



Appeal Decision

Site visit made on 27 October 2020

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2020

Appeal Ref: APP/V1505/W/20/3253067

Rose Cottage, Dunton Road, Dunton, Basildon, CM13 3SH

- 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 S England against the decision of Basildon Borough Council.
 - The application Ref 20/00169/FULL, dated 7 February 2020, was refused by notice dated 17 April 2020.
 - The development proposed is New 2 storey dwelling house on land at Rose Bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. An amended drawing has been deposited with the appeal which proposes the demolition of an adjacent building. The proposal is therefore fundamentally different to that originally considered by the Council. The changes are significant and should be subject to formal public consultation. As such, the Council and other interested parties would be prejudiced by me accepting this drawing and therefore I have confined my considerations to those plans originally submitted to and considered by the Council.

Main Issues

3. The main issues are:
 - Whether the proposed development constitutes inappropriate development in the Green Belt,
 - Its effect on the openness of the Green Belt,
 - The effect of the proposal on the character and appearance of the area, and
 - 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 proposed development constitutes inappropriate development

4. The appeal concerns a proposal for a new two storey dwelling on land at Rose Bungalow.

5. The site is to the rear of Rose Cottage which is a chalet style dwelling that fronts onto Dunton Road. Adjacent to the appeal site is a single storey 'L' shaped building which is a former stable building which benefits from a Certificate of Lawful Use¹ for use as a dwelling. The proposal is for this building to be retained and to be re-instated as an outbuilding. This building is outside of the appeal site boundary but is stated to be within the same ownership. I also noted from my site visit that there are several other single storey structures close to the northern boundary of the appeal site.
6. The Council has not referred to any development plan policy relating to the general principles of development in the Green Belt in their refusal reason, instead relying on policies contained within the National Planning Policy Framework (the Framework). The Framework states that a local planning authority should regard construction of new buildings as inappropriate in the Green Belt. This is subject to the exceptions listed in the Framework at paragraph 145 which includes the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
7. However, in showing the existing building to be retained, the development proposed is not for the replacement of a building in the same use and accordingly does not fall within any of the exceptions listed in the Framework. I therefore find that the proposal is inappropriate development in the Green Belt. In accordance with paragraph 143 of the Framework, inappropriate development is, by definition, harmful to the Green Belt. As set out in the Framework, substantial weight should be given to that harm.

Openness

8. As I have found the development to be inappropriate, it is necessary for me to also have regard to the effect of the proposal on the openness of the Green Belt.
9. Paragraph 133 of the Framework 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.
10. The appeal site is to the rear of the linear row of houses that front onto Dunton Road. The proposal would introduce significant built form to a site that has a predominantly open character and appearance. Whilst there are other low profile single storey buildings in close proximity to the site, the proposal would nonetheless erode the open and spacious character of the land, both visually and spatially. I assign moderate weight to this further harm to the Green Belt.

Character and appearance

11. The proposed new dwelling would be two storey in height. I acknowledge that Dunton Road is mixed in character and appearance, however, the dwellings along the road frontage in close proximity to the appeal site are in the main, chalet style dwellings with a relatively low profile. Whilst the dwelling would be seen in the same context of other single storey buildings to the rear of the main row of dwellings along Dunton Road, the introduction of a dwelling of this size and scale in this location, would appear highly prominent in the local landscape and out of keeping with the existing pattern and form of

¹ LPA Ref: 14/01236/LDC

development. Accordingly, I concur with the view of the Council that it would erode the semi-rural and spacious character of the area.

12. In conclusion on this issue, the proposal would have a harmful effect on the character and appearance of the area and would be contrary to Policy BAS BE12 of the Basildon District Local Plan Saved Policies (2007) insofar as it seeks to protect the character of areas. It would also be contrary to the Framework which seeks high quality design.

Other matters

13. I note that outline planning permission was granted for a replacement dwelling (on appeal) in 2019², with access and layout approved at outline stage. This dwelling was shown to be sited in the same general location as the current appeal proposal. I also acknowledge that the approved layout showed a dwelling with a larger footprint. However, details relating to appearance, scale and landscaping were reserved for future determination and so a direct comparison of scale and appearance cannot be made between the two proposals. In any case, the proposal was for a replacement dwelling, as the majority of the adjacent dwelling in the form of the converted stable block was shown to be demolished. Accordingly, different policy considerations applied to that proposal.
14. The appellant has referred to the Officer's report which confirms that the Council is unable to demonstrate a five-year supply of housing in accordance with paragraph 73 of the Framework. As such, the relevant policies for the supply of housing should not be considered up-to-date and paragraph 11 of the Framework should be applied. However, I have applied policies of the Framework that protect areas or assets of particular importance and found that they provide a clear reason for refusing the development proposal. Furthermore, there would be no net increase in housing as under the terms of the application, the adjacent dwelling would be re-instated as an outbuilding.
15. The appeal proposal would provide an improved level of accommodation for the appellant and her family who have outgrown their property but wish to remain on site to allow them to continue to assist their relatives. Whilst I note the benefits of the proposal to the appellant and her family, I can only attach this moderate weight.
16. The appellant states that a larger outbuilding could be built within the curtilage of Rose Cottage. However, this is not of direct relevance to the proposal before me and I therefore attach this consideration limited weight.
17. The appellant has also referred to a large residential development at Dunton Fields, approved in March 2013. I have not been provided with any further details relating to the reasoning behind the decision, or the development plan policies that applied at the time. In any event, I have considered the proposal, and its effect on openness, on its own merits. Accordingly, I give this issue very limited weight.

Conclusion

18. Inappropriate development is by definition harmful to the Green Belt, and I have given substantial weight to this and moderate weight to the harm to

² Appeal Ref: APP/V1505/W/18/3214486

openness I have identified. The proposal would also have a harmful effect on the character and appearance of the area. For the reasons given, the other considerations are not sufficient to clearly outweigh the substantial weight that must be given to any harm to the Green Belt. Therefore, the very special circumstances needed to justify the proposal do not exist. As such the proposal would conflict with the Framework.

19. I therefore conclude that the appeal should be dismissed.

J Davis

INSPECTOR