



Appeal Decision

Site visit made on 21 February 2022

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th March 2022

Appeal Ref: APP/V1505/W/21/3284282

Meadowbrook, 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 Karen & Martin Brooks against the decision of Basildon Borough Council.
 - The application Ref 21/00739/FULL, dated 3 May 2021, was refused by notice dated 27 July 2021.
 - The development proposed is conversion of existing detached garage to form new dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of existing detached garage to form new dwelling at Meadowbrook, Meadow Way, Wickford, SS12 9HA in accordance with the terms of the application, Ref 21/00739/FULL, dated 3 May 2021 subject to the conditions set out in the attached schedule.

Applications for costs

2. An application for costs was made by the appellants against the Council. This application is the subject of a separate Decision.
3. The property name is given variously as Colinda and Meadowbrook. I have used the latter name in this decision as it is used in the most recent submissions by the appellants and the Council.

Preliminary Matters

4. The Council's emerging Local Plan has been withdrawn from examination. Its policies accordingly carry no weight in the determination of this appeal.

Main Issues

5. The main issues are:
 - Whether the development proposed would constitute inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies; and,
 - The effect of the development on habitat sites.

Reasons

Whether inappropriate development

6. Paragraph 150 of the National Planning Policy Framework (the Framework) states that certain forms of development are not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. One of these identified forms of development is the re-use of buildings provided that the buildings are of permanent and substantial construction.
7. The Council has not considered the requirements of paragraph 150. However, the criteria of saved Policy BAS GB7 of the Basildon District Local Plan (the LP) are like those of paragraph 150, so this policy carries significant weight in the determination of this appeal.
8. With specific regard to the Green Belt, this policy requires that the creation of any residential curtilage does not harm its openness or visual amenities. The proposed development would include erecting a dividing fence and hedgerow between the existing and proposed properties. As proposed, this would be a low-level fence that could be erected under the existing dwelling's permitted development rights, while the planting of a hedgerow is not development. The formation of a separate residential curtilage would result in a more intensive use of the site, but it falls within an existing row of residential properties and the overall character of the site would not be significantly changed by the introduction of a second dwelling. The site has a carriage driveway with entrances to either end so there would be little change overall to the site. The appeal proposal would therefore result in negligible impact on the openness or visual amenities of the Green Belt, and there would be no conflict with the purposes of including land within it.
9. Regarding the other criteria of Policy BAS GB7, the garage is in keeping with its surroundings, and the conversion works proposed would not be detrimental to the character of the building itself. The building is of permanent construction and is capable of conversion without major or complete reconstruction. The appeal proposal would not be significantly more harmful to residential and visual amenities than the previous use. It would not result in inappropriate outside storage of any materials, machinery and/or vehicles. The surrounding roads would be adequate to accommodate the increase in vehicle traffic generated by the proposed development.
10. The appeal proposal would therefore accord with the criteria of Policy BAS GB7 and the requirements of paragraph 150 of the Framework. Consequently, it would not be inappropriate development in the Green Belt.

Habitat sites

11. The appeal site falls within the zone of influence for the Essex Coastal Recreational Avoidance and Mitigation Strategy (RAMS). Within this zone, new residential development when taken cumulatively is likely to have a significant effect through increased recreational pressures on coastal habitat sites.
12. The Council's RAMS was developed with Natural England and seeks a financial contribution towards the management of the sites. The appellant has provided a unilateral undertaking committing to pay the required contribution, which would fund off-site measures to increase the resilience of the coastal sites to

recreational pressure. The contribution is necessary to make the development acceptable in planning terms, is directly related to the scale of development and is fairly and reasonably related in scale and kind to the development. Consequently, it accords with Regulation 122 of the Community Infrastructure Levy Regulations and counts as mitigation towards maintaining the integrity of the coastal sites. It would therefore ensure that the development would not result in a significant adverse effect on the integrity of the sites.

Conditions

13. I have had regard to the conditions suggested by the Council. Where appropriate, I have amended them in accordance with national Planning Practice Guidance (the PPG).
14. I have applied the standard commencement condition (1) and one specifying the approved plans for the sake of certainty (2). A condition requiring matching external materials (3) is reasonable to ensure that the finished appearance of the building is in keeping with its existing character.
15. I have imposed a condition requiring approval and installation of refuse store details (4) prior to the first occupation of the approved development to ensure that appropriate measures are provided.
16. The PPG advises that conditions restricting the future use of permitted development rights may not pass the test of reasonableness or necessity. The Town and Country Planning (General Permitted Development) (England) Order 2015 does not remove permitted development rights in the Green Belt, and while the appeal proposal seeks the subdivision of an existing site, the site is large. On balance, I do not consider that the removal of permitted development rights in this instance is justified.
17. As the development would involve limited works to the site beyond the conversion of the building itself, I have not imposed a full landscaping condition or one relating to the provision of parking as the existing access and hardstanding would be used.
18. As a unilateral undertaking has been provided securing the necessary RAMS contribution, a separate condition relating to this is not required.

Conclusion

19. For the reasons set out above, the appeal is allowed.

M Chalk

INSPECTOR

Schedule of conditions for appeal ref: APP/V1505/W/21/3284282

Meadowbrook, Meadow Way, Wickford, SS12 9HA

1. The development to which this permission relates must be commenced not later than the expiration of three years beginning with the date on which this permission is granted.
2. The development hereby permitted shall be carried out only in accordance with the approved drawings:
 - 01 Revision A (Location plan)
 - 02 Revision A (Existing site plan)
 - 03 Revision A (Plans and elevations of existing)
 - 04 Revision A (Plans and elevations of proposed)
 - 05 Revision A (Proposed site plan)
3. The external surfaces of the development hereby approved shall be constructed of materials and finishes to match the external appearance of the existing building.
4. Details of refuse enclosures showing the design, location and external appearance shall be submitted to and approved in writing by the Local Planning Authority. The approved enclosures shall be provided before first occupation of the dwelling, and thereafter permanently retained.

End of schedule