
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: 17 August 2022

Appeal Ref: APP/V1505/W/21/3284459

Holly Lodge, Church Road, Ramsden Bellhouse, Billericay CM11 1RR

- 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 Sam Edlin, Broxhill Road Ltd. against the decision of Basildon Borough Council.
 - The application Ref 21/00089/FULL, dated 19 January 2021, was refused by notice dated 12 August 2021.
 - The development proposed is described in the application form as: Conversion of existing Stables to a 4 bedroom dwelling and adding a driveway to the existing house at the front of the site.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I was not provided with access to the appeal site, as it has been transferred to a new owner since the Council refused planning permission. I inspected the appeal site and its surroundings from the public highway, and together with the information provided by the main parties, I am satisfied that I do not need to enter the appeal site to carry out a further inspection before issuing my decision.
3. An amended plan¹ has been submitted as part of the appeal which did not form part of the original planning application. It shows proposed boundary treatments, including a fence which would enclose a garden area associated with the proposal, with meadow land beyond, to the east. The Council were afforded the opportunity to comment on this amended plan as part of the appeal. It does not substantially change the proposal and such details could have been required by condition if planning permission were to be granted. Taking this into account, I am satisfied that no injustice would be caused to any parties by me proceeding to consider the amended plan as part of the appeal.

Main Issues

4. 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

¹ Proposed Boundary Treatment 4106_PL07A

clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate

5. The appeal site is located in the Green Belt, the extent of which is defined by Saved Policy BAS GB1 of the Basildon District Local Plan Saved Policies (2007). 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. Paragraph 150 clarifies 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. This includes the re-use of buildings provided that those buildings are of permanent and substantial construction.
6. Therefore, if the proposal would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it, in addition to the appeal building being of permanent and substantial construction, the proposal would not be inappropriate development. I have not been provided with any evidence which demonstrates the appeal building is of permanent and substantial construction and the Council has claimed it is unclear whether this is the case in the absence of a structural survey. Based on the information available, considering the building's current use as stables, I am not prepared to conclude the building is of permanent and substantial construction.

Openness

7. The appeal building is a large 'L' shaped stable building located to the rear of large, detached houses fronting onto Church Road. It is accessed by a driveway between Holly Lodge and Northcroft which leads to an extensive area of hardstanding in front of the appeal building. Paddocks and fields lie to the east. As stables, the appeal building is typical of its countryside location to the rear of houses and gardens.
8. 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 prevent neighbouring towns merging into one another 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.
9. The proposal comprises the conversion of the appeal building, which would include the addition of a hipped roof to part of the building which is shown on the existing plans as having a flat roof. Based on the submitted plans, the overall mass of the appeal building would therefore be slightly increased. Parts of the existing hardstanding to the front of the appeal building would be removed and those areas planted and landscaped.
10. It is claimed the stables and fields are in domestic use, ancillary to Holly Lodge. However, the land and stables are of considerable size, and I saw that they are accessed by a driveway which is independent of the dwelling at Holly Lodge

due to tall gates and fencing leading to the highway, which provides access separate to the parking area in use and under construction at the front of Holly Lodge. The stables and part of the appeal site to the side and rear of Holly Lodge did not therefore appear as domestic features of the area, even if they are ancillary to the dwelling at Holly Lodge.

11. The appeal site includes paddocks/fields to the rear of the stables and the Council has suggested that the proposal would domesticate the stables and land to the rear of Holly Lodge. It is not clear how the meadow shown on the amended plan would be used or managed, but the erection of the proposed boundary fence and creation of a formalised garden area, albeit relatively small, would inevitably enclose and domesticate part of the land to the rear of the stables. The area to the front of the stables would also change from a hard-surfaced area associated with the keeping of horses to a formalised residential driveway and garden, which would be used for the parking of vehicles and the placing of domestic items, such as outside furniture and/or play equipment.
12. Overall, the proposal would have a small impact visually and spatially on the openness of this part of the Green Belt on account of the small increase in the mass of the building shown on the submitted plans and the inevitable domestication of parts of the appeal site, close to neighbouring houses and gardens. The replacement of equestrian activities ancillary to the dwelling at Holly Lodge with a more intensive and separate residential use would represent encroachment into the countryside. The proposed removal of areas of hardstanding would not mitigate the low level of harm which would be caused to the openness of the Green Belt.
13. The proposed development would not preserve the openness of the Green Belt and would conflict with the purposes for including land within it. As it has not been demonstrated that the proposal would accord with paragraph 150(d) of the Framework, I also conclude that the proposal would constitute inappropriate development.

Other Considerations

14. It has been claimed that some of the proposed alterations could be made to the appeal building, which could be used as ancillary residential accommodation without the need for planning permission. This could be in addition to domestic items being placed on the land surrounding the stables, and the subdivision of paddocks by tall fencing. Be that as it may, I am not convinced that such actions ancillary to the dwelling at Holly Lodge would exceed even the low level of harm which I have found the proposal, as a separate residential use, would cause to the openness of the Green Belt.
15. In addition to the above, I do not consider the impact on the openness of the Green Belt of vehicle movements and items associated with the stabling of horses at the appeal site, which is a typical rural activity often found in the Green Belt, would be comparable to that of the vehicle movements and domestic paraphernalia which would likely be associated with the proposal.
16. The Council is unable to demonstrate a five year housing land supply. Where this is the case paragraph 11(d)(i) of the Framework advises planning permission should be granted unless the application of policies in the Framework that protect Green Belts provides a clear reason for refusing development. Very special circumstances would need to exist to justify granting

planning permission for the proposal because it would constitute inappropriate development in the Green Belt and harm the openness of the Green Belt.

17. The provision of a single family sized dwelling in an area where there is a lack of deliverable sites for new housing would be a modest benefit attracting moderate weight. Even if significant weight were to be attributed to this benefit, as suggested by the appellant on account of the magnitude of the shortfall in deliverable sites, that would not clearly outweigh the substantial weight that the Framework advises I must assign to the harm the proposal would cause to the Green Belt on account of its inappropriateness and the low-level harm which would be caused to openness. The application of policies in the Framework that protect the Green Belt, as an area of particular importance², therefore provides a clear reason for refusing the proposal and paragraph 11(d)(ii) of the Framework is not applicable.

Other Matters

18. I have been referred to outbuildings at other sites on Church Road which are claimed to be more residential in appearance than the proposal. Their existence and the Council's decisions to grant planning permission for those buildings do not alter my findings that the proposal would be inappropriate development which harms the openness of the Green Belt, which is not justified by any other considerations.

Conclusion

19. The proposal would be inappropriate development in the Green Belt and would harm the openness of the Green Belt. For the reasons set out above, the harm identified would not be outweighed by any other considerations and the very special circumstances required to justify the proposal have not been demonstrated. The appeal is therefore dismissed.

L Douglas

INSPECTOR

² As defined by footnote 7 of the Framework