



Appeal Decision

Site Visit made on 24 November 2020

by R Sabu BA(Hons), BArch, MA, PgDip

an Inspector appointed by the Secretary of State

Decision date: 8th December 2020

Appeal Ref: APP/V1505/W/20/3255891

**Phase 2 Plot 5, 'Whitesbridge Cottage', Crays Hill (A129), Billericay, Essex
CM11 2UL**

- 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 M.J & J Hanna against the decision of Basildon Borough Council.
 - The application Ref 19/01600/FULL, dated 15 November 2019, was refused by notice dated 22 January 2020.
 - The development proposed is demolish existing swimming pool building and replace with new detached chalet with associated parking and access arrangements.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (Framework) and any relevant development plan policies and its effect on the openness; and
- would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriateness and openness

3. The appeal site is situated in the Green Belt. The National Planning Policy Framework (Framework) indicates that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces is one such exception.
4. The proposal would consist of the demolition of the existing swimming pool building and the erection of a two-storey dwelling. The proposed building would not only be in a different use than the one it replaces, its ridge height would be

much higher and the floor area would be significantly greater than the existing building. Therefore, the proposed scheme would not meet this exception.

5. Another exception is limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.
6. Since the site is occupied by a swimming pool building, it is previously developed land. As such, the issue of whether the development would be inappropriate in the Green Belt will be determined by my conclusion on the effect on Green Belt openness.
7. A fundamental aim of Green Belt policy, as set out in paragraph 133 of the Framework, is to keep land permanently open. Openness in terms of the Green Belt has a spatial aspect as well as a visual aspect. Since the scheme would have a significantly higher height and larger floor area, the spatial openness of the Green Belt would be harmed by the proposal.
8. The site is bound to the side and rear by open space. In addition, the existing single storey building allows views of the trees to the rear and provides a visual openness to the site. While I acknowledge the industrial estate opposite the site, the proposed two storey building would nevertheless restrict views to the south and have a greater impact on the openness of the Green Belt than the existing development. The scheme would therefore not meet this exception.
9. Consequently, the proposal would have an adverse effect on the openness of the Green Belt and would therefore be inappropriate development in the Green Belt in the terms of the Framework, specifically paragraph 145(g) and none of the other exception criteria apply. Therefore, the proposal would conflict with the Framework in this respect.

Other considerations

10. A number of schemes for development on the site has been granted planning permission by the Council. These include the demolition of the main dwelling and erection of four two storey detached dwellings on land adjacent to the site and the conversion of the swimming pool to a bungalow. The construction of the two storey dwellings was underway at the time of my site visit and the appellant has stated that the conversion of the swimming pool to a dwelling would be implemented if this appeal were to be dismissed.
11. Since the proposed two storey dwelling would be similar in height, form and materials to the approved two storey dwellings on the adjacent land, the proposal would be in keeping in this respect and would unify the appearance of the dwellings on the wider site. However, from the evidence before me, the conversion of the swimming pool building would echo the traditional style of the other proposed buildings, albeit with a single storey height. The proposed materials could also be controlled via a suitably worded condition. Therefore, the conversion of the building to a dwelling would not appear significantly discordant when viewed against the proposed two storey dwellings on the

adjacent land. Accordingly, I attach limited weight to the benefit of the proposal in unifying the appearance of the dwellings across the wider site.

12. I note the evidence regarding European Sites. Had I found that the proposed development would not have a harmful impact on the Green Belt, I would have found it necessary to investigate this matter in greater detail as part of my appropriate assessment. I note that financial contribution towards the Essex Coast RAMS has not been provided either as part of the planning application or appeal. However, in the circumstances of this case this has not proved to be a determinative matter given the harm to the Green Belt that would arise from the development.
13. I acknowledge that the Council has not objected to the scheme in terms of highway safety, residential amenity, car parking provision and refuse. From the evidence before me I see no reason to disagree. However, these matters carry neutral weight in favour of the development.

Conclusion

14. While the Council has not cited any adopted development plan policies in the decision notice, the Framework carries great weight as a material consideration. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations. The substantial weight to be given to Green Belt harm and the lack of demonstration that the scheme would not harm protected species is not clearly outweighed by the other considerations sufficient to demonstrate very special circumstances given that those benefits are limited commensurate to the scale of development. The Green Belt harm identified through reliance on the Framework constitutes a material consideration of significant weight given the absence of any stated conflict with adopted policy.
15. For the reasons given above the appeal should be dismissed.

R Sabu

INSPECTOR