
Appeal Decision

Site visit made on 26 November 2019

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 December 2019

Appeal Ref: APP/V1505/D/19/3235268

West View, Lower Avenue, Bowers Gifford, Basildon SS13 2LZ

- 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 Stuart Walter against the decision of Basildon District Council.
 - The application Ref 19/00445/FULL, dated 25 March 2019, was refused by notice dated 21 June 2019.
 - The development proposed is described as the: 'erection of a room of enjoyment'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Whilst I have noted the description of development stated on the application form, I have determined the appeal based on the description given on both the Council's Decision Notice and the appeal form, which is 'proposed outbuilding'. This is because it is both concise and clear.
3. The emerging Basildon Borough Local Plan 2014-2034 (the BBLP) has been submitted for examination. Nonetheless, the examination process has yet to run its course. The BBLP is at a stage that attracts limited weight. This is because the content of its policies may yet change prior to it being formally adopted. I shall consider the appeal on this basis.

Main Issues

4. The main issues are:
 - Whether or not the proposal is inappropriate development in the Green Belt;
 - The effect on the openness of the Green Belt; and
 - If the proposal were to be inappropriate development, whether or not the harm by reason 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 the development.

Reasons

Whether or not inappropriate development

5. The appeal site, which comprises a spacious plot, currently contains several existing buildings, including the main property that was constructed as a

replacement dwelling, a detached garage and a number of smaller outbuildings. I understand that permitted development rights that allow for the construction of extensions and outbuildings were removed when planning permission was granted for the replacement dwelling in 1988.

6. The National Planning Policy Framework (February 2019) (the Framework), which is a very important material consideration in regard to assessing proposals for development that affect the Green Belt, sets out that the construction of new buildings shall be regarded as inappropriate in the Green Belt. This is unless the development proposal meets one of several exceptions that are set out. On the basis that the proposal would constitute neither an extension nor a replacement building, the appeal proposal does not meet any of these stated exceptions.
7. For the above reasons, the proposal would be inappropriate development in the Green Belt and, in this regard, it would conflict with the Framework and with emerging Policy GB1 of the BBLP in so far as these policies state that inappropriate development is, by definition, harmful to the Green Belt.

The effect on openness

8. The intended position of the proposed outbuilding is sandwiched between the existing dwelling and a strong hedgerow boundary to the site. It would not be readily visible from public vantage points. It is also situated in proximity to other neighbouring residential development. In this context, noting the limited height and footprint of the outbuilding that is proposed, I do not consider that it would cause harm to the openness of the Green Belt. The proposal would accord with the Framework in so far as its policies confirm that openness is an essential characteristic of Green Belts.

Whether very special circumstances exist

9. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This is notwithstanding that I have found no harm would result to the Green Belt's openness. Indeed, the Framework is clear that substantial weight should be given to any identified harm to the Green Belt.
10. The appellant has referred to a precedent of outbuildings having been erected in the local area and has produced maps and photographs to illustrate this point. Even should it be the case that outbuildings have been erected elsewhere without due process and procedure being followed, it is my duty to determine this appeal on sound planning grounds in accordance with the development plan and other material considerations. Any alleged breach of planning control elsewhere, if to be explored further, would need to be investigated outside of this appeal.
11. Whilst I afford emerging Policy GB8 of the BBLP limited weight for the reason set out in Procedural Matters above, it is a relevant material consideration and sets out that proposals for new ancillary buildings in the Green Belt will only be supported when they are consistent with the advice in the Framework and where compliance with several listed provisions can be demonstrated. One of these provisions relates to circumstances where there are existing buildings on site.

12. In accordance with emerging Policy GB8's requirements, it should not be practical to re-use or adapt any existing building. Furthermore, the total floorspace of the ancillary building proposed, together with any previously implemented extensions, alterations and other outbuildings, should not result in a disproportionate increase above the floorspace of the original dwelling.
13. It has not been clearly demonstrated that it would not be practical to re-use or adapt one or more of the existing buildings on-site to accommodate the recreational facilities that are desired. In addition, the Council submits that the proposed building would exceed the size of the original building that was required to be demolished to facilitate the construction of the replacement dwelling that now exists, such that a disproportionate increase above the floorspace of the original dwelling would result. The appellant has not sought to challenge this point.
14. Nevertheless, even were I to suppose that the proposal would not lead to a disproportionate increase in floorspace being created, very special circumstances have not been demonstrated to outweigh the significant harm I have identified to the Green Belt.

Conclusion

15. For the above reasons, the appeal is dismissed.

Andrew Smith

INSPECTOR