
Appeal Decision

Site visit made on 14 September 2020

by Stephen Wilkinson BA BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03rd November 2020

Appeal Ref: APP/V1505/W/20/3249461

Ramsden Park Farm, Ramsden Park Road, Ramsden Bellhouse, Billericay, Essex, CM11 1NR

- 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 MD & JP Properties against the decision of Basildon District Council.
 - The application Ref 19/00840/OUT, dated 24 May 2019, was refused by notice dated 23 September 2019.
 - The development proposed is 3 new dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline form with all matters reserved apart from access and layout.

Main Issues

3. The main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt, including the effect the development would have on the openness of the Green Belt, and
 - If the development is inappropriate, whether the harm by reason of inappropriateness 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

Whether the development would be inappropriate

4. New buildings in the Green Belt should be regarded as inappropriate unless meeting certain exceptions. Paragraph 145 of the National Planning Policy Framework (the Framework) 2019, identifies that whilst the development of new buildings in the Green Belt is regarded as 'inappropriate', exceptions to this include limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development.

5. The appeal site forms part of a large paddock, which is itself part of an open field just outside the settlement boundary of Ramsden Bellhouse to the north of Ramsden Park Farm and to the south of stables. A hedge line runs close to its edge; this is a contiguous natural feature which forms a boundary to Ramsden Park Farm.
6. The proposal would introduce 3 dwellings of 2 or 3 bedrooms that would be served by a private drive which would run in parallel to the existing unmade road which serves the stables.
7. The proposals represent a major encroachment into the Green Belt where at the moment there are no buildings and therefore it would have a significant impact on openness. However, the scheme has not been promoted as limited affordable housing for local community needs and given my finding above on openness, neither criteria (e) or (g) would apply anyway.
8. The site does not fall within exemption 145d) as it lies outside the settlement boundary and not at the end of the settlement prior to some form of transition to open rural countryside, as the appellant states. Although both Ramsden Park Farm and the stables lie on the same side of Park Road as the appeal site they form collections of individual buildings broadly open in character and unrelated to Ramsden Bellhouse as a settlement. Therefore, the site is not in a village.
9. I conclude on this main issue that the appeal scheme would be inappropriate development that would also have a harmful impact on the openness of the Green Belt. This would be contrary to both the objectives of the Framework as well as the terms of policy BAS GB1 of the saved policies of the Basildon District Plan 2007, which established Green Belt boundaries. Furthermore, although I accord only limited weight, in line with paragraph 48 of the Framework, to emerging policies, the proposals would be contrary to policies GB1, GB2, GB3, and GB4 of the emerging Borough Local Plan 2014-2034.

Other considerations

10. The appellants cite certain matters which they regard as other considerations which would justify an exception and allow the scheme in the Green Belt.
11. The appeal site can be distinguished from that cited by the appellant, on which a single dwelling was allowed¹, as the appeal scheme is not limited infilling and would have a significant impact on openness because of the number of proposed dwellings.
12. Whilst the houses could, at the Reserved Matters stage, be designed to be compatible with their surroundings and the Council did not identify any harm to the character and appearance of the area, the lack of harm is a neutral consideration which does not carry any weight.
13. Although the site was included in the Council's Housing and Economic Land Availability Assessment (HELAAS) in 2015 and 2018 and subsequently included in an early draft of the Borough Local Plan these matters do not have the force of adopted policy. It is not my role to unpick the reasons why the Council may have subsequently excluded the site as a housing allocation. I afford this consideration very little weight.

¹ APP/V1505/W/18/3204674

14. The realignment of the existing drainage ditch to address local flooding issues would be a very limited benefit which has little weight.

Planning balance and conclusions

15. Both parties are in agreement that the Council cannot demonstrate a 5 year housing land supply. Accordingly, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework, taken as a whole, planning permission should be granted for the appeal scheme. However paragraph 11d)i. of the Framework allows an exception where the application of policies from the Framework that protect areas of particular importance including Green Belts, provide a clear reason for refusing the proposed development.
16. I have found that the proposed development would constitute inappropriate development in the Green Belt and would have a significantly harmful impact on its openness. The Framework states that substantial weight is given to such harm. For the reasons given, the total weight of the other considerations would not clearly outweigh that harm. Consequently, the very special circumstances needed to justify the development do not exist. As such, in accordance with footnote 6 and paragraph 11(d)(i) of the Framework, this is a clear reason for refusing the development proposed. The presumption in favour of sustainable development as envisaged by the Framework does not therefore apply.
17. I conclude that the appeal should be dismissed.

Stephen Wilkinson

INSPECTOR