



Appeal Decision

Site visit made on 17 October 2022

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 November 2022

Appeal Ref: APP/V1505/W/22/3298863

Land adjacent to Whitney House Farm, Durley Avenue, Wickford, SS12 0WH

- 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 Kevin Nicholls against the decision of Basildon Borough Council.
 - The application Ref 21/01429/FULL, dated 20 September 2021, was refused by notice dated 15 November 2021.
 - The development proposed is the use of land for a replacement dayroom for the existing ancillary dayroom.
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Decision

1. The appeal is allowed and planning permission is granted for a replacement single storey detached outbuilding to be used as a dayroom at Land adjacent to Whitney House Farm, Durley Avenue, Wickford, SS12 0WH in accordance with the terms of the application, Ref 21/01429/FULL, dated 20 September 2021, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 17_855A_001, 17_855A_003 and 17_855A_005.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. However, the description that the Council used to deal with the proposal, replacement single storey detached outbuilding to be used as a dayroom, more accurately reflects the proposal and I have therefore used this in my formal decision.

Main Issue

3. The main issue is whether the proposal would be inappropriate development in the Green Belt.

Reasons

Inappropriate development

4. The National Planning Policy Framework (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 harmful to the Green Belt and should not be approved except in very special circumstances. In addition, the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in paragraph 149.
5. The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces, is one of the listed exceptions at paragraph 149(d).
6. The existing day room, which has the appearance of a stable block, is located forward of the existing single storey mobile home. It has two doors providing access to a storage area and utility room with a bathroom provided within a single room.
7. The proposed day room would be sited in the same position with the proposed building extending towards Durley Avenue. The ground floor plan indicates that the outbuilding would be used as a day room, kitchen, wash room and bathroom for use by the occupiers of the mobile home.
8. The appellant has directed me to Policy BAS GB3 of the Basildon District Local Plan Saved Policies (LP) which sets out that dwellings will be allowed to enlarge on replacement to 90 square metres or a maximum of 35 square metres over and above the floor area of the original dwelling, whichever is greater.
9. The existing day room provides facilities to support the occupation of the mobile home. Whilst the mobile home is not a building, together with the existing day room they function as the appellants dwelling. The replacement day room, which is of a greater footprint, would enable further facilities required to support the occupation of the mobile home, including the provision of a separate bathroom.
10. Therefore, I consider that the Council's policy on replacement dwellings does provide a suitable starting point. It also sets out a useful guideline where the Framework does not provide a definition of 'materially larger', whilst accepting that an assessment of whether a proposal would be materially larger is also a matter of planning judgement.
11. Comparing the original building to the one that would result if the proposal were to go ahead, I have taken into account the increased ridge height of the proposed day room. However overall, I consider the scale of the building would remain proportionate to the overall scale of the existing site when compared against the original building together with the appellants mobile home and that the outcome would not be materially larger.

12. The existing day room has a floor area of approximately 26.64 square metres and its proposed replacement would have a floor area of approximately 40 square metres, an increase of around 13.36 square metres. The proposed day room would be located in the same position and its increased footprint would not be perceivable from outside of the site. Furthermore, the siting of the dayroom remains closely related to the existing mobile home and does not encroach onto undeveloped parts of the site.
13. A further aspect that I have had limited regard to is that the increased floor area would be below the threshold which the local plan sets out for replacement dwellings.
14. Having regard to all of these factors leads me to conclude that the proposed day room would not be materially larger. Therefore, I conclude that the development would not be inappropriate development in the Green Belt and is in accordance with Policy BAS GB1 of the LP which confirms the extent of the Green Belt and the Framework.

Other Matters

15. Whilst the parties have referred to the proposed occupiers' status as gypsies and travellers, that has not been a determining factor. The decision reflects the application of the general planning principles as set out in the development plan and Framework, and I am satisfied that any status of the occupiers would have no bearing on the conclusions I have reached in this instance and therefore upon the outcome of this appeal.

Conditions

16. The Council has suggested conditions which I have considered against the advice in the Framework and Planning Practice Guidance. As well as the standard implementation condition, I have imposed a condition to ensure that the proposal is built in accordance with the approved plans to provide certainty. I am satisfied that there are sufficient details on the submitted plans that a materials condition, as suggested by the Council, is not necessary.

Conclusion

17. For the reasons given above I conclude that the appeal should be allowed.

G Pannell

INSPECTOR