

Reference: 22/01074/FUL	Site: Land Adjoining Fobbing Acres And Mill Lane Fobbing Essex
Ward: Corringham And Fobbing	Proposal: Change of use of land to a gypsy and traveller caravan site consisting of a 1 no. pitch and associated development

Plan Number(s):		
Reference	Name	Received
3893-07-1	Proposed Plans	26th July 2022
3893-07-2	Existing Plans	26th July 2022
3893-07-3	Site Layout	26th July 2022
3893-07-4	Location Plan	26th July 2022

The application is also accompanied by: <ul style="list-style-type: none"> - Application form - Supporting personal details - Copy of appeal decision for application ref. 11/00010/FUL, The Paddock, Parkgate Road, Corringham 	
Applicant: Mr W Ray	Validated: 21 September 2022 Date of expiry: 5 th December (Agreed Extension of Time)
Recommendation: To Refuse	

This application is scheduled for determination by the Council's Planning Committee because it has been called in by Councillors Arnold, Hebb, Duffin, Snell, and Anderson in order to consider the impact upon the local area and neighbouring residents.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 This application seeks planning permission for use of land as a residential gypsy/traveller site, and for associated operational development comprising the stationing of a static caravan and formation of a gravel driveway.
- 1.2 The proposed static caravan would be of a standard scale and design, with a rectangular footprint measuring 14.5m wide x 4.6m deep and a shallow pitched roof. It would feature a brick base and composite walls, and internally it would provide two bedrooms, bathroom, and open-plan living accommodation. The caravan would be sited towards the eastern end of the site, set back from the Mill

Lane boundary, on an existing concrete pad. The existing site access in the north-eastern corner of the plot would be used, and a gravel driveway formed to provide access to the caravan.

- 1.3 An existing stable building situated along the southern site boundary would be retained.

1.1 SITE DESCRIPTION

- 1.2 The application site comprises a rectangular parcel of land on the western side of Mill Lane, situated between Fobbing and Corringham. The plot measures approximately 50m wide x 100m deep and comprises grazing paddock largely enclosed by established, mature boundary planting. A rectangular concrete pad sits towards the eastern end of the site and serves as a base for a touring caravan; both of which are unauthorised development. There is a small area of general open storage along the northern site boundary containing a small touring caravan and other general items.

- 1.3 The area is generally rural in character. Mill Lane is an unmade road with a handful of houses spread unevenly along its length. There are numerous parcels of land along the lane clearly divided by hedgerows/boundary planting; these vary in size but are generally rectangular in shape.

- 1.4 The site lies within the Green Belt; outside of any defined flood risk zone; outside of any nitrate zone; and is classified as agricultural land grade 3 (moderate value). Land opposite the site, on the eastern side of Mill Lane, is classified as a Biodiversity Site of Local Interest. Mill Lane is a designated Public Right of Way (ref. footpath 23).

1.5 RELEVANT PLANNING HISTORY

- 1.4 The following are relevant to the current application:

Application ref	Description of Proposal	Decision
07/01019/OUT	Proposed bungalow and detached garage.	Refused
62/00704/FUL	Stationing of 10 caravans for weekends and holidays.	Refused
60/00660/FUL	Erection of a bungalow.	Refused

1.6 CONSULTATION AND REPRESENTATIONS

- 1.5 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 The application has been advertised by way of individual neighbour notification letters and a site notice. Thirteen (13) letters of objection have been received in response, raising the following summarised comments:

- Highway safety and amenity impacts from additional traffic;
- Out of character with area and impact on Green Belt;
- Erosion of countryside;
- Loss of trees;
- Ecological impact to protected species;
- Impact on residential amenity;
- Inadequate local water pressure to support additional dwellings;
- Inadequate local drainage;
- Impact upon users of the public footpath;
- Inadequate waste services;
- Will lead to pressure for additional caravans;
- Additional pollution.

The potential impact of the development upon local property values has also been raised but is not a material planning consideration.

HIGHWAYS:

4.3 No objection.

WASTE COLLECTION:

4.4 No objection.

PUBLIC RIGHTS OF WAY OFFICER:

4.5 No objection, advice offered in rights of way.

1.7 POLICY CONTEXT

National Planning Policy Framework (NPPF)

5.1 The NPPF was published on 27th March 2012 with the most recent revision taking place on 20th 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 proposed²; 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.

- ¹ 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 ...
- ² The policies referred to are those in this Framework relating to: habitats sites and/or SSSIs, land designated as Green Belt, Local Green Space, AONBs, National Parks, Heritage Coast, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change.

The NPPF sets out the Government's planning policies. Paragraph 2 of the NPPF confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. The following chapter headings and content of the NPPF are particularly relevant to the consideration of the current proposals:

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

Planning Policy for Traveller Sites (PPTS)

- 5.2 The PPTS was originally published in March 2012 but it was re-issued in August 2015 with minor changes. Its main aims are set out in paragraphs 3 and 4:

"The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.

To help achieve this, Government's aims in respect of traveller sites are:

- a. that local planning authorities should make their own assessment of need for the purposes of planning*
- b. to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites*
- c. to encourage local planning authorities to plan for sites over a reasonable timescale*
- d. that plan-making and decision-taking should protect Green Belt from inappropriate development*
- e. to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites*
- f. that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more*

effective

g. for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies

h. to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply

i. to reduce tensions between settled and traveller communities in plan-making and planning decisions

j. to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure

k. for local planning authorities to have due regard to the protection of local amenity and local environment.”

5.3 In terms of plan making the PPTS advice is, at para 13, that:

“Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Local planning authorities should, therefore, ensure that their policies:

a) promote peaceful and integrated co-existence between the site and the local community

b) promote, in collaboration with commissioners of health services, access to appropriate health services

c) ensure that children can attend school on a regular basis

d) provide a settled base that reduces the need for long-distance travelling and possible environmental damage caused by unauthorised encampment

e) provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development

f) avoid placing undue pressure on local infrastructure and services

g) do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans

h) reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability.”

5.4 With regard to sites within the Green Belt paragraphs 16 and 17 state:

16. Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

17. Green Belt boundaries should be altered only in exceptional circumstances. If a local planning authority wishes to make an exceptional, limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a traveller site, it should do so only through the plan making

process and not in response to a planning application. If land is removed from the Green Belt in this way, it should be specifically allocated in the development plan as a traveller site only.

5.5 In relation to the determination of planning applications the PPTS states, at paragraphs 23 to 27 that:

“23. Applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the National Planning Policy Framework and this planning policy for traveller sites.

24. Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- a) the existing level of local provision and need for sites*
- b) the availability (or lack) of alternative accommodation for the applicants*
- c) other personal circumstances of the applicant*
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites*
- e) that they should determine applications for sites from any travellers and not just those with local connections”*

25. Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure. [The Council notes that the word “very” was added to this paragraph in the 2015 re-issue of PPTS.]

26. When considering applications, local planning authorities should attach weight to the following matters:

- a) effective use of previously developed (brownfield), untidy or derelict land*
- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness*
- c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children*
- d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community*

27. If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary permission. The exception to this is where the proposal is

on land designated as Green Belt; sites protected under the Birds and Habitats Directives and / or sites designated as Sites of Special Scientific Interest; Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park (or the Broads).”

Written Ministerial Statement December 2015

- 5.6 The Minister of State for Housing and Planning, in December 2015, made it clear that intentional unauthorised development should, for applications made since August 2015, amount to a material planning consideration.

Five Year Gypsy & Traveller Supply Position

- 5.7 The Council has undertaken a number of assessments and studies which are being used to develop the new Local Plan, including Gypsy and Traveller Accommodation Assessment (GTAA) and Green Belt Assessments. The housing needs for Gypsies, Travellers and Travelling Showpeople have been robustly assessed through the GTAA in accordance with national policy.
- 5.8 In terms of meeting need, since the 2016 baseline assessment of the current GTAA (of 2018), two pitches have been approved and developed at land adjacent to Astons Villa, Brentwood Road, Bulphan and five pitches at Beauchamp Place, Malvern Road, Grays. Taking into account these seven consented pitches, this leaves a need for site(s) to provide for eight pitches for the period 2021-26, comprising one pitch for households that meet the planning definition plus up to seven pitches (25% of unknown households) for the five-year period including 2021.
- 5.9 Thurrock Council does not currently have an identified supply of sites to meet an ongoing five-year supply of Gypsy and Traveller sites or the overall requirement identified in the GTAA to 2033.
- 5.10 The Council has commissioned a review of the Thurrock GTAA to inform the preparation of the emerging New Borough Local Plan that assesses need up to 2040. An additional study to assess sites suitable to meet GTAA is also being prepared. The assessment of sites will consider a mixture of potential sources of supply including regulating possible suitable unauthorised sites, the potential to expand existing sites, as well as the assessment of potential new sites in acceptable locations. Both studies are due to be completed in early 2023 and will provide a solid position for the Council to determine applications for Gypsy and Traveller sites going forward.

National Planning Policy Guidance

- 5.11 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. The NPPG contains a range of subject areas, with each area containing

several subtopics. Those of particular relevance to the determination of this planning application include:

- Consultation and pre-decision matters
- Design: process and tools
- Determining a planning application
- Effective use of land
- Fees for planning applications
- Housing needs of different groups
- Making an application
- Use of Planning Conditions

Local Planning Policy Thurrock Local Development Framework (2015)

- 5.12 The statutory development plan for Thurrock is the 'Core Strategy and Policies for Management of Development (as amended)' which was adopted in 2015. The Policies Map accompanying the Core Strategy allocates this site as a land without notation where broadly the same or similar uses would remain. As the site and the immediately surrounding area is residential it would be acceptable for the site to be used residential purposes. The following adopted Core Strategy policies are relevant to the consideration of this application:

OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

- OSDP1 (Promotion of Sustainable Growth and Regeneration in Thurrock)

SPATIAL POLICIES

- CSSP4 (Sustainable Green Belt)
- CSTP3 (Gypsies and Travellers)
- CSTP15 (Transport in Greater Thurrock)
- CSTP19 (Biodiversity)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)

POLICIES FOR THE MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising pollution and impacts on amenity)
- PMD2 (Design and Layout)
- PMD6 (Development in the Green Belt)
- PMD7 (Biodiversity, Geological Conservation and Development)
- PMD8 (Parking standards)
- PMD9 (Road network hierarchy)

5.13 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.

1.8 ASSESSMENT

1.6 The principal material considerations for this application are:

- I. Gypsy/Traveller status of the applicants
- II. Principle of development and impact on Green Belt
- III. GTAA need and supply
- IV. Existing living conditions and Human Rights of the applicants
- V. Best interest of the children
- VI. Temporary planning permission
- VII. Residential amenity
- VIII. Visual amenity
- IX. Ecology
- X. Highways and parking
- XI. Other
- XII. Planning balance

I. GYPSY/TRAVELLER STATUS OF THE APPLICANTS

1.7 In support of the proposals the applicant has submitted a statement setting out that he, his father, and grandfather (all of the same name) are travellers. He also sets out that his wife is from another traveller family. The Council's Traveller Welfare officer is familiar with the applicant's wife and has confirmed that she comes from a local family who are long-term residents on an authority site within Thurrock. Officers have also confirmed business records for the applicant which indicate that he has established connections to the local area (business is currently registered in Basildon, and previously in Wickford).

1.8 The applicant has also set out that their two children attend local primary and nursery schools.

1.9 Officers are therefore satisfied that the applicant and his family are Travellers in accordance with the PPTS definition.

II. PRINCIPLE OF DEVELOPMENT AND IMPACT ON GREEN BELT

1.10 The application site is an unallocated parcel of grazing land within the Green Belt. As indicated in the policy section above the PPTS makes it clear that the formation of new residential caravan sites within the Green Belt is inappropriate and harmful development and should not be approved other than in very special circumstances. PPTS para. 16 clarifies that personal circumstances other than the best interests of children are not "very special circumstances" that would give weight to such

development, and the onus is on the applicant to demonstrate that circumstances exist to overcome the intrinsic harm caused to the Green Belt by the intrusion of new development.

- 1.11 The NPPF does not provide guidance as to what can be considered “very special circumstances” either singly or in combination. Some interpretation the matter has been provided by the Courts and this includes that 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. However, the demonstration of very special circumstances is a ‘high’ test and the circumstances which are relied upon must be genuinely ‘very special’. The circumstances of the applicant are explored below but – to summarise – officers do not consider they amount to very special circumstances that override the duty to protect the Green Belt.
- 1.12 NPPF para. 137 sets out that the “*fundamental*” aim of Green Belt policy is to prevent urban sprawl by keeping land “*permanently*” open, while para. 148 sets out a series of limited exceptional forms of development which may be acceptable in some circumstances – the current application does not fall into any of the cited exceptions and consequently comprises inappropriate development with reference to the NPPF.
- 1.13 The essential characteristics of the Green Belt are its openness and permanence. It has been established that openness has both a spatial and visual aspect, the former being taken to mean the absence of built form. The NPPG acknowledges this approach and further guides that “*duration and remediability*” and “*the degree of activity likely to be generated*” are also relevant considerations when assessing openness.
- 1.14 The site is a large parcel of land immediately adjacent to a Public Right of Way (PRoW), from which it is and would be visible. The application proposes that the site will be occupied by a single static caravan and driveway, but it is reasonable to assume there will also be associated elements of residential use such as parked vehicles, garden equipment, play equipment, etc. While there is an existing concrete pad on the site (and touring caravan, for which there is currently no permission) this is a low-key structure and does not cause serious intrusion or visual harm.
- 1.15 Change of use to introduce a static caravan, driveway, and associated trappings of residential use would intrude upon and seriously diminish the permanent openness of the site and the Green Belt at this location. It would introduce built form and associated development in a manner contrary to the generally unspoiled nature of the area and harmful to visual amenity. Views from the adjacent PRoW would also be affected and enable wider public views of the site against the otherwise green and open Green Belt character in a manner harmful thereto.
- 1.16 No justification has been advanced to demonstrate that the applicant would be subject to any “very special circumstances” that override the harm that would be caused, other than the needs of his children which are considered in detail below. The proposal therefore represents inappropriate development in the Green Belt and is therefore contrary to Policies PMD6 and CSSP4 of the Core Strategy and the

NPPF 2021 and PPTS 2015. The assessment of the Green Belt case continues through the remainder of this report.

III. GTAA NEED AND SUPPLY

- 1.17 While it is acknowledged that the Council does not currently have an identified supply of sites to meet a rolling five-year supply or the overall requirement identified in the GTAA to 2033 this is not in itself a reason to allow ad hoc development within the Green Belt and does not constitute “very special circumstances” in a manner to override the principal duty to protect the Green Belt.
- 1.18 As set out above, the Council is taking steps to address its pitch requirements through the exploration of sites in appropriate locations. The associated studies will be available in early 2023 and will provide a strong position from which to direct applicants to more suitable locations in policy-compliant locations.

IV. EXISTING LIVING CONDITIONS AND HUMAN RIGHTS OF THE APPLICANT

- 1.19 The applicant advises that the family is current living locally with his wife’s relatives, but this situation is not a permanent solution to their requirements. This is understood, but no evidence has been submitted to suggest that the applicants currently live in overcrowded or unsuitable accommodation. Furthermore, no evidence – other than location close to local schools – has been put forward to justify why a site in this location is required, and why the applicant can’t investigate a site elsewhere.
- 1.20 The applicant’s individual rights under the European Convention on Human Rights (ECHR) must be balanced against the wider public interest including the protection of the Green Belt from inappropriate development. Local and national planning policies which aim to regulate development and protect the Green Belt apply with equal forces to the whole population.
- 1.21 Article 8 affords a person the right to respect for their private and family life, their home and their correspondence. Article 8 also imposes a positive obligation to facilitate the Gypsy way of life to the extent that the vulnerable position of Gypsies as a minority group means that some special consideration should be given to their needs and different lifestyle in the regulatory planning framework and in reaching decisions on particular cases. However, Article 8 is a qualified right that requires a balance between the rights of the individual and the needs of the wider community.
- 1.22 The site is not an allocated site for Gypsy/Travellers and is an open, undeveloped parcel of land. The area is not considered sustainable, with poor links to public transport and local shops, services, and amenities.
- 1.23 No evidence has been submitted to suggest that the refusal of planning permission here would compromise the health and wellbeing of the applicants or that the refusal of permission on this site would preclude access to serve health or educational need of the proposed, or associated occupiers.

- 1.24 Limited weight is therefore attached to the personal circumstances of the applicant, and they do not amount to “very special circumstances” for the purposes of outweighing Green Belt policy.

V. BEST INTERESTS OF THE CHILDREN

- 1.25 No circumstances are put forward by the applicant other than the need for them to find a permanent pitch (they are currently living with family), and that the children have settled well into the local schools. Officers therefore consider there are no very special circumstances weighing in favour of an approval here, but the best interests of the children remain to be taken into consideration.
- 1.26 In the judgement for *Stevens v SSCLG & Guildford Borough Council* [2013] (which refused planning permission for a residential caravan within the Green Belt in Surrey) Justice Hickinbottom set out principles which should be followed in cases likely to affect the interests of children:
- a. Article 8 rights will be a material consideration.
 - b. Where Article 8 rights affect children they must be viewed in the context of article 3 of the UN Convention on the Rights of the Child (UNCRC).
 - c. This requires the decision maker to identify the best interests of the child. In a planning context these are likely to be consistent with those of their parent/carer, who should be assumed to have properly represented the child’s best interests.
 - d. Once identified, although a primary consideration, the best interests of the child are not determinative of the planning issue, but nor does this mean the matter can be concluded by a simple balancing act against other material planning considerations; there are competing interests and considerations that must be taken into account.
 - e. However, no other consideration is more important, and the best interest of the child must be at the forefront of the decision-maker’s mind as they examine material considerations. Any adverse impact to the best interest of the child must be considered in terms of proportionality.
- 1.27 Therefore, to firstly identify the best interest of the children (as at c. above), there is the benefit of a stable home together with all that that brings including educational opportunities. The applicant has set out that his children attend local schools and are settling in well.
- 1.28 The *Stevens* judgement was appealed to a higher court, specifically in regards Justice Hickinbottom’s approach to the best interests of the children. The application to appeal was refused by the Administrative Court, with much relevant commentary within that judgement (*Stevens v Secretary of State for Communities and Local Government & Another: Admn 10* [2013] - <https://www.casemine.com/judgement/uk/5a8ff7c460d03e7f57eb1eed>).
- 1.29 Para. 59 of the judgement states that “*Article 3 clearly does not make the best interests of any child determinative, such that no decision can be taken other than one in conformity with those interests (ZH (Tanzania))...nor does it mean that the best interests of any child are “paramount” or “the primary consideration”*”.

However, para. 63 sets out that the best interests can be said to have “substantial weight” but evaluation thereof may alter once other considerations and factors are assessed and *“there is no reason why any such change cannot be properly reflected in the designation [the decision maker] is required to start with.”*

- 1.30 It is therefore evident that the rights of the applicant’s children, while a significant material consideration which carries significant weight, do not de facto override the material considerations set out above. While officers have considerable sympathy for the applicant’s intentions to continue their children’s schooling locally there is no suggestion that this will not be the case if the application is refused. The applicants do not currently reside at the site and therefore, while perhaps inconvenient for them, refusal would not alter the current circumstances and would therefore have limited impact on the interests of the children in the view of officers.
- 1.31 Officers therefore do not consider that the best interests of the children are very special circumstances that outweigh the policy requirement to protect the Green Belt in this instance.

VI. TEMPORARY PLANNING PERMISSION

- 1.32 Officers have considered the potential for a temporary planning permission which would allow the applicants to find an alternative site. However, they are not currently occupying the site and there has been no suggestion that a refusal would see the family having to stop up on the roadside (they are currently living with relatives elsewhere, which is appreciated may be inconvenient) and a temporary permission would therefore not alter the current circumstances.

VII. RESIDENTIAL AMENITY

- 1.33 The site has sufficient space to cater for the residential needs of the applicant and his family in terms of living space (within a static caravan) and outdoor space for amenity, parking, and turning. No objections are raised in this regard.
- 1.34 While there are some nearby dwellings there would be a minimum of 34m between the application site boundaries and the closest neighbouring properties. The development is therefore unlikely to give rise to any issues of overlooking, overshadowing, or noise and disturbance sufficient to justify refusal on amenity grounds. Officers have no objection in this regard.

VIII. VISUAL AMENITY

- 1.35 As set out above the site is a parcel of grazing land within the Green Belt. Views of the site from the PRoW running along Mill Lane are of a generally open site with no significant built form.
- 1.36 A concrete pad has been installed towards the front of the site at some stage since 2018 (according to the Council’s aerial photos). This is a prominent and intrusive development in itself and due to its light colour, stands out as a harmfully incongruous element within the otherwise green and open site and wider area.

- 1.37 A touring caravan has been stationed on the concrete pad. This is a prominent feature in views from the PRow on Mill Lane and is harmful to the otherwise open and green character of the Green Belt in this location. It is helpful, however, in that it offers a guide by which to judge the proposed operational development: a static caravan would be significantly larger than the existing touring caravan and would therefore be more prominent, more intrusive, and more harmful to visual amenity and rural character and appearance than the existing circumstances. Residential use of the site would also see an accumulation of residential paraphernalia such as parked vehicles, garden equipment, play equipment, etc. This would also be prominent in public views and contrary to the undeveloped nature of the parcels along Mill Lane, and also the character and appearance of the Green Belt.
- 1.38 There is some established hedgerow planting along the front boundary. This helps to soften views of the site but would not entirely screen the development from view. Additional landscaping and planting would offer potential to further screen views of the site, but this would need to be dense evergreen planting to avoid visual harm in winter and such planting would, in itself, be incongruous amidst the generally deciduous hedgerow running along the lane which affords glimpses through to the sites beyond. In any instance the development is intrinsically harmful to the open and unspoiled quality of the Green Belt, and soft landscaping/planting should not be relied upon to reduce that harm.
- 1.39 Officers therefore consider that the proposals would be harmful to the character, appearance, and visual amenity of the Green Belt, countryside, and the immediate local area.

IX. ECOLOGY

- 1.40 The site is closely cropped grassland and is therefore likely to have little ecological potential. Development is away from the more densely planted boundaries and would therefore have limited impact upon any protected species that may make use of those areas (foraging/commuting bats, and badgers living on site, for example). Land on the opposite side of Mill Lane is designated as a Biodiversity Site of Local Interest. The application site is clearly removed and separated from that designation by Mill Lane, however, and the proposed works would not affect the ecological potential of that land.
- 1.41 However, it is noted that local objections refer to the presence of protected species within the site, particularly badgers and bats. The presence or otherwise of protected species must be properly investigated and the impact of development thereon properly considered. The applicant has not provided any information to explore potential ecological harm and the likely impact is therefore unknown at this stage.
- 1.42 If the scheme were acceptable in principle, additional information could be sought to address these issues and conditions could be used to secure ecological enhancements and appropriately mitigate any potential harms to protected species. Because the scheme is unacceptable in principle, however, it would be unreasonable to put the applicant to such expense at this stage and officers have

therefore recommended an additional reason for refusal relating to potential ecological impact and lack of information.

- 1.43 Officers therefore cannot be satisfied that the proposal would not harm protected species and an objection is therefore raised on these grounds.

X. HIGHWAYS AND PARKING

- 1.44 Access to the site is via an unmade road which narrows as it approaches the site entrance to single track. Traffic movements would be minimal and there is space within the site to accommodate parking and turning (which could be conditioned to restrict large vehicles). The development is therefore unlikely to give rise to any unacceptable harm to highway safety and amenity in that regard.
- 1.45 However, it is noted that access to the site could be difficult due to the condition of the unmade road, particularly during the winter months. The Council's Waste Collection team has raised this as a particular issue that leads to interruptions to local waste collection services. However, this is not a reason for refusal in itself, rather it is an issue that the Council will need to consider in the longer term to ensure existing properties are properly serviced.

XI. OTHER MATTERS

Essex RAMS

- 1.46 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 (including traveller plots). The current tariff is £137.71 per additional residential unit. This scheme would result in a net increase of 1 unit; therefore it would be necessary for the LPA to apply a tariff of £137.71 in order to fund works to mitigate the in-combination effects of recreational disturbance on SPA if permission were to be granted.

Other appeal decisions

- 1.47 A copy of an appeal decision for The Paddock, Parkgate Road, Corringham has been provided by the applicant (PINS ref. 2216241, Thurrock ref. 11/00010/FUL). The Inspector allowed the appeal and granted planning permission for change of use of land and siting of caravans for residential use by a Traveller family. Officers have reviewed that appeal decision, but the site circumstances are substantially different from the current application site such that it is not considered to lend weight to an approval here. The Paddock is a site set to the rear of existing buildings and adjacent to the A13; in that regard it is largely enclosed, and

landscape harm is greatly minimised compared to the open field, unequivocally rural site subject to the current application. The Inspector's reasoning in allowing the appeal is understood but does not give weight to the current application.

XII. PLANNING BALANCE

- 1.48 The application site is within the Green Belt and the proposal constitutes inappropriate development for the purposes of the NPPF and the PPTS. Other harm has been identified to the purposes and openness the Green Belt, and the character and appearance of the area.
- 1.49 No very special circumstances have been submitted/outlined by the applicant that override the statutory duty to protect the Green Belt. The applicant's personal circumstances and rights under Article 8 of Human Rights Act – and those of his children under Article 3 of the UN Convention on the Rights of the Child – have been taken into account but are not considered to have sufficient weight as very special circumstances to overrule the public interest in protecting the Green Belt.
- 1.50 On balance, therefore, officers do not consider the circumstances or needs of the applicant and his family to outweigh the statutory duty to protect the Green Belt from inappropriate development.

1.9 CONCLUSION AND RECOMMENDATION

- 1.51 This application seeks full planning permission for change of use of the site from agricultural to residential, and for the stationing of a static caravan for residential use by a Traveller family. While the circumstances of the applicant's family – in particular his children – are noted and understood the development would be harmful to the character, appearance, and amenity value of the Green Belt and no special circumstances have been provided that would override those harms to the benefit of the wider public interest.
- 1.52 The proposals are therefore unacceptable, and the application is recommended for refusal as per the reasons set out below.

1.10 RECOMMENDATION

- 1.53 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 character, appearance, and wider public amenity value of the Green Belt in a manner contrary to the advice of the NPPF. It is considered that the identified harm to the Green

Belt is not clearly outweighed by other considerations so as to amount to the very special circumstances required to justify inappropriate development.

The proposals are therefore contrary to policies CSSP4, CSTP3 and PMD6 of the Core Strategy 2015, the Planning Policy for Traveller Sites 2015 and chapter 12 of the National Planning Policy Framework 2021.

2. The proposed development, namely the mobile home, hardsurfacing and other trappings of residential development including vehicle parking would all seriously affect the rural character of the area and would poorly integrate into the area contrary to policies CSTPP22, CSTP22 and PMD2 of the Core Strategy 2015, the Planning Policy for Traveller Sites 2015 and chapter 13 of the National Planning Policy Framework 2021.
3. The application fails to demonstrate that there would be no unacceptable impact upon protected species arising from change of use to residential and associated operational development. The proposal is therefore contrary to policies CSTP19 and PMD7 of the Core Strategy 2105 and paragraph 174 of the National Planning Policy Framework 2021.

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant/Agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:
<http://regs.thurrock.gov.uk/online-applications>

