



Appeal Decision

Site visit made on 08 July 2019 by Mariam Noorgat BSc (Hons)

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2019

Appeal Ref: APP/V1505/W/19/3227935

The Laurels, London Road, Billericay, Essex CM12 9HP

- 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 J Wray against the decision of Basildon Borough Council.
 - The application Ref 18/01319/FULL, dated 24 September 2018 was refused by notice dated 22 November 2018.
 - The development is a proposed detached four-bedroom house with internal swimming pool.
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Decision

1. The appeal is dismissed

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (NPPF) and development plan policies;
 - The effect of the proposal on the openness of the Green Belt; and
 - If the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Whether it would be Inappropriate Development

4. Paragraph 145 of the NPPF states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. One exception is limited infilling in villages. Policy GB1 of the emerging Basildon Borough Revised Publication Local Plan 2014-2034 is consistent with the NPPF in that it

sets out the general presumption against inappropriate development in the Green Belt and confirms the importance of the openness and permanence of Green Belts. However, as it is in draft status, I apply only moderate weight to it.

5. I have not been provided with any evidence of defined settlement boundaries to clarify whether the location of the proposal is within the confines of a village and the NPPF does not define a village. Instead, it is a matter of judgement.
6. The appeal site sits along a section of London Road which consists of approximately 12 to 15 residential dwellings. Immediately to the west of The Laurels there are some commercial garages and to the east of the site there is a small parcel of undeveloped land. The nearby residential properties are mostly set in spacious and verdant plots with views of open fields to the north and south. There is a pavement outside the property, street lights and a bus stop within walking distance. As such the site and its immediate surroundings have a semi-rural character.
7. From outside of the appeal site, residential properties forming part of the western edge of Billericay could be seen in the distance to the north-east. These houses are closer to the road, more densely arranged and are in less verdant surroundings compared to the development around the appeal site. The general feel of that area, albeit not a long distance away, was that the houses were part of a settlement. This is however not the case for the appeal site and its neighbouring properties where the lack of cohesion between the appeal site and the neighbouring properties, combined with the small amount of properties present, means the site could not be identified as being in a village. Also, the appeal site is disconnected from Billericay by reason of undeveloped fields to the east and north, so could not be considered part of that settlement either.
8. The NPPF does not provide a definition of "infill"; this too is a matter of judgement. The appeal site is positioned behind a boundary wall, does not have an independent frontage and the proposal would look like a development linked to The Laurels. It would not continue the building line to the east (namely Braemar and Swainford) or The Laurels to the west due to its setback and the significant gaps retained to those houses. As such, the proposal would not fill an obvious gap in an otherwise developed frontage and so would not be infill development. Accordingly, the proposal would not constitute limited infilling in an existing village and would therefore be inappropriate development in the Green Belt, contrary to the NPPF and policy GB1.

Openness

9. The NPPF states that "the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence". Openness can be determined by visual and spatial aspects.
10. The proposed development would introduce built form into an area which is currently undeveloped and as such would inevitably affect the spatial openness of the site. Furthermore, views are possible from within the site to the open greenery to the south and vice versa. As such the proposal would interrupt these views and the visual impact on openness would be significant.

11. Although the mature laurel hedge and sycamore tree boundary treatment limits views currently to the north, this cannot be regarded as an impingement on openness and does not sever the site from the Green Belt, due to their non-permanent nature.
12. The appellant states the site is approximately 40m wide and would not be a significant piece of open land. However, the appeal site has a significantly larger plot than surrounding development and thus contributes valuably to a sense of openness.
13. These impacts on openness, combined with the inappropriateness of the proposal in principal, carry considerable weight.

Other Considerations

14. The NPPF states 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, is clearly outweighed by other considerations.
15. Whilst I sympathise with the appellant's situation regarding their health, and their desire to remain in the locality, these personal circumstances carry little weight. The lack of objections from neighbours also do not lend positive weight to the development.
16. The appellant states a nearby similar appeal decision was allowed under Ref 18/00340/OUT. However, I do not have full details of the circumstances that led to this decision and so cannot be sure that they represent a direct parallel to the appeal proposal. In any case, I have determined the appeal on its own merits.
17. The Council accept they do not have a 5-year supply of housing. The provision of housing carries some weight, although as only one house is proposed, that weight is limited.
18. The Council and the appellant both agree the proposal would not harm the character and appearance of the area. I have no reason to disagree, but this lack of harm carries neutral weight.
19. The appellant states the site does not form 'prime' Green Belt due to the nature of the surrounding ribbon development. Nonetheless policy does not distinguish between types of Green Belt and all areas of Green Belt are afforded the same level of protection. Also, the appellant has provided an extract of a policy in their appeal statement, but I am unaware where this is from so cannot give it weight.

Planning Balance and Conclusion

20. The NPPF advises that the Government attaches great importance to Green Belts and that substantial weight should be given to any harm to the Green Belt. It is considered the development would cause harm to the Green Belt by way of inappropriateness and to its openness. Balanced against that are the other considerations identified above. For the reasons given, I conclude that they do not clearly outweigh the harm to the Green Belt and therefore there are no very special circumstances to justify the proposal.
21. The proposed development represents inappropriate development which results in harm to the Green Belt, contrary to the NPPF and policy GB1 as described

above. The conflict with the NPPF's Green Belt policies are a clear reason for dismissing the appeal.

22. Saved Policy BAS GB1 of the Basildon District Local Plan, 2007, and Policy GB2 of the emerging local plan quoted in the Council's decision, identify Green Belt boundaries so have little relevance to the merits of this proposal.
23. Nonetheless, for the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed.

Mariam Noorgat

APPEAL PLANNING OFFICER

Inspector's Decision

24. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR