



Appeal Decision

Site visit made on 28 October 2020

by Grahame Gould BA MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th November 2020

Appeal Ref: APP/V1505/W/20/3255498

Land at Southlands, Southlands, Crays Hill CM11 2XB

- 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 Jordan Nichols against the decision of Basildon District Council.
 - The application Ref 20/00297/FULL, dated 2 March 2020, was refused by notice dated 22 April 2020.
 - The development proposed is construction of a new detached chalet bungalow.
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Decision

1. The appeal is dismissed.

Procedural matter

2. For the purposes of the adopted Development Plan, the Basildon District Local Plan of 1998 (the BDLP), the appeal site is within the Green Belt, as shown on the Policies Map¹ that forms part of the BDLP. The extracts of the Policies Map submitted by both the Council and the appellant with their originally submitted appeal documentation did not clearly show where the appeal site was. At my request the Council has submitted a Policies Map extract that has been notated to show the appeal site's.

Main Issues

3. The main issues are:
 - whether or not the proposal would be inappropriate development in the Green Belt;
 - the effect on the openness of the Green Belt and on the purposes of Green Belt land; and
 - if the proposal were inappropriate development, 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 it.

¹ Historically referred to as a Proposals Map

Reasons

Whether inappropriate development in the Green Belt

4. The development would involve the construction of a chalet bungalow within a vacant plot of land. That plot of land lies on the southern side of Southlands Road between a property on Southlands Road, known as Meadowlands, and the rear gardens of two dwellings fronting onto Gardiners Lane North.
5. Although the appeal site is within the Green Belt, no extant BDLP policy or policies relating to the construction of a new dwelling within the Green Belt has been cited in the Council's reason for refusal. The Council in its officer report has referred to Policy GB1 of the BDLP, however, this is a policy that addresses the 'definition' (extent) of the Green Belt within the Council's area and does not state how development in the Green Belt should be assessed for the purposes of development management. In that regard the Council's reason for refusal relies on the provisions of section 13 (Protecting Green Belt land) of the National Planning Policy Framework of 2019 (the Framework).
6. Paragraph 143 of the Framework states '*Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*'. Paragraph 144 of the Framework further explains '*When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 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 proposal, is clearly outweighed by other considerations*'.
7. However, paragraph 145 of the Framework lists six exceptions for new buildings that may, in certain circumstances, be regarded as being not inappropriate in the Green Belt. Of the six exceptions listed in paragraph 145 I consider only the fifth one (exception e), 'limited infilling in villages', might be relevant in this instance. The Framework, however, does not define village or limited infilling.
8. Southlands Road comprises a small number of dwellings and it is a street that lies off Gardiners Lane North, a road that has some dwellings on it, principally clustered at its northern extremity, as well as a primary school. The main built-up area for Crays Hill is situated further to the west and there are a number of other pockets of dwellings that make up Crays Hill. The pattern of development in this area is therefore quite loose and I consider that given Southlands Road's location relative to Crays Hill's main built-up area and the number of dwellings in this street that it does not form part of the village. Accordingly, I am of the view that the proposed development would not come within the fifth exception listed in paragraph 145 of the Framework, because it would involve limited infilling outside a village.
9. I therefore conclude that the proposed development would be inappropriate development in the Green Belt.

Openness

10. 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...*'. As the chalet bungalow would add to the amount of built development in the Green Belt

there would be some loss of openness. However, the proposed development would of itself be quite modest in scale and I therefore conclude that this development would have a small harmful effect on the Green Belt's openness.

Other Considerations

11. The Council has commenced the process of replacing the BDLP and the emerging Local Plan (eLP) was submitted for examination in March 2019. Under the provisions of the eLP the Council is proposing to make alterations to the Green Belt boundary with there being a proposal to exclude Southlands Road, including the appeal site, from the Green Belt. However, the eLP's examination was suspended in June 2019 to enable the implications of the Air Quality Directive for the proposals contained in the eLP to be investigated further by the Council².
12. I have not been advised when it is expected that the eLP's examination will resume. Accordingly, on the information available to me I consider it is not certain that the eLP will be found sound and proceed to adoption in the form that has been submitted for examination. Having regard to the provisions of paragraph 48 of the Framework I therefore consider that currently very little weight should be attached to the Council's intention to revise the boundary for the Green Belt as it relates to Southlands Road.
13. It is agreed that the Council cannot currently demonstrate a five year supply of deliverable housing sites (HLS). In that regard the Council has stated in its officer report that there is an HLS equivalent to 2.4 years. There is therefore a substantial shortfall in the HLS within the Council's area. The provision of one dwelling would make an extremely small contribution to the HLS shortfall and I therefore consider that only a very small amount of weight should be attached to this benefit of the proposed development. The development would make use of a vacant plot of land. However, this plot of land is quite small and I consider the construction of a dwelling on it attracts very little weight under section 11 (Making effective use of land) of the Framework, given the modest contribution to the HLS that there would be.
14. Paragraph 11(d) of the Framework states that '*... where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date ...*' planning permission should be granted unless '*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed*'. Footnote 6 of the Framework lists what constitute protected areas and, amongst other things, land designated as Green Belt is so identified. As I have identified that the conflict with the Framework's policy relating to the Green Belt provides a clear reason for refusing the proposed development under paragraph 11d)i, I consider that the presumption in favour of permitting sustainable development does not apply in this instance. I therefore consider there is no need for me to consider this proposal having regard to the provisions of paragraph 11d)ii of the Framework.

Conclusions

15. I have found that the development would have a limited effect on the openness of the Green Belt. Nevertheless, I have concluded that the chalet

² Emerging Local Plan status note submitted by the Council with its appeal questionnaire

bungalow would be inappropriate development in the Green Belt for the purposes of the Framework. That inappropriateness would by definition be harmful to the Green Belt and under paragraph 144 of the Framework substantial weight should be attached to that harm. I consider that other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify a development in the Green Belt do not exist. I therefore conclude that the appeal should be dismissed.

Grahame Gould

INSPECTOR