



Appeal Decision

Site visit made on 11 October 2022

by A. Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 November 2022

Appeal Ref: APP/V1505/W/21/3287850

Land Adjacent to 104 Noak Hill Road, Great Burstead, Billericay CM12 9UH

- 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 C Ashdown against the decision of Basildon Borough Council.
 - The application Ref 21/00760/FULL, dated 6 May 2021, was refused by notice dated 30 June 2021.
 - The development proposed is the erection of a stable building with associated ancillary facilities and storage for hay and feed.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's emerging Local Plan has been withdrawn from examination. Its policies therefore attract no weight in the determination of this appeal.

Main Issues

3. The main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and
 - if the proposed development would be inappropriate, 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 development.

Reasons

Whether Inappropriate Development

4. The appeal site comprises a parcel of open land to the west of Noak Hill Road and is located within the Green Belt.
5. National Green Belt policy in the Framework sets out that the construction of new buildings in the Green Belt should be regarded as inappropriate development. There are, however, certain exceptions. One of those, at paragraph 149b, is 'the provision of appropriate facilities (in connection with the existing use of the land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the

facilities preserve the openness of the Green Belt and do not conflict with the purposes of the land within it¹.

6. I saw during my site visit how intervening features in the landscape, the topography and paucity of nearby vantage points mean there is fairly limited visibility of the site from the surrounding area. Nevertheless, the Framework indicates that openness is an essential characteristic of the Green Belt and a fundamental aim of Green Belt policy is to keep land permanently open. The openness of the Green Belt has a spatial as well as a visual aspect. 'Open' can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible from the public realm.
7. I accept that the proposed building and driveway have been designed with some sensitivity to the prevailing vernacular. I also acknowledge the existence of other buildings within the wider vicinity of the site, that the building has been reduced in scale since a previously refused planning application and that it has been positioned discreetly behind the established boundary of No 104, set at a lower level due to the topography of the site.
8. Nevertheless, the proposed development introduces built form (both in terms of floorspace and volume) where there is presently none. I appreciate that the dimensions have been dictated by British Horse Society standards and note the use of 'grasscrete' for the driveway. However, the proposed development would lead to a loss of openness, both physically and visually.
9. For the foregoing reasons, the proposed development would fail to preserve openness. As such, it does not fall within the exception at paragraph 149b as preservation of openness is required in order for it to be engaged. It would be inappropriate development in the Green Belt. Inappropriate development in the Green Belt is, by definition, harmful and should not be approved except in very special circumstances. The proposed development therefore conflicts with the relevant provisions of the Framework, which in summary seek to prevent inappropriate development in the Green Belt. There are no relevant development plan policies before me which conflict with this objective.

Other considerations

10. I have carefully considered the comments made relating to the fact that no objections have been received from neighbours. However, the lack of objection is a neutral factor in my determination of this appeal. I also recognise the benefits that using the land for equestrian purposes may provide to the occupiers of the appeal site. Even if the site is or would be used for recreational activities involving horses, the building would not, as reasoned above, preserve the openness of the Green Belt. I therefore attach limited weight to these considerations.
11. I note comments made that the proposed development would be suitable and provide benefits for both the horses and those involved in their care. Nevertheless, the proposed development would have a harmful effect on openness. I therefore attach limited weight to these considerations.
12. My attention is drawn to an historic planning permission at nearby 118 Noak Hill Road. Whilst I only have limited details of that development, it was clearly

¹ Paragraph 149 (b)

determined under a different planning context, and prior to the publication of the Framework. As such, I am of the view that the two schemes are not directly comparable. I have therefore determined the appeal on the basis of the evidence before me. I attach limited weight to this consideration.

Green Belt Balance and Conclusion

13. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
14. Cumulatively, I attach no more than limited weight to the benefits of the proposed development, which make up the other considerations. As such, the harm identified would not be outweighed by any other considerations and, therefore, the very special circumstances necessary to justify the proposed development do not exist. Consequently, the appeal should be dismissed.

A. Price

INSPECTOR