



Appeal Decision

Site Visit made on 6 April 2021

by G Pannell Bsc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th April 2021

Appeal Ref: APP/V1505/W/20/3261768

Meadway Farm, Rectory Road, Little Burstead, CM12 9TN

- 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 Miss L Norris against the decision of Basildon Borough Council.
 - The application Ref 20/00180/FULL, dated 31 January 2020, was refused by notice dated 7 October 2020.
 - The development proposed is Demolition of existing dwelling and other buildings, removal of structures and erection of three dwellings including new internal road access, infrastructure and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On the 19th January 2021, the Government published the 2020 Housing Delivery Test (HDT) results. The HDT results show that Basildon Borough Council has delivered 45% of its housing requirement over the latest 3-year period. Consequently, the presumption in favour of sustainable development contained within paragraph 11 d) of the National Planning Policy Framework (the Framework) would be engaged. As this was also the outcome of the 2019 HDT results I have not sought further views from the parties on this matter.

Main Issues

3. The main issues are:
 - whether or not the proposal would be inappropriate development in the Green Belt, including its effect on openness 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.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

4. The appeal site is situated in the Metropolitan Green Belt, located off of Rectory Road and comprises a narrow rectangular plot which extends beyond the neighbouring gardens. It comprises a number of buildings including a bungalow and mobile homes which are located either side of an existing access which extends for the length of the site. The 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. It has been put to me that the proposal should be considered under three of these exceptions which I will consider in turn.

Paragraph 145d - the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces

5. Policy BAS GB3 of the Basildon District Local Plan Saved Policies 2007 (LP) sets out the criteria for the replacement of dwellings in the Green Belt, of a similar size, with some allowance for enlargement subject to a number of criteria. Policy BAS GB5 provides a definition of a dwelling for the purposes of policy BAS GB3 and sets out that in order to apply to a building, it must be a permanent substantial structure and that caravans and mobile homes will not meet this criteria. Paragraph 3.23 of the LP states that where it is marginal whether a dwelling meets these criteria, the onus will be on the applicant to demonstrate that the dwelling to be replaced meets the criteria in the policy.
6. The appeal statement confirms that there are three dwellings on the site, two of which are mobile homes and therefore they would not meet the definition of a dwelling for the purposes of policy BAS GB5 and would not be considered for replacement as set out in policy BAS GB3. The site also contains a number of outbuildings of various sizes although the planning status of these has not been confirmed.
7. The existing dwelling has a floor area of approximately 130 sq m and the proposed replacement would have a floor area of 220 sq m, with the other proposed dwellings have a floor area of approximately 260 sq m. Whilst there are a number of other outbuildings on the site, having regard to paragraph 145d of the Framework, these are not in the same use as that proposed and therefore are not taken into account when considering whether the proposal is materially larger.
8. Having regard to the size of the existing dwelling, and the proposal to replace this with three dwellings, the proposal cannot be reasonably considered to be anything other than materially larger, having regard to the total overall floor area proposed. Therefore, the proposal would not comply with paragraph 145 (d).

Paragraph 145e – limited infilling in villages

9. The characteristics of the area which would receive development are a material factor in considering whether the proposal would constitute such limited infilling. However, the wider built context of the site comprises a ribbon of sporadic residential development, located between Billericay and Basildon, some distance from the village of Little Burstead. I have been provided with an extract from the Councils Proposal Map, which defines the area as a Plotland area. It is not clear that this denotes the definition of a settlement boundary but paragraph 3.19 of the LP sets out the semi-rural nature of the Plotland areas and seeks to avoid more urban forms of development within those areas.
10. These factors lead me to conclude that the development would not constitute the limited infilling in villages which the Framework considers to be not inappropriate development.

Paragraph 145g – limited infilling or the partial or complete redevelopment of previously developed land.

11. Paragraph 145(g) of the Framework allows for limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt than the existing development. Both parties accept that the site comprises previously developed land.
12. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and their permanence. A significant part of the site currently contains a range of buildings, which extend along almost the entire length of the access road on one side, however the frontage of the site remains open.
13. The demolition of the existing buildings and the replacement with three dwellings, along a new access road located along the boundary of the site, would reduce the overall amount of development and in particular enable greater spacing between the buildings and increase the openness of the site.
14. Although the predominant character of Rectory Road is frontage development, from within the site it is possible to see other buildings within the gardens of those dwellings. As a result, having regard to the overall size and scale of the dwellings it would therefore, in spatial terms, not result in a harmful impact on the openness of the Green Belt.
15. However, openness also has a visual aspect as well as a spatial one. I note that the proposed dwellings would be set back from the frontage of the site, further into the site than the surrounding development. However, whilst other dwellings along Rectory Road are located fronting onto the road, they are set behind landscaping and boundary walls and maintain a sense of spaciousness between the built development and the road. As such, the lack of a continued frontage would not lead to a visual impact on openness, as the open frontage of the site would be maintained.
16. I note the concerns raised with regard to the height of the proposed dwellings, which would be greater than the height of the existing bungalow on site. However, they would be comparable to the neighbouring dwellings and therefore, I consider that the development would be seen within the context of these existing neighbouring dwellings and it follows that the proposed dwellings would not be visually intrusive. Furthermore, any increase in volume across the overall site would be off set by the reduction in built form across the depth of the site.
17. Therefore, I conclude that the development would not be inappropriate development in the Green Belt and as such it should not be regarded as harmful to the purposes of including land within it and is in accordance with the Framework. The proposal would also comply with saved policy GB1 of the LP, which seeks to permit development within the Green Belt which is not inappropriate.

Character and appearance

18. The area is characterised by ribbon development, with development set within large plots fronting Rectory Road. The existing landscaping to the frontage of these dwellings contribute to the pleasant and verdant setting of the semi-rural area. The established pattern of development arises from dwellings being sited

- along the existing road, with a variety of plot sizes, predominately of single plot depth. This adds positively to the character and appearance of the area.
19. The appeal scheme would result in the construction of 3 dwellings, replacing the existing dwelling and mobile homes. The development would be served off a single access point with the dwellings arranged along the central spine road. The development would replace a range of outbuildings and structures which extend across the depth of the site and are of various types of construction.
 20. These buildings, whilst extending across the depth of the site have limited prominence when viewed from Rectory Road. The introduction of a central spine road, with associated parking and turning areas as a result of its overall length and the extent of the turning head would be an urban feature that would be alien within the landscape. Therefore, the visual impact of the proposed development would be greater on the character of the area than that which currently exists, notwithstanding that I have found visually it would not impact on openness.
 21. Furthermore, Plot 1 would have its rear garden extending towards Rectory Road, and therefore any fencing or domestic paraphernalia would be visible within the frontage of the site. In addition, the plans do not provide for any external storage, in the form of outbuildings or garages. Given the size of the proposed plots, it is reasonable to conclude that there would be a future need for the storage of equipment required for the maintenance and upkeep of the gardens. This may lead to the introduction of further built development, which in particular for Plot 1, could be located towards the frontage of the site.
 22. The dwellings would also be arranged in a linear form, in depth across the site, which would be unlike the prevailing character of the neighbouring development, which include frontage development. The appellant's statement describes the development as inward looking, focusing on a common access road, which results in a sense of identity and privacy from the existing housing. This is not a benefit of the scheme, as it results in a proposal which is visually disconnected from the existing pattern of development.
 23. All these factors indicate that the layout is an urban form of development that is out of character with the rural setting of this part of Rectory Road. In addition, the formal arrangement of the dwellings arranged in-depth across the site, would be at odds with the established linear pattern of development.
 24. For these reasons, therefore, the proposed development would introduce a discordant built form to the locality that would be harmful to the character and appearance of the surrounding area contrary to policy BAS BE12 of the LP which requires development to not result in harm to the character of the surrounding area, including the street scene.

Other Matters

Housing Supply

25. The 2020 HDT results show that the Council has underdelivered against its housing requirement over the latest 3-year period. Consequently the presumption in favour of sustainable development contained in the Framework is engaged whereby planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the

- benefits, when assessed against the policies in the Framework, taken as a whole.
26. Considering the current shortfall, the provision of additional housing, noting its small scale, attracts modest weight. There would also be social benefits arising from the contribution to the Council's housing supply, noting the Framework highlights the contribution small and medium sized sites can make to meeting the housing requirement in the area. The development would also give rise to some economic benefits during the construction phase and provide limited support to local services.
27. Nevertheless, the identified adverse impacts of the development in respect of the effect of the development on the character and appearance of the area attracts significant weight, noting the importance placed on good design within the Framework and outweigh the benefits associated with the proposed development.
28. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework and its presumption in favour of sustainable development, that outweigh this conflict.

Conclusion

29. For the reasons outlined above, I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR