



Appeal Decision

Site Visit made on 21 September 2021

by Philip Mileham BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 October 2021

Appeal Ref: APP/V1505/W/21/3267075

The Glen, Brook Drive, Fobbing, SS17 9HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Andrew Brown against the decision of Basildon Borough Council.
 - The application Ref 20/01097/OUT, dated 7 September 2020, was refused by notice dated 4 November 2020.
 - The development proposed is a chalet style 3 bedroom house of a style and character in keeping with the local dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal seeks outline planning permission with all matters reserved for future consideration. An Indicative siting for the appeal proposal has been shown and I have had regard to this in my decision.
3. Since the appeal was submitted, the Government has published a revised National Planning Policy Framework in July 2021 ('the NPPF') which I have had regard to in my determination of the appeal.
4. The Council has submitted a revised Basildon Local Plan (2014-2034) for independent Examination on 28 March 2019 (RBLP). Although the plan was submitted for examination in 2019, the examination has not concluded nor has the new plan been adopted. As such, whilst emerging policy GB4 of the RBLP has been referred to, due to the continuing examination of the Local Plan the policy is afforded limited weight in my decision.

Main Issues

5. The main issues are:
 - Whether or not the proposal would be inappropriate development in the Green Belt;
 - The effect of the proposal on the openness of the Green Belt; and
 - If the proposal is inappropriate development, whether or not there are any other considerations which clearly outweigh the harm by reason of inappropriateness, and any other harm, so as to amount to the very special circumstances necessary to allow the development.

Reasons

Inappropriate development

6. The appeal site forms an area of garden land adjacent to the property known as 'The Glen', Brook Drive. Brook Drive is characterised by detached dwellings which were largely developed as 'plotlands' during the interwar years. The Glen itself is a single storey detached property and the front of the site is bordered by low fencing along with mature vegetation. There are further mature trees and vegetation to the side and rear boundaries providing a verdant boundary to the site.
7. The NPPF attaches great importance to Green Belts, and paragraph 149 considers the construction of new buildings to be inappropriate in the Green Belt subject to exceptions. Paragraph 149(e) of the NPPF allows for limited infilling in villages as one of those exceptions. Emerging policy GB4 of the RBLP would allow for infilling within the Green Belt. However, the policy has not yet been fully examined and as such, it is afforded limited weight.
8. The appeal proposal seeks to erect a new dwelling in an area where there are a number of surrounding residential properties. However, there is no evidence before me that the appeal site forms part of the village of Fobbing. Although the Framework does not define what it considers to be a 'village' in the context of paragraph 149(e), I consider that the site is part of a cluster of dwellings arising from the area's evolution from plotlands away from the main part of the village which is linear in character stretching along High Road. The area around Brook Drive has an isolated character and does not integrate with the main part of the village due to its separation from the linear development along High Road. As such, I consider that the proposal would not be infilling within a village and would not, therefore, meet this or any of the other exceptions for development in the Green Belt set out in the Framework.
9. In light of the above, I therefore conclude the proposal would represent inappropriate development in the Green Belt for the purposes of national planning policy. Inappropriate development is harmful by definition, and in accordance with paragraph 147 of the Framework, should not be approved except in very special circumstances.

Openness

10. Paragraph 137 of the NPPF indicates that it is a fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.
11. The appeal proposal is for a single storey dwelling which the indicative plan illustrates as being able to be accommodated on the site and would be largely screened by the existing residential properties in Brook Drive. However, even a chalet-style dwelling as per the description of development and with a ridge height of similar height to the properties in Brook Drive could still be glimpsed from beyond the site by traffic passing along nearby High Road. Therefore, although the proposal would not be prominent in the street scene, it would still be visible and would permanently erode the verdant and currently undeveloped area of existing garden at 'The Glen'. In doing so, I consider that the proposal would cause moderate harm to the openness of the Green Belt.

Other considerations

12. Paragraph 148 of the NPPF indicates that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the harm to the Green Belt is clearly outweighed by other considerations. The appeal proposal is an area of garden land which the appellant considers serves no wider economic or social purpose. However, I consider the site makes a modest positive contribution to the overall character of the area as a result of its verdant boundaries and absence of development. Whilst the appellant considers that redeveloping the site would have a benefit to reducing flood risk by controlling rainwater, this would be a requirement of any residential development of this nature. The control of surface water to avoid the risk of flooding would therefore be required as a matter of course, and as such, I consider this to be a neutral consideration.
13. The provision of a single dwelling would have economic benefits arising from construction and the supply of materials. It would also have social benefits arising from future occupants utilising services and facilities in nearby settlements. Furthermore, the appeal proposal would also make a positive contribution to meeting housing need in the area through the provision of an additional dwelling. However, as only a single house is proposed, the social and economic benefits would only be very modest.
14. The appellant has drawn my attention to a proposal opposite the entrance to Brook Drive for 168 dwellings (LPA reference 20/00623/FUL). However, whilst this site is nearby and of a significant scale, the appellant has indicated that it is not in the Green Belt. As such, this is an important distinction between it and the appeal proposal before me and as a result, is not directly comparable.
15. The appellant has also drawn my attention to other schemes approved by the Council (LPA references 18/01040/FULL and 18/01657/FULL). However, it appears from the appellant's statement that both schemes considered the replacement of existing buildings or structures. I have not been provided with full details of these schemes, and as a result, they are afforded limited weight in reaching my decision.

Conclusion and planning balance

16. Whilst the appeal proposal would result in a number of benefits as set out above, these benefits along with the other considerations advanced, would not clearly outweigh the harm I have identified by reason of inappropriateness and the harm to the openness to the Green Belt. As such, the very special circumstances necessary to approve the development do not exist.
17. The Council has indicated that it is currently unable to demonstrate a 5 year supply of housing land. Paragraph 11d of the NPPF states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, this means granting planning permission unless, amongst other things, the application of policies in the Framework provide a clear reason for refusing the development proposed. Footnote 7 clarifies that this includes policies relating to land designated as Green Belt. As such, the Council's lack of a deliverable supply of housing land does not, in this particular instance, justify granting planning permission given the harm that has been identified above.

18. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Philip Mileham

INSPECTOR