

Appeal Decision

Site visit made on 13 September 2016

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19th September 2016

Appeal Ref: APP/V1505/W/16/3151050

Hannikins Farm, Linda Gardens, Billericay, Essex CM12 0EZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Atkins against the decision of Basildon District Council.
 - The application Ref 15/00699/FULL, dated 31 May 2015, was refused by notice dated 4 December 2015.
 - The development proposed is the demolition of all existing outbuildings and removal of 2x mobile homes and the construction of 3 x 4 bedroom detached residential dwellings.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are:
 - whether or not the proposal would be inappropriate development in the Green Belt;
 - other considerations;
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances necessary to justify the proposal?

Reasons

Whether Inappropriate Development?

3. The appeal site accommodates a range of buildings used for stabling and commercial activity, as well as two mobile homes and an extensive area of hard surfacing. However, it also includes a grassed paddock which appears to be used for horse grazing. Apart from a post and rail fence around its edges, this part of the site is open and free from built development. Its use and physical character are readily distinguishable from the remainder of the site. As such, I consider that the paddock does not fall within the curtilage of the existing buildings or hard standings.
 4. I recognise that the paddock falls within the red line boundary of the Certificate of Lawful Use or Development granted under reference 11/00165/LDC. However, it does not feature in the schedule of uses set out in the Certificate which concern only the land occupied by the buildings on the site. Having
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regard to the above considerations, I find that the paddock does not amount to previously developed land as defined in the Glossary to the National Planning Policy Framework (the Framework).

5. Paragraph 89 of the Framework states the new buildings in the Green Belt will be inappropriate unless they fall into specified exceptions. These exceptions include limited infilling or the partial or complete redevelopment of previously developed sites (brownfield and) which would not have a greater impact on the openness of the Green Belt.
6. The application drawings show plot 3 and part of plot 2 on the paddock. Having regard to my conclusion on the undeveloped character of the paddock, these buildings would not fall within the above exception to inappropriate development in the Green Belt which requires new buildings to be on previously developed land. Moreover, whilst I recognise that the removal of the continuous row of existing buildings would increase the openness of the Green Belt, the erection of the three proposed dwellings, associated boundary enclosures and domestic paraphernalia would largely offset that gain. The spread of built development onto the open paddock area would lead to an overall loss of openness.
7. Consequently, I find that the proposal would be inappropriate development in the Green Belt for the purposes of Framework paragraph 89. The Council has not sought to rely on any development plan policies in respect of this issue. Nevertheless, Framework paragraph 87 advises that inappropriate development is, by definition, harmful to the Green Belt.

Other Considerations

8. The Council has not identified any other harm arising from the development. However, the absence of further harm does not amount to a positive point weighing in favour of the proposal.
9. The existing buildings, whilst of no architectural merit, are fairly compactly sited and low key in appearance. Therefore, I consider that the current condition of the site does not detract from the character and appearance of the area. As such, although there is nothing to suggest that the proposed buildings would not be attractive and well designed, nor would the proposal result in a significant visual improvement to the area.
10. No substantive evidence has been provided on the number of vehicle movements generated by the existing use of the site or the proposed development. Nevertheless, even if the proposal would generate fewer movements, it has not been adequately demonstrated that the existing level of activity has led to highway safety problems. Therefore, I give limited weight to the claimed reduction in vehicle movements associated with the proposal.
11. The appellant's contention that the Council cannot demonstrate a five year supply of deliverable housing land has not been contested by the Council. However, having regard to the two mobile homes currently located on the site, the proposal would result in a net increase of one residential unit. This would be a very modest contribution to the housing needs of the District and I accord it similarly modest weight. Moreover, paragraph Reference ID: 3-034-20141006 of the Planning Practice Guidance advises that unmet housing need is unlikely to outweigh harm to the Green Belt.

Other Matters

12. I have had regard to the other concerns expressed locally, but none has led me to a different overall conclusion.

Very Special Circumstances

13. The proposal would be inappropriate development and would lead to a loss of openness of the Green Belt. The Framework advises that substantial weight should be given to any harm to the Green Belt.
14. On a collective basis, the other considerations outlined above do not clearly outweigh the harm to the Green Belt by reason of inappropriateness and the loss of openness. Consequently, it has not been demonstrated that the very special circumstances necessary to justify the development exist.

Conclusion

15. The harm to the Green Belt means that the proposal would not satisfy the environmental dimension of sustainable development. In any event, footnote 9 to Framework paragraph 14 confirms that the presumption in favour of sustainable development does not apply where the Framework's Green Belt policies indicate that development should be restricted.
16. For these reasons, the appeal should be dismissed.

Simon Warder

INSPECTOR