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# Appeal Decision

Site visit made on 10 August 2022

**by L Douglas BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 August 2022**

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**Appeal Ref: APP/V1505/W/22/3290768**

**Hermay, The Crossway, Billericay CM11 1EZ**

- 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 Richard Gillanders against the decision of Basildon Borough Council.
  - The application Ref 21/01133/FULL, dated 19 July 2021, was refused by notice dated 15 September 2021.
  - The development proposed is the erection of a 4-bedroom chalet style family dwelling house.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The appellant has referred to policies within the Council's Revised Publication Local Plan 2014 – 2034 (October 2018). As emerging policies which have not been formally adopted as part of the development plan, I attach limited weight to them.

## Main Issues

3. The main issues are: i) 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; ii) the effect of the proposal on the openness of the Green Belt; and iii) whether any 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*

4. The appeal site is a plot located within the Green Belt, which was previously occupied by a detached dwelling. That dwelling was demolished some time ago and a single storey outbuilding remains adjacent to the rear boundary.
5. Paragraphs 147 and 148 of the Framework advise that substantial weight should be given to any harm to the Green Belt and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Saved Policy BAS GB1 of the Basildon District Local Plan Saved Policies (2007) (the LP) defines the extent of

the Green Belt in the Borough. Saved Policy BAS GB3 of the LP is applicable to replacement dwellings in the Green Belt.

6. Paragraph 149 of the Framework advises that the construction of new buildings should be regarded as inappropriate in the Green Belt, unless such development falls within a list of exceptions, (a) – (g). It has been claimed that the proposal would fall to be considered under the following exceptions: d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; e) limited infilling in villages; and g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.
7. The former dwelling is said to have been demolished in or around 2003. The appeal site is currently overgrown and there are no discernible signs of the former dwelling's existence. As such, the proposal cannot be reasonably described as a replacement dwelling, as no dwelling currently exists to be replaced. Furthermore, I have not been provided with any convincing evidence, such as a lawful development certificate, which confirms that any previous planning permissions for a replacement dwelling have been implemented. The proposal would not therefore fall under exception (d) of paragraph 149 and Saved Policy BAS GB3 is not applicable.
8. The appeal site is located towards the end of an unmade private road which abuts dense woodland, and is bounded by a railway line to the south. Although the appeal site is located within a small community of isolated dwellings, that community does not form a village on account of its size and lack of services. No established village has been identified which the appeal site is claimed to fall within. The proposal would not therefore fall under exception (e) of paragraph 149.
9. Any remains of the former dwelling have blended into the landscape, but following the definition provided in the Glossary at Annex 2 of the Framework, as an area of land with a building and curtilage, I am satisfied that the appeal site comprises previously developed land. The proposal would constitute the partial redevelopment of that previously developed land, and as such, if the proposal would not have a greater impact on the openness of the Green Belt than the existing development it would benefit from the exception to inappropriate development at paragraph 149(g).

### *Openness*

10. The appeal site appears as a vacant, overgrown plot, with what the appellant describes as a former garage/store building positioned against the rear boundary. It is enclosed by close-boarded fencing along its side boundaries with a detached bungalow to the west and an undeveloped plot to the east. The appeal site is therefore largely free from development and is located in a secluded setting. It is proposed to erect a 2 storey house to the front of the appeal site. The single storey building at the rear would be retained.
11. Paragraph 137 of the Framework states: 'the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'. Paragraph 138 identifies five purposes Green Belts serve,

including, amongst other things, to check the unrestricted sprawl of large built-up areas and to assist in safeguarding the countryside from encroachment. Openness is therefore an essential characteristic of the Green Belt, which has spatial and visual aspects.

12. The proposal would introduce a relatively large building to a mostly undeveloped plot. Although it would be located alongside 2 dwellings of similar size to the west, it would extend that row of houses further along The Crossway. This would form part of a gradual sprawl of housing outside of the built-up area, within the Green Belt.
13. The proposal would therefore have a greater impact on the openness of the Green Belt compared to the existing development, in a spatial and a visual sense. This would cause a moderate level of harm to the openness of the Green Belt on account of the surrounding area comprising a mix of secluded dwellings surrounded and interspersed by trees.
14. As the proposal would have a greater impact on the openness of the Green Belt compared to the existing development, it would not fall within the exception to inappropriate development provided at paragraph 149(g) of the Framework. Therefore, it would be inappropriate development which is, by definition, harmful to the Green Belt.

#### *Other Considerations*

15. I have been referred to the impact of the former dwelling on the Green Belt, but no detailed information has been provided to demonstrate any such impact. In any case, as set out above, the former dwelling was demolished some time ago and no longer exists. Comparisons between the former dwelling and the proposal are therefore of limited relevance and I do not attach significant weight to the claims made in that regard. No other information has been provided which may comprise the very special circumstances required to justify the proposal.

#### **Conclusion**

16. The proposal would constitute inappropriate development in the Green Belt and would harm the openness of the Green Belt. There are no other considerations which would outweigh the substantial weight which the Framework advises I should assign to the identified harm which would be caused to the Green Belt. Therefore, for the reasons given, and taking all other matters raised into account, I conclude that the appeal should not succeed.

*L Douglas*

INSPECTOR