



Appeal Decision

Site visit made on 6 December 2022

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 January 2023

Appeal Ref: APP/V1505/W/21/3287068

Land at Broomhills Chase, Little Burstead, CM12 9TG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mrs M Moulton-Miller & Mrs T. Ketteringham against the decision of Basildon Borough Council.
 - The application Ref 21/00616/PIP, dated 14 January 2021, was refused by notice dated 11 June 2021.
 - The development proposed is for a residential development of two dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.
4. On 14 January 2022, the Government published the 2021 Housing Delivery Test (HDT) results. The HDT results show that Basildon Borough Council has delivered 41% of its housing requirement over the latest 3-year period. I am also aware from other appeals I am dealing with in the borough that the Council is currently unable to demonstrate a five year housing land supply, but no evidence has been provided within this appeal as to the extent of the shortfall.
5. The Council have confirmed that the site is not within the Essex Coast Zone of Influence for one or more of the European designated sites scoped in the Essex Coast Recreational disturbance Avoidance and mitigation Strategy (RAMS). As a result it has not been necessary to carry out a Habitats Regulations Assessment.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

Main Issues

6. The main issues, which relate to land use and location, 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, including its effects on the openness of the Green Belt and the purposes of including land in it; and
- the effect of the development on the character and appearance of the area; and
- if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Green Belt

7. Policy BAS GB1 of the Basildon District Local Plan Saved Policies 2007 (LP) defines the extent of the Green Belt. The other policies within the LP relating to development in the Green Belt are not relevant to the appeal scheme.
8. It has been put to me that the development would meet the exception set out within paragraph 149 (e) of the Framework which permits limited infilling in a village. The characteristics of the area which would receive development are a material factor in considering whether the proposal would constitute such limited infilling.
9. The appeal site is located within an area comprising plotlands, small pieces of land laid out in regular plots on which a number of self built settlements were historically established in the south east of England. The Basildon Borough Plotland Study 2017: June 2017 update identifies Broomhills Chase as a plotland area located in a rural part of the borough within Little Burstead. It describes the development in Broomhills Chase as being relatively modern bungalows or bungalow chalets, in generally well kept and tidy plots, some with front gardens.
10. This document sets out that some limited development should be permitted on infill plots within this plotland and that the appeal site is located within the area identified by the Council as suitable for infill development. However, it concludes that infill development should only occur where it does not result in the sub-division of a large plot, causing a more urbanised form of development than is typical of the plotland areas and that it preserves the character of the plotland settlement and the Green Belt.
11. However, this document does not, to my knowledge, form part of the adopted development plan for Basildon, but was part of the evidence base for the now withdrawn Basildon Borough Publication Local Plan 2014-2034 and therefore I have only given it limited weight in my consideration.

12. The appeal site is located opposite to linear development, but this is not as evident adjacent to the appeal site. The existing gap between the built development and the position of Milverton on the corner, does not contribute to a continuous built frontage, with large undeveloped gaps and spacing evident between the dwellings. Therefore, even if developed, there would be a considerable gap between the proposed dwellings and Milverton, which is located on the corner of Broomhills Chase.
13. I consider that the development would not have to occupy the entire space between the buildings to constitute infilling, neither is the consideration related to the quantity of development proposed. I have taken account of the pattern and form of development which exists within the locality in coming to a judgement as to whether the development would be limited infilling.
14. Therefore, the extent of the gap between the existing dwellings and the wider built context of the site, all lead me to conclude that the development would not constitute the limited infilling in villages which the Framework considers to be not inappropriate development, even if the settlement were to be considered to meet the definition of a village.

Openness

15. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and their permanence. The Courts have confirmed that the openness of the Green Belt has a spatial aspect as well as a visual aspect. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result, but equally this does not mean that the openness of the Green Belt has no visual dimension.
16. In the case before me the built form and footprint of development would increase significantly above that which currently exists on the site. The proposed dwellings would be positioned across the frontage of the site, resulting in a greater coverage of the site than currently exists.
17. These would be substantial structures and would result in a significant increase in built form within the site. The development would in both spatial and visual terms have a greater and harmful impact upon the openness of the Green Belt. Therefore, it would result in significant harm to the openness of the Green Belt.

Character and appearance

18. Policy BAS BE12 of the LP sets out that development which results in harm to the character of the surrounding area, including the street scene, will be refused.
19. In the context of this appeal for permission in principle, the scope of the permission is limited to location, land use and amount of development and matters of design would be dealt with at the technical details consent stage. However, the appellant has applied for a minimum of 2 dwellings and therefore the amount of development is a matter for consideration.

20. Paragraph 3.16 of the appellant's appeal statement demonstrates how the proposal would result in a low density of development, which would be approximately 6 dwellings per hectare. The submitted ground figure plan shows how two dwellings could be distributed across the site, but the footprint of these dwellings would be smaller than the footprints shown of neighbouring dwellings.
21. The area is characterised by bungalows and chalet bungalows, set within large spacious plots. However, recent development at Valkyrie and an appeal has been allowed² for two dwellings, both further along Broomhills Chase. This has resulted in the creation of smaller plots following the subdivision of larger plots. These more recent developments indicate that density has been increased within the locality and therefore the indicative layout would be in keeping with these previous findings.
22. Therefore, having regard to the amount of development proposed, the proposal is for 2 dwellings and would result in a low density of development. Therefore, I consider that this would be within an acceptable range having regard to the general density of development within the locality and would accord with policy BAS BE12 of the LP.
23. Furthermore, whether 2 dwellings would be appropriate having regard to the character of the surrounding area and the street scene would also be matters for consideration at technical details stage once details of design and layout are available.

Other Considerations

24. The 2021 HDT results show that the Council has underdelivered against its housing requirement over the latest 3-year period. Consequently, the presumption in favour of sustainable development contained in the Framework is engaged whereby planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.
25. Paragraph 11 of the Framework states that where the policies that are most important for determining the application are out of date, permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Footnote 6 sets out that these policies include those relating to land designated as Green Belt.
26. Given my findings in relation to the Green Belt there is a clear reason for refusing the development proposed, I am not required to apply the tilted balance in this respect, albeit that the delivery of housing when there is evidence of under delivery is a benefit to which I have given moderate weight.
27. The proposed development would offer other benefits such as the contribution that its construction would make to the local economy. I consider that any such benefits would be modest given the scale of the development and I have given this limited weight.

² APP/V1505/W/3249059

Green Belt Balance and Conclusion

28. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. I have also concluded that the appeal scheme would result in harm to the openness of the Green Belt. Paragraph 148 of the Framework states that in considering a planning application substantial weight should be given to any harm to the Green Belt.
29. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
30. As explained above I give moderate or limited weight to the other material considerations cited in support of the proposal. However, I conclude these circumstances do not clearly outweigh the harm the scheme would cause.
31. Consequently, very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist. The proposal is therefore in conflict with policy BAS GB1 of the LP and the Framework.
32. The proposal would therefore conflict with the development plan and there are no other considerations that outweigh this conflict. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR