



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: 25th March 2022

Appeal Ref: APP/V1505/W/21/3286455

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 Mr Vince Millen (Millen Homes Ltd) against the decision of Basildon Borough Council.
 - The application Ref 21/01269/FULL, dated 13 August 2021, was refused by notice dated 27 September 2021.
 - The development proposed is described as “erection of 2no affordable dwellings on land adjacent to Patricia, Meadow Way, Wickford”.
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Decision

1. The appeal is allowed and planning permission is granted for erection of 2no affordable dwellings on land adjacent to Patricia, Meadow Way, Wickford, SS12 9HA in accordance with the terms of the application, Ref 21/01269/FULL, dated 13 August 2021, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The Council’s emerging Local Plan has been withdrawn from examination. Accordingly, its policies carry no weight in the determination of this appeal.

Main Issues

3. The site is in the Green Belt, and the main issues are therefore:
 - Whether the development proposed would constitute inappropriate development in the Green Belt, including the effect on openness, having regard to the National Planning Policy Framework and any relevant development plan policies,
 - The effect on the character and appearance of the area; and,
 - The effect on European Protected Sites and Special Protection Areas.

Reasons

Whether inappropriate development

4. The National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt. It further states that the construction of new buildings should be regarded as inappropriate in the Green Belt save for certain identified exceptions. One of these exceptions allows for redevelopment of previously developed land which would not cause substantial harm to the openness of the Green Belt, where the development would contribute to meeting an identified affordable housing need within the area of the local planning authority.

5. Neither policy BAS GB1 nor policy BAS BE12 of the Basildon District Local Plan 2007 (the LP) allow for development of this nature in the Green Belt. Accordingly, I have given greater weight to the Framework in determining whether the appeal proposal is inappropriate development.
6. The site is garden land associated with Patricia. The Framework states that residential garden land outside of a built-up area is previously developed land, and the appeal site complies with this definition.
7. The appellant has provided a unilateral undertaking confirming that the proposed development would be for affordable housing for first and subsequent occupiers of the houses. The Council has an established shortfall in its affordable housing provision, which this development would assist in reducing.
8. Green Belt openness has both a spatial and a visual element. While the appeal site is previously developed land, it is largely open without any significant permanent structures on it. The introduction of two bungalows and a driveway would therefore reduce both visual and spatial openness within the site. However, there would be space between the bungalows and to either side, and the bungalows would have shallow pitched roofs. On balance, therefore, the development would not cause substantial harm to the openness of the Green Belt.
9. The appeal proposal would consequently accord with the requirements of paragraph 149(g) of the Framework, and so would not be inappropriate development in the Green Belt.

Character and appearance

10. The Meadow Way street scene comprises a mix of dwelling styles and sizes, with varying distances in terms of how far each house is set back from the road. Within this context, the proposed development would comprise a pair of relatively modest bungalows with a generous set back from the road. The bungalows would be simple in form and design and would largely be screened from view by the existing and proposed boundary planting. Together with the use of appropriate external materials, this would prevent them from appearing as incongruous additions within the street scene. The matters of landscaping and external materials can be controlled by appropriately worded conditions.
11. The appeal proposal would not therefore be harmful to the character and appearance of the area. It would consequently accord with Policy BAS BE12 of the LP which requires that development not cause material harm to the character of the surrounding area, including the street scene.

European Protected Sites and Special Protection Areas

12. The appeal site falls within the zone of influence for the Essex Coastal Recreational Avoidance and Mitigation Strategy (RAMS). This was developed together with Natural England and other Essex councils to deliver the mitigation necessary to avoid the likely significant effects of residential development across Essex, leading to increased recreational pressure on European designated habitat sites and Special Protection Areas along the Essex coast.
13. In this instance, a financial contribution is sought in accordance with the RAMS to mitigate the effects of increased recreation pressure from the development. The appellant has provided a unilateral undertaking committing to pay the contribution sought for each of the proposed bungalows.

14. The contribution is necessary to make the development acceptable in planning terms, is directly related to the scale of development and fairly and reasonably related in scale and kind to the development. Consequently, it accords with Regulation 122 of the Community Infrastructure Levy Regulations, and so counts as mitigation towards the affected sites. The appeal proposal would not therefore result in a significant adverse effect on the integrity of these sites.

Other Matters

15. My attention has been drawn to a previous appeal decision on the site, where the proposal for one house was found to be inappropriate development in the Green Belt. However, there is no evidence that the proposal was for affordable housing as the Inspector in that case assessed whether the proposal amounted to limited infilling in a village. It therefore differs from the proposal before me, so carries little weight in my determination of this appeal.
16. I have also been referred to an appeal decision for a site on Newhouse Avenue. In that case the permission was sought for limited affordable housing for local community needs. The Framework requires such proposals to be under policies set out in the development plan, and the Inspector found that no such policies existed. As this appeal was assessed against a different exception identified in the Framework, it also carries little weight.

Conditions

17. I have considered the conditions suggested by the Council. Where appropriate, I have amended the wording in accordance with national Planning Practice Guidance.
18. I have imposed the standard condition relating to the commencement of development (1). I have also imposed a condition specifying the approved plans, for the sake of certainty (2).
19. A condition requiring approval of external materials (3) is appropriate to ensure that the final appearance of the development is acceptable. I have also imposed a condition requiring protective fencing for the trees within and adjoining the appeal site (4) to ensure that they are not damaged by the development.
20. I have imposed conditions relating to dust suppression (5) and requiring no burning of materials on site (6) to ensure that the development does not result in harm to the living conditions of neighbouring residents during construction.
21. A condition requiring that parking be provided and retained on site (7) in accordance with the submitted drawings is reasonable and necessary, given that Meadow Way has limited on-street parking available.
22. I have not imposed the suggested condition relating to the foul sewer connection as this is a matter covered under the Building Regulations rather than addressed through the planning process.

Conclusion

23. For the reasons set out above, the appeal succeeds.

M Chalk

INSPECTOR

Schedule of conditions for appeal ref: APP/V1505/W/21/3286455

Patricia, Meadow Way, Wickford, SS12 9HA

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out only in accordance with the following approved drawings:

WICK001 Location plan
WICK002 Site layout plan
WICK003 Block plan
WICK004 Arboricultural impact plan
WICK005 Street scene elevation
WICK006 Elevations
3. No development above ground level shall take place until details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved materials.
4. All works affecting the trees within and adjoining the site shall be carried out in accordance with British Standard 5837 (2012) - Trees in relation to design, demolition, and construction, and this shall include the erection of protective fencing around the extent of the root protection areas of those trees to be retained for the duration of the construction period as shown on drawing WICK004.
5. Dust suppression methods shall be employed during demolition and construction so as to minimise the likelihood of nuisance being caused to neighbouring properties.
6. No materials produced as a result of the site development or clearance shall be burned on site.
7. Prior to occupation, at least two on-site parking spaces per dwelling, each with a minimum dimension of 2.9m by 5.5m shall be provided within the site as shown on drawing WICK002 and thereafter retained at the site in perpetuity.

End of schedule of conditions