
Appeal Decision

Site visit made on 20 April 2022

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 May 2022

Appeal Ref: APP/V1505/W/21/3281323

Lyndhurst, Broomhills Chase, Billericay CM12 9TG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr and Mrs M Brown against the decision of Basildon Borough Council.
 - The application Ref 21/01027/PIP, dated 24 June 2021, was refused by notice dated 10 August 2021.
 - The development proposed is described on the application form as 'Permission in Principle for a single infill dwelling.'
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Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising 1 dwelling at Lyndhurst, Broomhills Chase, Billericay, CM12 9TG in accordance with the terms of the application, Ref 21/01027/PIP, dated 10 August 2021.

Preliminary Matters

2. The Planning Practice Guidance (the PPG) explains that the Town and Country Planning (Permission in Principle) (Amendment) Order 2017, is an alternative way of obtaining planning permission for housing-led development, which separates the consideration of matters of principle for development, from the technical detail. This consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle, and the second (technical details consent (TDC)) stage, is when the detailed development proposals are assessed. This appeal relates to an application under the first stage for a residential development of 1 dwelling.
3. The PPG outlines that the scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted, with all other matters considered at TDC stage. A site plan was submitted with the planning application which shows an indicative location for the proposed dwelling. I have only had regard to it insofar as it is illustrative.
4. The Council's Officer Report states in part that 'The development does fall within the Zone of Influence for the Essex Coastal Recreational Avoidance and Mitigation Strategy (RAMS)'. However, Natural England has confirmed that the appeal site is not within a Zone of Influence of any European Site and the Council has since confirmed the same. As such, it is not necessary for me to undertake an appropriate assessment.

5. The Council's decision notice and Officer Report refer to various policies contained within the emerging Local Plan¹. However, the Council has clarified that the emerging Local Plan was withdrawn at a meeting of Full Council on 3rd March 2022. The Council has therefore confirmed that all references to emerging Local Plan policies are no longer relevant, and I have considered this appeal on that basis.

Main Issues

6. The main issue is whether the proposed development would be acceptable in terms of location, land use and amount of development, with particular reference to:
- Whether the proposal would be inappropriate development in the Green Belt, having regard to any relevant local and national policies.
 - The effect of the proposed development on the character and appearance of the area.
 - If the proposal is inappropriate development, 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 required to justify the proposal.

Reasons

Inappropriate Development

7. Saved Local Plan² Policy BAS GB1 outlines that the Green Belt boundaries are indicated on the 'Proposals Maps'. The appeal site is located within the Green Belt.
8. National Planning Policy Framework (the Framework) Paragraph 149 states that the construction of new buildings in the Green Belt should be regarded as inappropriate development except in certain circumstances. Exception 'e' refers to 'limited infilling in villages'. The Framework does not define a 'village'.
9. The appeal site is located within Broomhills Chase, which comprises of predominantly detached dwellings set within relatively spacious plots. Both parties have referred to a relatively recent appeal decision³ relating to a site at land between The Willows (aka Crystal Cottage) and Cranbourne. This site is on the opposite side of the road to the appeal site. This appeal decision is a material consideration in the consideration of this current appeal.
10. In considering whether the development comprised limited infilling in a village, the Inspector concluded that *'the plotlands at Broomhills Chase form part of Little Burstead, which is a small village'*. I concur with this assessment, and I consider that the appeal site is located in a village for the purposes of Framework Paragraph 149e.
11. It is necessary to consider whether the proposed development comprises 'limited infilling', which is also a term which the Framework does not define. The appeal site comprises an area of land between two detached properties.

¹ Basildon Borough Revised Publication Local Plan 2014-2034

² Basildon District Local Plan Saved Policies (September 2007)

³ APP/V1505/W/3249059

Only one dwelling is proposed and the scale and precise layout would be the subject of TDC. Therefore, the scale could be similar to the adjacent properties and the proposed development could be positioned in the gap between the existing dwellings. As such, the amount and location of development (subject to TDC) is capable of comprising 'limited infilling' in a village within the terms of Framework Paragraph 149e.

12. The fact that there is only one dwelling either side of the appeal site does not alter my findings. Indeed, the sporadic and spacious nature of development in Broomhills Chase is a characteristic of this part of the village.
13. In summary, the proposed development is capable of comprising limited infilling in a village, subject to TDC. As such, it would not be inappropriate development and it would accord with the relevant provisions of the Framework in relation to the Green Belt. There would be no conflict with Policy BAS GB1 as this policy seeks to identify the extent of the Green Belt.
14. It is not necessary to consider openness as a separate matter. This is because the impact on openness is implicitly taken into account in the exceptions to inappropriate development unless there is a specific requirement to consider the actual effect on openness (which is not the case for Paragraph 149e).
15. The amount and location of the proposed development is therefore acceptable in this regard and very special circumstances are not required to justify the development.

Character and Appearance

16. Dwellings within Broomhills Chase are typically set back from the road within spacious plots. Whilst these properties predominantly have wide frontages, many are not visible from the road given the existing screening afforded by trees and hedgerows. As a result, the character of the wide frontages is not particularly apparent from the road.
17. The plots either side of the appeal site have a greater width than that of the appeal site. However, the width of the appeal site is not dissimilar to other residential plots further north within Broomhills Chase. Furthermore, the appeal site is relatively large and only one dwelling is proposed. As such, the development is capable of retaining the low-density and spacious character of the surrounding area. Indeed, the precise design and layout of the proposed development would be subject to TDC.
18. For these reasons, the proposed development would not have a harmful impact on the character and appearance of the surrounding area (subject to TDC) and the amount, location and land use is therefore acceptable. It would therefore comply with saved Local Plan Policy BAS BE12, which requires that development does not harm the character of the surrounding area. It would also comply with the relevant provisions of the Framework in relation to design.

Conclusion

19. For the reasons set out above, I conclude that the appeal should be allowed.

Luke Simpson

INSPECTOR