



Appeal Decision

Site visit made on 28 June 2019

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH

an Inspector appointed by the Secretary of State

Decision date: Friday, 26 July 2019

Appeal Ref: APP/V1505/W/19/3225532

Woodlands, Gardiners Lane North, Billericay CM11 2XE

- 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 & Mrs Strutt against the decision of Basildon District Council.
 - The application Ref 18/01329/FULL, dated 18 September 2018, was refused by notice dated 7 January 2019.
 - The development proposed is demolition of existing outbuildings and creation of a new dwelling. Proposing detached chalet bungalow with pitched roof over and front and rear dormers.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council has not relied on any conflict with its development plan, Basildon District Local Plan Saved Policies (2007) (LP), in refusing the proposed development and has confirmed it has no Saved Green Belt policies relevant to the proposal.
3. An emerging plan (EP), the Basildon Borough Publication Local Plan 2014-2034, was approved by Full Council on 18 October 2018 for consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. It is not part of the adopted development plan. It is not clear the extent to which there might be unresolved objections to its policies or the extent to which the policies are consistent with the National Planning Policy Framework (the Framework), since the EP is yet to be examined by the Secretary of State. For these reasons I give the policies limited weight and they do not alter my conclusions.

Main Issues

4. The main issues in this appeal are:
 - whether the proposal would be inappropriate development in the Green Belt;
 - the effect of the proposal on the openness of the Green Belt.
 - would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal is inappropriate development

5. Paragraph 145 of the Framework says that the construction of new buildings in the Green Belt should be regarded as inappropriate. One of the exceptions allowed for in that paragraph is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
6. The appeal proposal would remove a collection of outbuildings and structures situated within the residential curtilage of Woodlands, used for domestic storage purposes ancillary to that dwelling. They would be replaced by a new dwelling on its own site.
7. Therefore, the new building would not be in the same use as the existing buildings. It would be a separate dwelling and not a building used for storage. The proposal would also be materially larger than any building removed, which I shall deal with further below. Accordingly, I find that the proposal would be inappropriate development in the Green Belt.

Openness of the Green Belt

8. The existing outbuildings and structures comprise an open-fronted car port structure attached to an enclosed barn building, two large storage containers, two mobile caravans, another enclosed barn building and a further open-fronted barn containing a boat and trailer. In this order they form a roughly linear arrangement starting in front of the host dwelling to its side, and extending beyond its rear. The removal of the outbuildings and structures, and associated paths and hardstandings, would moderately enhance the openness of the Green Belt.
9. However, the new dwelling would be substantial with a two-storey gable front projection and a ridge height of around 7 metres. Although its footprint would not extend over as much of the site as the collection of buildings to be removed, and would not encroach on surrounding grassland, the new building would appear as a larger, bulkier and more imposing development than currently exists. It would be particularly more prominent when seen from the highway and private access road to the north of the site than the existing lower-profile buildings. Overall, and having taken into account the effect of removing the existing buildings, these factors would mean that the proposed development would significantly harm the openness of the Green Belt.

Other considerations

10. The existing outbuildings and structures are of limited visual merit. Their removal, and replacement by a new dwelling which would not be clearly incongruous with other dwellings nearby would be a moderate benefit of the appeal scheme.
11. The appellant has said that there is considerable development taking place within a mile radius of the site on previously non-residential sites. However, I have not been provided with the details of those developments and so it is unclear as to how they might compare or relate to the proposal before me. In any case I have considered the proposal, and its effect on the openness of the Green Belt, on its merits. Accordingly, I give this argument very limited weight.

Planning Balance and Conclusion

12. Paragraph 144 of the Framework indicates that in considering any planning application, substantial weight should be given to any harm to the Green Belt. Accordingly, as I have found harm to the Green Belt I apply substantial weight in respect to it. The harm is of a magnitude which weighs very heavily against the proposal.
13. Having considered all matters raised in support of the proposal I conclude that, collectively, they do not clearly outweigh the totality of the harm I have identified. Accordingly, very special circumstances do not exist and the proposal is contrary to the guidance in the Framework which seeks to protect the Green Belt.
14. The Council has confirmed that there are no relevant development plan policies on which it is basing its opposition to the development. As such, Paragraph 11d) and footnote 6 of the Framework are engaged as an important material consideration. This states that planning permission should be granted unless the application of policies in the Framework that protect “areas or assets of particular importance” provides a clear reason for refusing the development proposed.
15. As the Green Belt is an “area or asset of particular importance”, and as I have found that very special circumstances do not exist, this is a clear reason for refusing the proposed development. Accordingly, the appeal is dismissed.

Andrew Walker

INSPECTOR