



Appeal Decision

Site visit made on 2 July 2021

by Julie Dale Clark BA(Hons) DipTP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2021.

Appeal Ref: APP/V1505/W/20/3262753

Patricia, Meadow Way, Wickford SS12 9HA

- 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 Millen Homes against the decision of Basildon Borough Council.
 - The application Ref 20/00640/FULL, dated 4 June 2020, was refused by notice dated 1 September 2020.
 - The development proposed is erection of detached 3 bedroom bungalow on land adjacent to Patricia, Meadow Way, Nevendon.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider that the main issues are:-
 - whether the proposed bungalow constitutes inappropriate development in the Green Belt;
 - the effect on the openness of the Green Belt; and
 - 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 the development.

Reasons

Green Belt

3. The appeal site is located within the Green Belt and the National Planning Policy Framework¹ explains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings is considered to be inappropriate unless it is for one of the exceptions cited in the Framework. One such exception is limited infilling in villages. The Council do not quote an up to date policy relevant to this appeal and refer only to the Framework in its reason for refusal.
4. There is no dispute between the Council and the appellant that the appeal site is in the Green Belt but the Council describe the site as part of a sporadic

¹ Ministry of Housing, Communities and Local Government National Planning Policy Framework, February 2019 (the Framework).

residential ribbon development within the countryside between Wickford and Basildon. The appellant on the other hand describes it as being within the historic village of Nevendon, described as a 'straggling village' with references back to 1042-1066. It originally had a church, a public house and a school with key houses being Nevendon Manor and Cranfield House. The village subsequently became separated by the A127. The status of this settlement is a material consideration in my assessment of the proposal in terms of inappropriateness in the Green Belt.

5. Today the appeal site appears to be located within a settlement in the countryside but with no clear boundaries and no obvious signs of being a village. Meadow Way is a long linear road comprising residential properties but from what I saw, no services or facilities of any kind are available in the surrounding area. The area lacks the characteristics normally associated with a village, although I accept that these can vary. However, I cannot find anything in the evidence before me that convinces me that this is a village where limited infilling would be acceptable. I appreciate that the site is a gap between properties and could be considered as an infill site. However, the Framework clearly allows infill in villages and not generally within groupings of other properties.
6. The principal aspect of the appellant's case is that the proposal would not be inappropriate. I appreciate that without a clear definition of a village in the Framework this matter rests on judging the characteristics of the area and what would normally be expected in a village. On balance, I am unconvinced that the appeal site is within a village.
7. On this issue, therefore, I conclude that the proposal would be inappropriate development in the Green Belt. This carries substantial weight against the proposal.

Openness

8. The appellant also takes the view that the proposal would not be inappropriate as it relates to previously developed land. The Framework cites limited infilling or the partial or complete redevelopment of previously developed land where it would not have a greater impact on the openness of the Green Belt than the existing development. The appeal site seems to have been part of the adjacent dwelling, Patricia, but is now separated from it. The proposed dwelling would be single storey and relatively modest in scale. However, compared with the open land now it would impact on the openness of the Green Belt by introducing a new building and driveway.
9. The matter of openness is also one of judgement and again I am not convinced that a new dwelling on this site would not have a harmful effect on the openness of the Green Belt. I can find little justification for this development in terms of its effect on openness.
10. On this issue, I consider that development of the appeal site with a new dwelling would have a harmful effect on the openness of the Green Belt and even considering the site as previously developed, its impact would be harmful. This would conflict with the Framework which adds weight against the proposal.

Other Considerations

11. The appellant states that the Council does not have a five year supply of housing land as required by the Framework. The Council acknowledge that it does not have the required supply. This is borne out by the 2020 Housing Delivery Test Results². Due to this shortfall, there is a presumption in favour of development for housing in this Borough. Given that the Council also do not have an up to date development plan, this shortfall carries significant weight in the balance against inappropriateness.
12. The proposal would add one dwelling and the Framework acknowledges that small sites can make an important contribution to meeting the housing requirements of an area. However, this would clearly be a very modest contribution and in balancing the benefits of this against the harm to the Green Belt, I cannot agree that this carries sufficient weight to overcome Green Belt policy.

Conclusion

13. The Framework makes it clear that inappropriate development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the harm, by reason of inappropriateness and any other harm, is clearly outweighed by other circumstances.
14. Whilst the shortage of land for housing is an important consideration that carries significant weight, it does not outweigh the substantial harm caused by inappropriateness and the effect on the openness of the Green Belt.
15. I have taken all other matters raised into consideration but none alter my conclusion. I conclude that the proposal would be inappropriate development in the Green Belt and very special circumstances do not exist to clearly outweigh the harm caused by inappropriate development in the Green Belt.
16. I conclude that the proposal would conflict with the Framework and therefore the appeal fails.

J D Clark

INSPECTOR

² 2020 Housing Delivery Test (HDT) Results, published by the Government on 19 January 2021.