



Appeal Decision

Site Visit made on 9 February 2021

by A Blicq BSc(Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2021

Appeal Ref: APP/V1505/W/20/3259504

Cranfield Boarding Kennels, Cranfield Park Road, WICKFORD SS12 9LG

- 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 and Mrs R Gibbins against the decision of Basildon Borough Council.
 - The application Ref 20/00099/FULL, dated 10 December 2019, was refused by notice dated 15 June 2020.
 - The development proposed is Remove commercial boarding kennels including demolition of all buildings and associated engineered surfaces, change of use to residential and construction of 5 no dwelling houses, utilising existing access from Cranfield Park and creating a new access point from the Fairway (amended scheme).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Two of the policies cited by the Council in its decision are from the emerging Local Plan and consequently can be given only limited weight.
3. I have used the description of development on the decision notice as this appears to reflect the submitted drawings and other evidence.

Main Issues

4. The main issues are:
 - Whether the development would be inappropriate development in the Green Belt having regard to the national Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the development 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 so as to amount to the very special circumstances required to justify the proposal.

Reasons

Green Belt

5. The Framework states that inappropriate development in the Green Belt is harmful, and that substantial weight should be given to that harm. However, it lists exceptions including the limited infilling or partial or complete

- redevelopment of previously developed land (PDL) where the development would not have a greater impact on openness than the existing development. The Council states that the site is brownfield land and I see no reason to disagree.
6. The Council states that the existing kennel accommodation, which comprises a range of single storey pitched and flat roofed structures has a footprint of about 820 square metres (m²), excluding hard surfacing, and a volume of about 2500 cubic metres (m³). The five dwellings and associated garages would have a footprint of about 1270 m² and a volume of about 3750 m³. The footprint and volume of the proposed structures would increase by about 50 per cent compared to the existing development. Moreover, the single storey buildings would be replaced by dwellings of around 9 metres in height. The Council's figures are not disputed by the appellant.
 7. Openness is generally accepted to refer to an absence of development, structures or activity. There would be a greater impact on the openness of the Green Belt than currently exists.
 8. Paragraph 145 of the Framework sets a higher threshold for the loss of openness for a development where it might contribute to meeting an identified local affordable housing need. However, there is nothing before me to indicate that the development would be affordable housing.
 9. It is also the case that the development would represent a change of use. I have considered the proposals largely in the light of Paragraph 145 of the Framework which is concerned with infill development and PDL. However, Paragraph 146 states that material changes in the use of land are not inappropriate provided that they preserve the openness of the Green Belt. As the development would not preserve the openness of the land, it would fail to meet the exceptions set out in Paragraphs 145 and 146 of the Framework.
 10. In the light of the above, I conclude that the proposals would have a significant and adverse effect on openness in the Green Belt. This would be harmful to the Green Belt. The proposals would be inappropriate development and contrary to Section 13 of the Framework which is concerned with the protection of the Green Belt.

Character and appearance

11. The area around the site is flat, with long open views to the south. Views into the site from other directions are obstructed by a narrow belt of vegetation along the northern plot boundary, and small blocks of mature trees. To the north, east and south there is an irregular and sporadic development pattern, comprising clusters of dwellings and small commercial enterprises separated by open fields and lines of pylons. Most dwellings in the area are chalet bungalows or bungalows, and the larger dwellings tend to be well set back from the roads which reduces their impact.
12. To the west there is a larger estate of chalet bungalows, separated from the site by a small copse. Although the southern edge of Wickford is about 500 metres to the north, its proximity is not immediately apparent. There is very little traffic along the lanes and the clusters of development are well-spaced. The spread of development and high proportion of small blocks of woodland and hedgerows gives the locality an open and semi-rural character.

13. The development would comprise five two-storey detached dwellings, each with a detached garage. The design, density and layout would have a distinct urban appearance and the dwelling's design would not reflect the typology of the chalet bungalows and bungalows which dominate the local building pattern. Moreover, two dwellings would be sited gable end to the northern boundary and either hard on the site boundary or 2 -3 metres away. The dwellings on Fairway to the immediate north of the site are bungalows or chalet bungalows and their scale and location reinforces the openness of the area. The proposed dwellings would be particularly prominent and intrusive in the street scene on Fairway and would appear over-scaled and incongruous.
14. It is argued that the existing boundary vegetation would provide screening. However, the existing hedge-line is overgrown and leggy, and is unlikely to provide adequate screening. Moreover, dwelling 1 would be located on the plot boundary. Although the limited and very narrow strip of road verge vegetation could provide a little more screening this is not within the site and could be removed at any time. As such, I am not satisfied that there is sufficient space between Plots 1 and 5 to establish vegetation sufficient to screen the dwellings. In any case, if vegetation is needed to provide fundamental mitigation for a development, this suggests the development is out of keeping with the area.
15. The appeal statement notes that the development was intended to invoke the character of an internal mews development. As far as I am aware mews developments are generally tightly clustered dwellings with a distinctive appearance reflecting earlier times when living accommodation was arranged above or around garages or stables. This development would be a fairly typical and loose arrangement of detached dwellings of fairly standard contemporary design. There would be nothing in the design or layout likely to evoke the distinctiveness of a typical mews development, even if that was representative of the area.
16. I appreciate that there is an existing two storey dwelling with roof accommodation set back from the road at the entrance to the kennels. However, this is not representative of the typology of the area in general and my concern is as much with the number and density of dwellings and the underlying urbanisation, as with their design. Moreover, although the existing two-storey dwelling is an isolated example of a larger and taller dwelling, it is set within a much larger plot and the closest buildings are the single storey kennel buildings. The impact on the character and appearance of the area is very localised.
17. I appreciate that the existing site is an ad hoc and random arrangement of buildings with no merit. However, the underlying layout of these proposals also appears fairly random. Moreover, the existing buildings behind the dwelling are not particularly visible from Fairway or Cranfield park Road. I conclude that the proposals would be unrelated to the broader development pattern and would not make a positive contribution to the area's visual and architectural character.
18. The development would therefore be detrimental to the character and appearance of the area. This would be contrary to Saved Policy BAS BE12 which requires new residential development not to cause harm to the character of the surrounding area, and the design aims of Paragraph 127 of the Framework. It would also be contrary to emerging Policy DES1 which requires

development to protect and enhance the local distinctiveness of the built environment amongst other considerations, and emerging Policy DES4 which requires development to respond appropriately to its location.

Other matters

19. The appellant has advanced the argument that other successful housing applications in the area have set a precedent. However, in the case of Bramble Tye¹ the officer's report states that the footprint of the development was the same or less than the existing structures and in addition the site layout would be rationalised. The development would improve the openness of the Green Belt and was not inappropriate development.
20. In the case of Four Oaks² the development had a very marginally increased footprint. Although the dwellings were taller than the former structures, the Council concluded that on balance the development would have less overall impact on the openness of the Green Belt than the existing use and structures. Moreover, there was an extant permission for a very similar development.
21. The officer's report for Great Broomfield³ states that the increased height of proposed house was offset by the more compact footprint. Again on balance the Council concluded that those proposals would have a lesser impact on the Green Belt than the existing development.
22. There is nothing before me to indicate that for any of these developments the proposed increase in both the footprint and the volume was similar to what is proposed here.
23. In the case of Barn Farm no officer's report has been provided and consequently I am unable to see the context of that permission and whether it was comparable to what is before me. If evidence is to be relied upon it has to be produced. As such, I conclude that none of these examples are directly comparable to the appeal before me and whilst I appreciate that they set out the Council's balancing of different variables when considering the openness of the Green Belt, they weigh neither for nor against this appeal.
24. Another officer's report for Four Oaks was provided during the appeal but as it constituted new evidence it has not been reviewed as part of this appeal.
25. The site lies within the Zone of Influence for the Essex Coastal Recreational Avoidance and Mitigation Strategy (RAMS) and there is a concern that additional residential development will lead to increased recreational pressure on European Sites. Until such time as the Council has published a mitigation strategy, proportionate financial contributions are to be sought from developers if the relevant development is likely to have an adverse effect on European Sites.
26. However, in order to establish whether a development would have an adverse effect on European Sites, it would be necessary to carry out an Appropriate Assessment. As I have found harm in relation to the main issues set out above, it is not necessary for me to consider this further.

¹ Ref 17/01073/FULL

² Ref 18/00169/FULL

³ Ref 16/003300/FULL

27. Interested parties have raised other concerns but as I have found harm in relation to the main issues there is no need to consider those concerns further.

Planning balance

28. The Council does not have sufficient five year housing land supply and the policies for most relevant for the determination of this appeal, namely saved Policy BAS BE12 and the emerging policies DES1 and DES4 are either rendered out of date or are unadopted and so carry limited weight. Consequently, Paragraph 11 d) of the Framework is engaged.
29. Five dwellings would make a minor contribution to local housing supply. Given the current significant shortfall in housing supply land and delivery⁴, this is a material consideration that weighs in favour of the appeal. Moreover, this is a brownfield site with existing structures. A residential development that had a similar impact on the openness of the Green Belt as the existing development would meet the requirements of Paragraph 145 of the Framework.
30. However, as I have set out above, this proposal would significantly exceed the volume and footprint of structures on the site. Moreover, it would not provide an identifiable affordable local housing need. As such it would be inappropriate development in the Green Belt as set out in Paragraph 145 of the Framework. It would also by virtue of its incongruous design, scale and extent, be harmful to the character and appearance of the area.
31. The closure of the kennels would be likely to bring some benefits to local people but I see no reason why its closure or the removal of the existing buildings should be predicated upon this particular development and I give this neutral weight. In any case those benefits would be offset against a small increase in traffic in the area.
32. Benefits such as enhanced biodiversity are suggested but the disturbances likely to arise from the occupation of five dwellings on a limited site, such as the maintenance of garden areas, lighting and activity would not be any more likely to attract local wildlife than the current development.
33. The harm to the Green Belt, by reason of inappropriateness, and the other harm identified above, is not clearly outweighed by other considerations. That being so there are not the very special circumstances required to justify the proposal.
34. Moreover, Paragraph 11 states that even where the tilted balance applies permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance, one of which is the Green Belt, provide clear reasons for refusal.

Conclusion

35. In the light of the above, I conclude that the development would be contrary to relevant local policies and the Framework and that this conflict would not be outweighed by other material considerations. The appeal should be dismissed.

A Blacq INSPECTOR

⁴ Housing Delivery Test 2020, 45% delivery over measured period