMATIC POLICIES:

- CSTP1: Strategic Housing Provision
- CSTP22: Thurrock Design
- CSTP23: Thurrock Character and Distinctiveness
- CSTP24: Heritage Assets and the Historic Environment
- CSTP26: Renewable or Low-Carbon Energy Generation

POLICIES FOR THE 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
- PMD13: Decentralised, Renewable and Low Carbon Energy Generation

5.5 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.

5.6 Thurrock Design Strategy

In March 2017 the Council launched the Thurrock Design Strategy. The Design Strategy sets out the main design principles to be used by applicants for all new development in Thurrock. The Design Strategy is a supplementary planning document (SPD), which supports policies in the adopted Core Strategy.

6.0 ASSESSMENT

6.1 The assessment below covers the following areas:

- I. Principle of development and impact upon the Green Belt
- II. Effect on Fobbing Conservation Area
- III. Access and traffic impact
- IV. Design, layout and effect to neighbouring properties
- V. Archaeology
- VI. RAMS Mitigation

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 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 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 Belt are their openness and their permanence."* Paragraph 147 states that *"inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."* At paragraph 149 the NPPF sets out a limited number of exceptions where the construction of new buildings could be acceptable. This includes the *"limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: not have a greater impact on the openness of the Green Belt than the existing development."*

6.5 Whilst part of the site can be considered to fall within the NPPF's definition of previously developed land it is currently relatively open and only occupied by single storey buildings and informal open storage. The proposal would result in a substantial increase in the built form on the site and would spread this across a wider proportion of the site. The buildings would also be of greater scale and have an increased degree of permanence when compared to the existing structures. The applicant has stated there is 300 cubic metres of built form presently at the site, which is including two caravans which definitely cannot be deemed to be buildings.

The proposal is for two houses which are 421 cubic metres each, so a total of 842 cubic metres of built form is proposed. In addition to the buildings themselves, the residential paraphernalia associated with the construction of dwellings such as fences and areas of hardstanding would result in a far more urbanised appearance than currently exists on the site. Therefore the proposals would clearly have a greater impact upon the openness of the Green Belt than the existing development. In this regard, whilst it is noted that the applicant suggests that the ground levels of the site and the surrounding area would reduce the effect of the development, this is not considered to avoid the development having an unacceptable effect on the openness of the Green Belt.

- 6.6 As a result the proposal represents inappropriate development in the Green Belt which is by definition harmful. The proposal would need to demonstrate very special circumstances which clearly outweigh the harm to openness.

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

- 6.7 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.

- 6.8 Paragraph 138 of the NPPF sets out the five purposes that the Green Belt serves, each of which is set out below along with an assessment in relation to each purpose:

- 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.

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

- 6.9 The site is located in a rural location, on the edge of the village of Fobbing. For the purposes of the NPPF, the site is considered to be outside of any 'large built up areas'. As a result the development would not result in the unrestricted sprawl of a built up area and therefore would not conflict with this purpose.

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 parts of the site which are predominantly open and undeveloped. Whilst some of the site is considered to be previously developed land (PDL) the fringes of the site, particularly to the south east are relatively devoid of built form. The boundaries also feature substantial overgrown vegetation. Although entirely within the Green Belt, the dwellings fronting High Road, Fobbing are allocated as being part of an established residential frontage. However, the land to the rear of those dwellings has a distinctly different character that represents an important wedge of countryside that separates the dwellings of High Road, Fobbing from the settlement of Corringham. The development would extend the built form of High Road, Fobbing to the rear. It is therefore considered that the proposal would constitute an encroachment of built development into the countryside as it would encroach further into the countryside than the existing development. The two single storey residential units would constitute material harm to the open character of the Green Belt. The development would consequently conflict with this purpose.

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

6.12 The site is within Fobbing Conservation Area and on land to the rear of four late twentieth and early twenty-first century properties. The area of land which is to be developed is considered highly prominent in views from the south-west due to the topography which in many ways defines the setting of the village. Developing down the side of the valley also distorts the historic settlements legibility as being established upon an area of high ground above the marshes. The development would consequently conflict with this purpose.

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. Allowing unrestricted development on land outside the urban area would conflict with the aim of directing development towards the urban area. Therefore the proposed dwellinghouses are 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 purposes c, d and e of the above listed purposes of including land in the Green Belt. Substantial weight should be afforded to the harm caused in these respects.
- 6.15 In terms of the effect on openness, the majority of the assessment that has been set out above is applicable. In this regard, it is considered appropriate to emphasise that the effect on openness is not only a reason to conclude that the development does not accord with the exceptions to what should be deemed to be inappropriate development in the Green Belt, but it is also an area of harm that both national and local planning policies stress should be found unacceptable.

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

- 6.16 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 (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 ‘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.
- 6.17 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”*.
- 6.18 The applicant has put forward the following considerations forward to demonstrate very special circumstances submitted with this application:

- a) Overall Housing Supply
- b) Previously Developed Land
- c) Lack of small bungalows in Thurrock
- d) Not harming the purposes of the Green Belt
- e) Health Benefits
- f) Sustainable Location
- g) Eco friendly
- h) Innovative internal and external design
- i) Public Revenues
- j) Local labour, commencement of work within 1 year

These are assessed below:

a) *Overall Housing Supply*

- 6.19 The applicant puts forward the need for housing within Thurrock as a consideration towards proving very special circumstances.

Consideration

- 6.20 In 2013 a written ministerial statement confirmed that the single issue of unmet housing demand was unlikely to outweigh GB harm to constitute the very special circumstances justifying inappropriate development. This position was confirmed in a further ministerial statement in 2015 and was referred to in previous iterations of NPPG. However, the latest revision of the NPPF does not include this provision and the corresponding guidance in NPPG has also been removed. Nevertheless, a recent Green Belt appeal decision (ref. APP/Q4625/W/19/3237026) referred specifically to this point and considered that “even so, unmet need on its own, is highly unlikely to amount to very special circumstances”. Accordingly the benefit of the contribution towards housing land supply would need to combine with other demonstrable benefits to comprise the very special circumstances necessary to justify inappropriate development.
- 6.21 The current proposal would, consisting of two units, be of only limited benefit in contributing towards addressing the shortfall in the supply of new housing as set

out in Core Strategy policy delivery targets and as required by the NPPF. Nonetheless, the matter of housing delivery contributes towards very special circumstances and should be afforded very significant weight in the consideration of this application. However, as noted above, this single issue on its own cannot comprise the very special circumstances to justify inappropriate development, and as such, for these circumstances to exist this factor must combine with other considerations.

b) *Previously Developed Land*

- 6.22 The applicant considers that the site representing previously developed land is a very special circumstance.

Consideration

- 6.23 In 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.”* At paragraph 149 the NPPF sets out a limited number of exceptions where the construction of new buildings could be acceptable. This includes the *“limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: not have a greater impact on the openness of the Green Belt than the existing development.”* Paragraph 119 of the NPPF also encourages the use of PDL/brownfield land but this is of substantially reduced weight in this case as the Green Belt status, alongside other issues, mean that the site is not acceptable to be utilised for residential development.
- 6.24 Whilst part of the site can be considered to fall within the NPPF's definition of previously developed land (PDL) it is currently relatively open and only occupied by single storey buildings and informal open storage. The proposal would result in a substantial increase in the built form on the site and would spread this across a wider proportion of the site. The buildings would also be of greater scale and have an increased degree of permanence when compared to the existing structures. Whilst the applicant has identified that the builders yard use of the site could be re-instated and intensified, there is no reason to consider that this is particularly likely to occur or that doing so would have a comparable effect on the Green Belt. As such, it does not represent a fallback position that justifies the use of PDL being afforded more than minimal weight.
- 6.25 In addition to the buildings themselves, the residential paraphernalia associated with the construction of dwellings such as fences and areas of hardstanding would result in a far more urbanised appearance than currently exists on the site.

6.26 Therefore, whilst the use of previously developed land can be afforded some weight, in this case it is considered that the harm arising from doing so in the manner proposed means that this benefit can only be afforded minimal weight. This is considered to align with paragraph 120 of the NPPF which states that the use of PDL within settlements should be afforded substantial weight but does not extend that support to sites within the Green Belt which are addressed under the other paragraphs set out above. Furthermore, given the extent of previously developed land that exists within Thurrock, it is not considered that the site being previously developed land is very special.

c) *Lack of small bungalows in Thurrock*

6.27 The applicant has put forward the lack of small bungalows as a consideration towards VSCs.

Consideration

6.28 There is no evidence that these houses are specifically required for people within Fobbing. There is no substantive evidence that the dwellings would meet local community needs. The location is within a village with limited facilities and accessed down a considerable access way which is not considered ideal for older people's housing. Specialist older person's accommodation would usually have shared facilities for residents use, alarm systems or a warden service or manager service to assist residents. The proposal has none of these and the units are standard residential properties.

6.29 The principle of increasing the supply of housing for the elderly is recognised but for the Borough's specific needs to be met such accommodation would need to be suitable in all respects. Whilst it is noted that the applicant has provided some details of the number of retirement properties and two bedroom bungalows that are available to buy within the Thurrock area, it is not considered that this is conclusive evidence of supply or demand such that this demonstrates conclusively that there is a shortfall. This evidence also shows no regard to the potential increase of supply of similar housing within the locality including that which has been approved at 40 High Road Fobbing, under the terms of application 20/01051/FUL, which might go some way to meeting any need for such accommodation within this locality. The evidence of the applicant in relation to the need or demand for housing for the elderly is also considered to be based on substantial generalisations that do not have a footing in planning policy. Additionally, there is nothing provided within the application which makes the proposal unique to the needs of older people. The

properties are standard dwellings and they would meet Part M of the building regulations (ease of access). Therefore, only limited weight can be afforded to this consideration towards very special circumstances.

d) *Not harming the purposes of the Green Belt*

- 6.30 The applicant considers the proposal does not harm the purposes of the Green Belt is a consideration towards VSCs.

Consideration

- 6.31 Paragraphs 6.7 to 6.15 above review the harm to the purposes of the Green Belt and the openness of the Green Belt. It is considered that the proposals would be contrary to purposes c, d and e of the above listed purposes of including land in the Green Belt. Therefore, no weight can be afforded to not harming the purposes of the Green Belt. Even if it were deemed that the proposal was acceptable in any of these respects, it is a fundamental expectation that development should be acceptable and, therefore, this would not be a very special circumstance.

e) *Health Benefits*

- 6.32 The applicant states that the proposal would lead to health benefits as the bungalows would ensure older people do not have accidents in their homes.

Consideration

- 6.33 The applicant considers bungalow living would ensure older people do not have accidents in their homes. No evidence has been presented by the applicant to demonstrate that living in a bungalow would ensure there are no accidents in the home. It is probable to consider some accidents would occur on stairs, but many do not. Therefore, no weight can be afforded to this consideration towards very special circumstances.

f) *Sustainable Location*

- 6.34 The applicant considers the proposed dwellings are in a sustainable location.

Consideration

- 6.35 The proposal is situated to the historic centre of Fobbing and close to most of the facilities which Fobbing can offer. Nonetheless, it cannot be said that a small village is a sustainable location for older people who could have significant needs.

Additionally, the access to the properties is not suitable for older people as it is a long, narrow, access way which would also be used by vehicles. Therefore, no weight can be afforded to the location being sustainable.

g) Eco friendly

6.36 The proposal includes the following:

- solar panels
- air source heat pumps
- electric car charging points

The inclusions of such renewable energy are recommended within Chapter 14 of the NPPF that is in part tasked with meeting the challenge of climate change.

Consideration

6.37 National policies and the development plan encourage the inclusion of renewable energy. However, in many respects this is now addresses as a requirement of other legislation and going forward would be expected as a matter of course. The information provided does not provide a detailed evidence base to demonstrate the uplift from Building Regulations. Therefore, this can only be afforded minimal weight towards VSCs.

h) Innovative internal and external design

6.38 The applicant states they consider the proposal offers a high-quality innovative design shaped around the circumstances of the site. They conclude the development meets HAPPI Standards (Housing our Ageing Population Panel for Innovation).

Consideration

6.39 The proposal is for single storey residential properties, the applicant specifies what they believe is *innovative* about the proposal. However, there does not seem to be any offering which is inventive or ground-breaking within the layout or design. This is particularly the case in relation to the external design given that the buildings represent timber clad rectangular shaped houses with pitched roofs and, as such, are not innovative and neither are they of any particular visual interest in architectural terms. In this regard, whilst the applicant has suggested that the

building has suggested that the building would be innovative, it has also been stated that the buildings would take the form of a typical Essex/Suffolk barn which, by definition, is not innovative. Therefore, this factor cannot be afforded any weight towards very special circumstances.

i) Public Revenues

6.40 The applicant states the proposal would contribute to the public purse through Capital Gains Tax.

Consideration

6.41 Capital Gains Tax is a national tax and whilst it is accepted the applicant would pay this, it does not aid the case for why the development should be allowed within Green Belt. Therefore, public revenues is afforded no weight towards VSCs.

j) Local labour, commencement of work within 1 year

6.42 The applicant states they would accept conditions/legal agreement to start the development within one year and agree to use local builders and tradespeople for the scheme. This would therefore lead to economic benefits. Additionally, they state the development would be occupied by local people.

Consideration

6.43 The sentiment of this approach is appreciated, but the practicality of such a condition or agreement to use only local workforce is considered to be unreasonable and unenforceable. In terms of a quick start on site, government guidance states the standard time limit condition of commencement within 3 years should not be amended. Therefore, no weight can be attributed towards this as a VSC.

6.44 A summary of the weight which has been placed on the various Green Belt considerations is provided below;

Summary of Green Belt Harm and Very Special Circumstances			
Harm	Weight	Factors Promoted as Very Special Circumstances	Weight
Inappropriate development	Substantial	a) Overall Housing Supply	Very significant

Reduction in the openness of the Green Belt		weight
Conflict (to varying degrees) with a number of the purposes of including land in the Green Belt – purposes c and e.	b) Previously Developed Land	Minimal weight
	c) Lack of small bungalows in Thurrock	Limited weight
	d) Not harming the purposes of the Green Belt	No weight
	e) Health Benefits	No weight
	f) Sustainable Location	No weight
	g) Eco friendly	Limited weight
	h) Innovative internal and external design	No weight
	i) Public Revenues	No weight
	j) Local labour, commencement of work within 1 year	No weight

6.45 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 both inappropriate development and loss of openness. However, this is not considered to be the full extent of the harm; the other harm is considered further in this report. 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 combines at this location to comprise ‘very special circumstances’.

- 6.46 Where a proposal represents inappropriate development the applicant must demonstrate very special circumstances which clearly outweigh the harm to the Green Belt. In this instance it is considered that the applicant has not advanced factors which would amount to very special circumstances that could overcome the harm that would result by way of inappropriateness and the other harm identified in the assessment. There are no planning conditions which could be used to make the proposal acceptable in planning terms. The proposal is clearly contrary to policies CSSP4 and PMD6 of the adopted Core Strategy and the National Planning Policy Framework.
- 6.47 The application also includes some elements to the main house. The change of the chimney from external to internal would not have any effect to the Green Belt. There has been no details submitted in terms of the bin store, so the Council cannot make a full judgement on this but it is considered that this type of structure would be unlikely to be unacceptable in the context of the other developments proposed. The applicant decided to add a traffic light system to the main house to try to overcome access issues, this is assessed within the next section.

II. EFFECT ON FOBBING CONSERVATION AREA

- 6.48 The NPPF encourages the conservation and enjoyment of the historic environment. It highlights the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness. It also opines that features of historic, architectural or social interest, once lost, cannot be retrieved. Thus it is essential that any works which affect the significance of the asset must be fully justified.
- 6.49 Policy PMD4 of the Thurrock Local Development Framework relates to the historic environment and states that The Council will ensure that the fabric and setting of heritage assets, including Listed Buildings are appropriately protected and enhanced and applications must demonstrate that they contribute positively to the special qualities and local distinctiveness of Thurrock through compliance with local heritage guidance.
- 6.50 The Council's Historic Buildings Advisor has advised that the adopted 2007 Character Appraisal identifies this land as part of a wider significant open space. There are a number of Public Right of Ways to the south west – most notably Footpath 22 and 24 – which allow for open views across the shallow valley towards the settlement and notably also the Grade I listed Church of St Michael (HE Ref: 1146807).

- 6.51 In its current condition, the site does not contribute positively to the landscape setting of the settlement, but the erection of dwellings on this land is not considered a favourable or proportionate solution to this problem. The area of land which is to be developed is considered highly prominent in views from the south-west due to the topography which in many ways defines the setting of the village. Developing down the side of the valley also distorts the historic settlements legibility as being established upon an area of high ground above the marshes. It has also been advised that the proposal would not preserve the setting of the Grade I listed Church of St Michael, and the Fobbing Conservation Area. This harm has been confirmed as less than substantial by the Council's Historic Building Advisor.
- 6.52 Within Chapter 16 of the NPPF it states that where a proposal will lead to less than substantial harm to a designated heritage asset this harm should be weighed against the public benefit of the proposal. , It is not considered the proposal promotes high quality and considered design that respects the local character of the area. Therefore, the proposal would result in less than substantial harm to the character of the Conservation Area and the setting of the Listed Building which can be afforded very significant weight, particularly as the Planning (Listed Building and Conservation Areas) Act 1990 states that the Council must pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area and have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses..
- 6.53 Even having regard to the public benefits of the proposal that have been advanced by the applicant as very special circumstances, affording these factors similar weight as set out before, it is not considered that these public benefits outweigh the less than substantial harm that would be caused to heritage assets. Accordingly, the development would be contrary to the requirements of the NPPF and policy PMD4 of the Core Strategy.

III. ACCESS, AND TRAFFIC IMPACT

- 6.54 The proposal would utilise a narrow access road 60m in length which runs adjacent to the existing dwelling. The applicant has submitted numerous amendments to the initial plan to try to satisfy the requirements of the Council's Highways Officer. The proposal now incorporates a widened section in what is presently the rear garden of Ewen House alongside a traffic light system to ensure safety for vehicles and pedestrians. This over engineered solution for two properties is considered unworkable and unsafe. This is also considered to substantially detract from the semi-rural character of the locality and the setting of a Grade I listed building by introducing traffic lights that would contribute to the area having an entirely different

character that is of a much more urban nature.

- 6.55 The concerns raised by the Council's Highways Officer are numerous and have not been satisfactorily addressed by the applicant. In particular it remains the concern of the specialist advisors that the access would not be adequate to serve the existing and proposed dwelling with it being unclear why the applicant has utilised unconventional practices in demonstrating the visibility at the point of access on to High Road, Fobbing.
- 6.56 Moreover, inadequate details of a potential crash barrier alongside the boundary with Vine Lodge have been provided and it is a concern that this would reduce the width of the access. Furthermore, there is not confidence that the site would be accessible to emergency vehicles or deliveries and it is a concern that, the intensification of the use of the driveway could result in vehicles having to reverse out onto the highway if there is a conflict between vehicles entering and leaving the site. The collection of refuse may also be problematic as refuse vehicles may not be able to enter the site and, whilst a refuse collection point is shown on the plans, this would be distant from both the houses and the road and would therefore be undesirable.
- 6.57 Whilst the applicant has provided some details to show that the existing access is able to be used by commercial vehicles and that it would be physically possible for emergency vehicles to reach the rear of the site, this does not amount to a full swept path analysis which has been sought by the specialist advisors and is considered to be necessary to demonstrate that the access would be adequate. Therefore, it is considered that there are a number of uncertainties within the submissions and, as such, it has not been demonstrated that the access is adequate for the development proposed.
- 6.58 It is therefore considered that the proposal would provide an unsuitable access that is likely to be prejudicial to highway safety, contrary to the requirements of PMD9 of the Core Strategy and the NPPF.

IV. DESIGN, LAYOUT AND EFFECT ON NEIGHBOURING PROPERTIES

- 6.59 The NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

- 6.60 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.
- 6.61 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.
- 6.62 Policy CSTP23 of the Core Strategy states the Council will protect, manage and enhance the character of Thurrock to ensure improved quality and strengthened sense of place.
- 6.63 The dwellings within the immediate vicinity of the site are mostly two storey, being of varied scale and appearance, but having a distinctly residential appearance that creates a pleasant residential environment whereby the dwellings are of conventional appearance. Brick and render is the dominant treatment of the elevations of the dwellings facing High Road, Fobbing. Conversely, the dwellings proposed by this application would take the form of two separate timber clad buildings that are single storey and of very basic appearance. Although there are some single storey buildings in the surrounding area, these are set in relatively informal layouts. The proposed dwellings would be single storey in scale and would extend in a formal layout towards the rear of the site.
- 6.64 The proposed dwellings appear to show no regard to the scale, form or appearance of the other dwellings that surround the site and as such are neither sympathetic to local character nor of sufficient visual or architectural interest to be considered to represent high quality design. The backland arrangement of the development would also be at odds with the pattern of development within the immediate locality and would detract from the character and appearance of the area, particularly as the undeveloped land at the rear of the site is considered to be an important feature in terms of defining the extent of Fobbing and views from the south west. Given the above the proposal would result in a significant adverse impact upon the generally open character of this area contrary to policies CSTP22, CSTP23 and PMD2 of the Core Strategy and the requirements of the NPPF.
- 6.65 The actual appearance of the buildings with the design of the facades is concerning, as they appear almost utilitarian. From the Design and Access Statement it appears the applicant is proposing a modern appearance. Presently, the details of how the design shown on the plans could be interpreted to create an attractive modern building are not clear. Whilst the use of materials and the scale of the building may help the dwellings to appear subservient to the dwellings of

High Road, Fobbing, and have a form that is akin to the outbuilding building at Prior Cottage that has been identified by the applicant, it is considered that this is not adequate grounds to find the proposed dwellings visually acceptable in this location.

- 6.66 With regards to neighbouring amenity the proposed dwellings would be located away from the nearest residential neighbours. In addition, the dwellings would be single storey in scale. The relationship with neighbouring dwellings would ensure that there would not be a significant loss of light, overbearing impact or loss of privacy to neighbouring properties.
- 6.67 The applicant has proposed an acoustic fence within the plans. The details of this have not been provided and it is a concern that this further complicates the issues with the width of the accessway. However, given that the proposal relates to two additional residential properties it is not considered that the noise arising from vehicle movements would be such that the noise impact on neighbouring residents would be at a level that would justify the refusal of the application.
- 6.68 With regards to the amenity of future occupiers there would be sufficient space to provide suitable light and outlook to habitable rooms. The rear gardens would be of sufficient size to provide suitable amenity for future occupiers.
- 6.69 In terms of the proposed changes to the main house, the repositioning of the chimney to internally within the property is acceptable and would not lead to any issues with design. The details of the bin area have not been received and so cannot be assessed but it is considered that it would be possible to address this matter through the imposition of a condition if necessary.
- 6.70 As noted above, the amenity of both existing and the prospective residents in terms of loss of light, overbearing impact or loss of privacy to neighbouring properties is considered acceptable. Nevertheless, there are significant concerns regarding the layout of the buildings and detailed design of the dwellings. Therefore, the proposal is considered contrary to the NPPF and policies PMD2, CSTP22 and CSTP23 of the Core Strategy.

V. ARCHAEOLOGY

- 6.72 The Historic Environment Record shows the proposed development lies within an area of known archaeological deposits. The proposed development sits within the historic settlement area of Fobbing. This settlement was an important settlement in the medieval period located on the edge of the Thames. Cartographic evidence indicates potentially earlier buildings within the development area during the post

medieval period. The Council's Archaeology Advisor has confirmed that should the application be approved conditions regarding archaeological investigation schemes would need to be submitted before any works at the site.

VI. RAMS MITIGATION

- 6.73 The site is within the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) zone of influence and therefore it would be necessary for the local planning authority to secure a contribution towards mitigation of the effects of recreational disturbance on Thames Estuary and Marshes SPA. In the event that the application were being recommended favourably, such a contribution could be secured via an appropriate legal agreement.

7.0 CONCLUSIONS AND REASONS FOR REFUSAL

- 7.1 The proposed development is sited within the Green Belt and would not fall within one of the exceptions to inappropriate development as set out in the NPPF. Therefore it would result in inappropriate development in the Green Belt which is by definition harmful. The proposal would also introduce significant built form into an area which is currently open and has limited built form. Therefore, the development would encroach upon the openness of the Green Belt resulting in actual harm to openness. The applicant has not advanced any circumstances that, even when considered cumulatively, would amount to very special circumstances that could overcome the strong presumption against this type of proposal and the harm that has been identified. The development is therefore contrary to policy PMD6 of the Core Strategy and guidance contained in the NPPF.
- 7.2 The proposal is also deemed to negatively affect Fobbing Conservation Area, the setting of a Grade I listed building and the general character of the area. The proposed layout has failed to demonstrate that suitable access and parking can be provided for the site. The scale of the development and the formal layout would result in an urbanising appearance that would be out of character to the rear of properties along High Road. Additionally, the detailed design of these properties would appear incongruous in the context of the surrounding area and would not represent high quality design. Therefore, the proposal is contrary to policies CSTP22, CSTP23 and PMD2 of the Core Strategy and the requirements of the NPPF. Furthermore, it has not been demonstrated that the access to the dwellings would be adequate and safe and, therefore, it has not been shown that the proposal would accord with Policy PMD9 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the NPPF.

8.0 RECOMMENDATION

8.1 Refuse planning permission for the following reasons:

- 1 The proposal represents an inappropriate form of development within the Green Belt which is, by definition, harmful. The proposal would introduce significant built form into an area which is currently open resulting in actual harm to openness and would conflict with the purposes of including land within the Green Belt. The very special circumstances put forward by the applicant would not clearly outweigh the harm to the Green Belt. Therefore the proposal would be contrary to policy PMD6 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015] and the requirements of the National Planning Policy Framework 2021.
- 2 The proposed dwellinghouses, by reason of their siting, mass and bulk would result in harm to Fobbing Conservation Area due to the highly prominent in views from the south-west due to the topography which defines the setting of the village and would also detract from the setting of a Grade I listed building. The development is therefore contrary to policy PMD4 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015] and the requirements of the National Planning Policy Framework 2021.
- 3 The proposed development, by reason of its layout and the introduction of a significant level of built form into the generally open area to the rear of properties on High Road would result in a density of development and urban appearance significantly out of character for the area. Furthermore, the proposed buildings would show little regard to the character and appearance of the built form of the surrounding area. Therefore the proposal would have a significant adverse impact upon the generally open character of this area and not represent high quality design that is sympathetic to local character. The development is, therefore, unacceptable and contrary to policies CSTP22, CSTP23 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015] and the requirements of the National Planning Policy Framework 2021.
- 4 The intensification of the existing access to the site would be unacceptable due to its length and width and would provide an unsuitable access that is likely to be prejudicial to highway safety contrary to the requirements of Policy PMD9 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Informative

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

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing with the Applicant/Agent. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

www.thurrock.gov.uk/planning

