



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: 13 January 2023

Appeal Ref: APP/V1505/W/21/3283535

Valkyrie, Broomhills Chase, Billericay, CM12 9TE

- 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 A Swainsbury against the decision of Basildon Borough Council.
 - The application Ref 21/00747/FULL, dated 28 April 2021, was refused by notice dated 8 September 2021.
 - The development proposed is erection of a single dwelling and associated access.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a single dwelling, double garage and associated access at Valkyrie, Broomhills Chase, Billericay, CM12 9TE in accordance with the terms of the application, Ref 21/00747/FULL, dated 28 April 2021, and the plans submitted with it, subject to the attached schedule of conditions.

Applications for costs

2. An application for costs was made by Mr A Swainsbury against the decision of Basildon Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form the description has been confirmed as the one that the Council used to deal with the proposal and I have therefore used this in my formal decision.
4. 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designated sites scoped in the Essex Coast Recreational disturbance Avoidance and mitigation Strategy (RAMS) and has withdrawn its second reason for refusal. As a result it has not been necessary for me to carry out a Habitats Regulations Assessment

Main Issue

5. The main issue is 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.

Reasons

6. Policy BAS GB1 of the Basildon District Local Plan Saved Policies 2007 (LP) defines the extent of the Green Belt.
7. 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.
8. 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.
9. 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.
10. 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.
11. I am satisfied that Little Burstead, with reference to the Oxford dictionary definition, comprises a group of houses and associated buildings, which is larger than a hamlet and smaller than a town, and should be considered as a village for the purposes of the Framework. Access to Broomhills Chase and the site is via Laindon Common Road, which forms the main spine road of Little Burstead and as such is closely linked to it.
12. Whilst it has been considered as an un-serviced settlement within Basildon Council's Settlement Hierarchy Review, August 2015, this document also refers to Little Burstead as a village and as such I do not think the two terms are interdependent. I also note that the Inspector in APP/V1505/W/3249059 concluded that the plotlands at Broomhills Chase form part of Little Burstead, which is a small village. In this regard my findings are consistent with the previous Inspector.
13. The characteristics of the area which would receive development are a material factor in considering whether the proposal would constitute such limited infilling. 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. The Council acknowledge that the proposed dwelling would be sited between residential dwellings on either side, and more recently dwellings are under construction to the rear of the appeal site. The plot size is also commensurate with neighbouring plots. Therefore, I have no reason to disagree with the Council's conclusion that the development should be considered as infill development.
15. Therefore, I conclude that the development would not be inappropriate development in the Green Belt and as such it should not be regarded as harmful to the purposes of including land within it and is in accordance with the Framework. For this reason, a consideration in respect of openness is not necessary. The proposal would also comply with saved policy BAS GB1 of the LP, which seeks to permit development within the Green Belt which is not inappropriate.

Other Matters

16. I have also taken into account the matters raised in the representations received including issues such as increased traffic, harm to wildlife and the potential for noise and disturbance.
17. However, there is no substantive evidence before me that there would be harm in respect of these matters, and no objection has been raised by the Council or statutory consultees in regard to these matters. Furthermore, a condition requiring the submission of a construction management plan can ensure appropriate mitigation in terms of construction hours are agreed prior to work commencing on site. Therefore, none of the matters raised provide a compelling reason why planning permission should not be granted.

Conditions

18. 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 carried out in accordance with the approved plans to provide certainty.
19. To ensure that any unexpected contaminants are correctly identified and remediated to ensure that the future users of the site are protected from risks associated with contaminants it is necessary to require an assessment of the risks posed and details of remediation.
20. The submission and implementation of a construction management plan is necessary to minimise detrimental effects to the living conditions of neighbouring residents. The dwelling is also required to be connected to an appropriate means of sewage disposal, prior to first occupation, in order to protect the living conditions of future occupiers.
21. In order to ensure an appropriate level of on-site parking provision for vehicles, I have imposed a condition requiring space to be provided prior to occupation of the dwelling and retained for the life of the development. In order to maintain highway safety I have also found it necessary to impose conditions for details of the standards of construction of the access to be submitted.

22. The submission of details or samples of the external materials to be used in the construction of the dwelling will protect the character and appearance of the development.

Conclusion

23. I therefore conclude that the proposal would accord with the development plan as a whole and, as other material considerations do not indicate a decision to the contrary, that the appeal should succeed.

G Pannell

INSPECTOR

Schedule of 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: 01; 02; 03; 04; 05; 06
- 3) No development shall commence above ground until details / samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 4) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.

- 5) The dwelling hereby permitted shall not be occupied until works for the disposal of sewage shall have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 6) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- measures to control the emission of dust and dirt during construction;
 - delivery and construction working hours;
 - a scheme for recycling/disposing of waste resulting from demolition and construction works to ensure that no materials produced as a result of site development or clearance are burned on site;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 7) No dwelling shall be occupied until space has been laid out within the site for at least 2 cars to be parked, each space with a minimum dimension of 2.9m by 5.5m. Those spaces shall thereafter be kept available at all times for the parking of vehicles.
- 8) No dwelling shall be occupied until a means of access for vehicles has been constructed in accordance with details, including details of surfacing, which shall have been previously submitted to and approved in writing by the local planning authority. The access shall be retained thereafter as approved.

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