The Planning Inspectorate

Appeal Decision

Site visit made on 7 February 2017

by R W Allen B.Sc PGDip MRTPI

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

Decision date: 27 February 2017

Appeal Ref: APP/V1505/W/16/3160138
Stock Brook Manor Golf and Country Club, Queens Park Road, Billericay, Essex CM12 0SP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Peachey ((Basildon) Group Ltd) against the decision of Basildon District Council.
- The application Ref 15/00166/OUT, dated 29 January 2016, was refused by notice dated 6 April 2016.
- The proposal is for residential development comprising 13 market houses and 6 affordable apartments.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal proposal is in outline form, with all matters reserved for subsequent approval with the exception of access. Any other details shown which would be a reserved matter, such as the layout, I shall treat as being indicative only.

3. An undated and partially unsigned obligation under Section 106 of the Planning Act is before me, which makes provisions for local facilities and infrastructure made necessary by the proposed development. However, because I am dismissing the appeal on the main issue, it is not necessary for me to consider the adequacy of the obligation any further in my decision.

Main Issue

4. The main issue is whether the harm by reason of inappropriateness to the Green Belt, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

5. The main parties agree that the appeal site lies within the Green Belt. The National Planning Policy Framework (the Framework) establishes national Green Belt policy, and identifies the protection of the Green Belt as a core planning principle. It says one of the fundamental aims of the Green Belt is to keep land permanently open, and openness and permanence are its essential characteristics. Inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Substantial weight must be given to any harm to the Green Belt, and 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. Policies BAS GB1 and BAS GB3 from the Basildon District Local Plan 1998 (with saved policies 2007), which are identified within the Council's officer's report, but not in the reason for refusal, are I find not particularly relevant to the appeal scheme as they refer to Green Belt boundaries and residential extensions.

6. Paragraphs 89 and 90 of the Framework set out those categories of development which may be regarded as not inappropriate. The main parties agree that the proposed development does not fall within any of these examples and as such it is, by definition, inappropriate development in the Green Belt. While the appeal site is physically severed from the surrounding golf course and open countryside beyond by a public footpath and border planting, I nevertheless observed from my site visit that the appeal site strongly and positively contributes to the openness of the Green Belt, and I am in no doubt that the proposed development would erode said openness even if the proposed dwellings were adequately and appropriately designed and landscaped. No other harm has been identified by the Council.

7. The Council states that it does not have a five year housing land supply; indeed at 2.8 years it is someway short of meeting its requirements. The proposed development would make a not insignificant contribution to addressing this shortfall, and I recognise that it would bring other social and economic benefits including the provision for affordable housing. However Paragraph 034 (*Reference ID: 3-034-20141006*) of the Planning Practice Guidance advises in that unmet housing need is unlikely to outweigh the harm to the Green Belt caused by inappropriateness and harm to openness. In the absence of a compelling reason to the contrary, I find the appeal does not turn on the Council's housing position.

8. I note that the Council's studies undertaken to inform its emerging Local Plan look somewhat favourably on the site's potential for development, and that this is being advanced within its emerging Local Plan, albeit at a significantly greater density to the scheme before me. However I do not find that this should amount to a 'green light' to proceed to develop the site at this stage. The emerging Local Plan is in an early stage of adoption; it has yet to be externally examined; and little evidence is before me to suggest that the appeal site would be highly likely or be inevitably allocated once scrutinised. I cannot therefore afford anything other than little weight to these intentions. I note that the proposed dwellings would be built to a high energy standard, but this is not a sufficient reason for me to justify the proposed development in the Green Belt.

9. I therefore find that the other circumstances advanced by the appellant are not sufficient for me to find that very special circumstances exist in this case. I therefore conclude that the proposed development would not clearly outweigh the substantial weight that is attached to Green Belt harm by reason of inappropriateness and erosion of openness, and subsequently the very special circumstances necessary to justify the development do not exist. I therefore find the proposed development would conflict with Framework taken as a whole.

Other Matters

10. Concerns have been raised by local residents as regards to the effect of the proposed development on local schools. However, the Council states that only primary school financial contributions would be required to cater for the proposed development, and I note that such a provision is made in the draft obligation before me. In the absence of any evidence to the contrary, I am satisfied that such contributions would ensure there would be no significant burden from the proposed development on local schools. A third party has also raised the concerns that the proposed scheme was not accompanied by an ecology survey. Neither main party has responded specifically on this point. However because I am dismissing the appeal on the main issue, it is not necessary for me to pursue this matter further.

11. Concerns have also been raised in respect to the effect of the proposed development on the local highway network caused by increased traffic in the area. I did not observe any particular traffic issues at my site visit, and no sufficient evidence is before me which suggests that the proposed development would cause any significant harm in this regard. The Council has not raised this as an issue and I have no reason to take an alternative view on this matter.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

R Allen

INSPECTOR