



Appeal Decision

Site visit made on 17 May 2022

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th July 2022

Appeal Ref: APP/V1505/W/21/3288917

Land at Blackmore Farm, Noak Hill Road, Billericay, Essex CM12 9UG

- 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 O'Sullivan against the decision of Basildon Borough Council.
 - The application Ref 21/01270/Out, dated 13 August 2021, was refused by notice dated 11 October 2021.
 - The development proposed is described as: 'erection of 2No dwellings with associated parking and landscaping'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. As there was no site address included on the application form, I have taken the address from the appeal form.
3. Since the decision was issued, the emerging Basildon Borough Local Plan has been formally withdrawn from examination. I have therefore determined the appeal on the basis of the most up to date policies contained within the Basildon Local Plan Saved Policies (2007) (the Local Plan).

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposal on the character and appearance of the area; and
 - whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development

5. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt

should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 149. These exceptions include at: 149. e) limited infilling in villages.

6. It is common ground between the parties that the appeal site lies outside of any settlement boundary. The appeal site is a grassed field lying between Blackmore Farm and Coopers Lodge to the south, and 20 Noak Hill Road (No 20) to the north. No 20 forms the end of a ribbon development of predominantly detached dwellings set within regularly spaced plots, along this side of Noak Hill Road. The ribbon development is only located to one side of the road with open fields to the opposite side. There are no services or facilities along this part of Noak Hill Road (aside from a bus stop) and the prevalence of open fields and views gives the area a somewhat rural character.
7. Further south along Noak Hill Road, the character becomes more suburban with housing development on both sides of the road and a denser pattern of development and more varied streetscene. Owing to the clear difference in character and due to be separated by a large field, this more built-up part of Noak Hill Road is distinct from the ribbon development forming the appeal site. Accordingly, my impression upon exiting the more built-up section of Noak Hill Road in the direction of the appeal site was of leaving a settlement, with housing giving way to countryside in the form of large open fields to both sides of the road.
8. As a result of the clear distinction between the two areas referred to above, I am satisfied that the ribbon development adjacent to the appeal site does not form part of the wider collection of dwellings along Noak Hill Road. Given the relatively small number of dwellings, their arrangement and lack of services present, I am satisfied that this ribbon development is not a village for the purposes of paragraph 149.
9. There is even greater distance and more intervening fields between the ribbon development around the appeal site and the settlements of Little Burstead and Great Burstead. The appeal site is therefore not within either of these settlements.
10. I accept that the site would be within walking distances of the more built-up part of Noak Hill Road and a nearby bus stop. Services in Little Burstead and Great Burstead would also be accessible via longer, albeit achievable walking distances. However, that would be true of a number of adjacent fields and nonetheless I am mindful of the situation on the ground, considered above. Consequently, my assessment is that the appeal site is not within a village for the purposes of Framework paragraph 149.
11. I have been directed to an appeal decision at Broomhills Chase nearby¹. In that case the Inspector was provided with a copy of the Council's Urban Characterisation Design Review (2015) forming part of the then emerging Local Plan. This identified the development at Broomhills Chase, a cul-de-sac development, as being within Little Burstead. The Inspector found this an important source of evidence at that appeal. The same document refers to ribbon development along Noak Hill Road and Rectory Road as forming the basis of the modern settlement of Noak Hill. This is a more vague description than that of Broomhills Close as Noak Hill Road is a through-road of some

¹ APP/V1505/W/3249059

length. Nevertheless, in all likelihood this refers to the main built-up development along Noak Hill Road rather than more remote ribbon development adjacent to the appeal site and the sporadic development further north. Notwithstanding that the then emerging Local Plan has now been withdrawn, I am satisfied that for the above reasons this appeal decision does not represent a parallel with the case before me.

12. The appellant has provided me with a small extract of Basildon Topic Paper Green Belt Infill Policy Topic Paper (2017). Given that I have only been provided with one paragraph of that document, the weight I can give this is limited.
13. I therefore conclude that the proposal would be inappropriate development in the Green Belt, as it would not meet the exceptions for the construction of new buildings set out in the Framework. It would conflict with paragraph 147 of the Framework.

Character and Appearance

14. The appeal site is an open field extending a considerable distance away from the road where it adjoins surrounding fields. The character of this land is overwhelmingly open and, with neighbouring fields and the fields on the opposite side of Noak Hill Road, contributes to the semi-rural character of the area. Whilst the proposal would infill a gap between existing development, the replacement of that gap with two dwellings, associated hardstanding, vehicular access and parking would result in a large footprint of permanent development that would diminish the semi-rural character of this part of Noak Hill Road.
15. Notwithstanding the outline nature of the application, two additional dwellings would be highly visible both from Noak Hill Road and from the public right of way that runs along the rear of the site. There would be a harmful visual effect as a result of the encroachment into the countryside and the massing of a pair of dwellings.
16. I therefore conclude that the proposal would result in moderate harm to the character and appearance of the area. The proposal would therefore conflict with the provisions of the Framework which seeks to ensure planning decisions contribute to and enhance the natural environment by recognising the intrinsic character and beauty of the countryside.

Planning Balance and Conclusion

17. The proposed development would be inappropriate development in the Green Belt and would harm openness. The Framework establishes that substantial weight should be given to any harm to the Green Belt. It would also be harmful to the character and appearance of the area. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
18. I accept that there would be minor economic benefits from the construction and occupation of two dwellings. However, these benefits are comparatively minor in respect of just two dwellings and as such carry limited weight. I accept that the location is accessible in terms of its access to a bus service and to services in nearby villages.

19. Nonetheless, given the substantial weight to be given to Green Belt harm combined with the other identified harm, relative to the limited benefits of the proposed scheme in that context, the harm that would arise would not be clearly outweighed by the other considerations. Therefore, the very special circumstances necessary to justify the proposal do not exist.
20. The Council states in its delegated report that it cannot demonstrate a five year supply of deliverable housing sites and can currently only demonstrate a 3.5 year supply. This represents a substantial shortfall, and I acknowledge that in an incremental numerical way the scheme would contribute towards rectifying that shortfall.
21. Paragraph 11. d) of the Framework states that in such circumstances permission should be granted unless the application of policies in the Framework that protect assets or areas of particular importance provide a clear reason for refusing the development. Footnote 7 indicates that land designated as Green Belt is one such protected area. I have found that the proposal would be inappropriate development in the Green Belt and very special circumstances do not exist, even taking into account the shortfall here. There is therefore a clear reason for refusing the proposal in any event, and the presumption in favour of sustainable development is not engaged.
22. I have considered all other matters raised but none outweigh the conclusions I have reached. For the reasons set out above, I dismiss the appeal.

Paul Martinson

INSPECTOR