

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/20/3258565

Ad 4 Church Road, Dunton, Brentwood, Essex CM13 3SR

- 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 C Bellingham against the decision of Basildon Borough Council.
 - The application Ref 20/00409/FULL, dated 8 April 2020, was refused by notice dated 15 May 2020.
 - The development proposed is one detached house and improved access to highway.
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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;
 - the effect on the openness of the Green Belt;
 - the effect of the proposal on protected species, Langdon Ridge Site of Special Scientific Interest (SSSI) and Thorndon Park SSSI; 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

3. The Framework advises that, other than in connection with a small number of exceptions, inappropriate development is, by definition, harmful to the Green Belt and should not be permitted except in very special circumstances. Limited infilling in villages is listed as one of the exceptions.
4. The site lies adjacent to a modest ribbon of dwellings along Church Road. To the other side of the site lies an undeveloped field of significant width beyond

which lies a site that includes associated buildings. From the evidence before me the term infilling is not defined either within the development plan or the Framework. While I acknowledge the other developments in the area as noted by the appellant, given the significant distance of undeveloped land between the site and the nearest buildings to the west, the proposal would not constitute infilling. As such, from the evidence before me and my observations during the site visit, the proposal would not meet any of the exceptions stated in the Framework.

5. Consequently, the proposal would be inappropriate development in the Green Belt and would conflict with the Framework in this respect.

Openness

6. 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. The site has no built development above ground, whereas the proposal would introduce a two-storey dwelling, as well as parking area, garden and other domestic paraphernalia that would urbanise the site and adversely affect the spatial openness of the Green Belt.
7. Since the site lies adjacent to undeveloped fields to the north, it reads as part of the open countryside. While views of the site from the highway are restricted by hedgerow along the boundary, there are clear views of the site from the open countryside to the north. While the land to the rear may not become landlocked as result of the proposal, the introduction of a two-storey dwelling on the site would, restrict these views, urbanise the site, extend the ribbon of development and would lead to encroachment of development into the open countryside, thereby harming the visual openness of the Green Belt.
8. Consequently, the proposal would have an adverse effect on the openness of the Green Belt.

Protected species and SSSIs

9. The site lies within the 5Km SSSI Impact Risk Zone for Langdon Ridge SSSI and Thorndon Park SSSI and the Council has noted species records for amphibians and reptiles near the site which is uncontested by the appellant. In addition, given the undeveloped nature of the site, its rural location and the vegetation along the boundary, it is likely that the proposal would adversely affect protected species and the SSSIs.
10. The Framework advises that development on land within or outside a SSSI, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. While I acknowledge that the Council may not have requested additional information during the application process, there has not been an ecological assessment submitted either as part of the planning application, or the appeal to demonstrate that the proposal would not cause harm in this respect.
11. I have considered the use of a condition requiring a Preliminary Ecological Assessment to be submitted. However, since there is no certainty that the harm would be mitigated, such a condition would not be effective.

12. Consequently, there has not been a demonstration that the proposed development would not harm protected species, Langdon Ridge SSSI and Thorndon Park SSSI. Therefore, it would conflict with the Framework in this respect which seeks, among other things, developments that contribute to and enhance the natural and local environment.

Other considerations

13. I acknowledge the evidence regarding the changes to Dunton Village and the cases in the area noted by the appellant, including the former Church Hall, 'Oakwood' and 'Lynton' on Lower Dunton Road. I also acknowledge that there may be surrounding areas identified by the Council for residential development. However, limited further details are before me to allow a direct comparison with this appeal, which I have assessed based on its own merits. I therefore attribute limited weight to this point.
14. While I note the Council's position in terms of five-year housing land supply, given the limited scale of the development, I attribute the provision of a single dwelling to the local housing supply limited weight in favour of the development. While I note the reference to the development being affordable housing and self-build, there are no mechanisms before me to secure these matters. I therefore attach limited weight to this point.

Conclusion

15. 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.
16. For the reasons given above the appeal is dismissed.

R Sabu

INSPECTOR