



Appeal Decision

Site visit made on 24 January 2023

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2023

Appeal Ref: APP/V1505/W/22/3300170

Wheatley, Orchard Avenue, Ramsden Bellhouse, Essex CM11 1PJ

- 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 Karen Manners against the decision of Basildon Borough Council.
 - The application Ref 22/00393/PIP, dated 11 March 2022, was refused by notice dated 29 April 2022.
 - The development proposed is one detached chalet bungalow (4B).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the banner heading above, I have used the postcode given on the application form, although I note that the appeal form amends this to CM11 1PH. The plans and application details are otherwise clear as to the location of the site.
3. The proposal is for permission in principle. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. 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. Given the limited scope of the application, I have treated the submitted site plan, plans and elevations indicating the potential layout and design of a four-bedroom dwelling on the site as being for illustrative purposes only.

Main Issue

5. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development, with particular reference to:
 - whether the proposal would be inappropriate development in the Green Belt,
 - the effect on the openness of the Green Belt, and
 - if the proposal is 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 proposal.

Reasons

Inappropriate development

6. The appeal site is within the Green Belt. Paragraph 149 of the National Planning Policy Framework (the Framework) states that construction of new buildings should be regarded as inappropriate in the Green Belt. It goes on to set out a number of exceptions, which include limited infilling in villages (Framework paragraph 149e).
7. No specific development plan policies are highlighted in the reason for refusal. However, my attention has been drawn to Policy BAS GB1 of the Basildon District Local Plan Saved Policies adopted September 2007 (LP 2007). This defines the extent of the Green Belt and its boundaries but does not include any detailed criteria for consideration of proposed development within it.
8. The village of Ramsden Bellhouse has a largely linear form. Housing and village services are laid out along the length of Church Road and radiate outwards along several side roads, including Orchard Avenue. There is continuous residential development on regular plots along the northern section of Orchard Avenue, up to the location of the appeal site.
9. Although the appeal site lies outside the settlement boundary defined on the LP 2007 Proposals Map, it is physically very close to that boundary. It adjoins existing dwellings to the north and west and is contiguous with the built-up frontage which radiates out from the centre of the village up to this point. On that basis, having had regard to the situation on the ground, I find that the site lies within the village, notwithstanding its location just outside the adopted settlement boundary. As such, Framework paragraph 149e would allow in principle for 'limited infilling' in this location.
10. However, the site is located at a point where the pattern of development changes. The road becomes narrower, with dense boundary hedgerows, large gardens and parcels of woodland giving this southern section of Orchard Avenue a less built-up character. Although there are several dwellings beyond the appeal site, these are scattered much more sporadically, in spacious and irregular plots.
11. There is a dwelling opposite the appeal site and another to the south as well as more beyond. However, these are set within large spacious gardens which blend into the intervening woodland. Furthermore, the dwelling to the south of the appeal site is located towards the far edge of its garden and therefore clearly detached from the more continuous built-up frontage to the north.
12. The placement of these existing dwellings has not left obvious gaps within the townscape such that a dwelling at the appeal site would appear as infill. As a result, notwithstanding my findings in relation to the extent of the village, the proposed development would not be limited infilling. For that reason, it does not meet the exception at Framework paragraph 149e and would comprise inappropriate development in the Green Belt.

Openness of the Green Belt

13. Although there are two very modest timber outbuildings towards the rear of the appeal site, these have little effect on openness due to their limited scale. The rest of the plot is undeveloped. At the time of my site visit, it comprised a

parcel of rough grass and low-lying vegetation, surrounded by a post and rail fence. The whole site is open to view from Orchard Avenue.

14. While screen planting is indicated on the plans, there is little prospect that this would shield new built development from view. The proposed dwelling and associated parking and domestic paraphernalia would be conspicuous from Orchard Avenue, thereby affecting the openness of the Green Belt in visual terms. Furthermore, it would encroach beyond the limits of the well-defined residential frontage along Orchard Avenue, into an area with a less built-up character, as described above. This would harm the openness of the Green Belt in spatial terms.
15. Since the application is for permission in principle, the scale or design of the proposed dwelling falls outside the scope of the matters before me. However, for the reasons given above, it is clear that any dwelling erected on the site would be harmful to openness, in both visual and spatial terms.

Other Considerations

16. Evidence has been presented that the site and nearby land has been considered in relation to potential expansion of Ramsden Bellhouse, to provide additional housing through an emerging Local Plan and Neighbourhood Development Plan. The site is within a designated Neighbourhood Area, but the Council has confirmed that work on a Neighbourhood Development Plan remains at an early stage. Furthermore, the emerging Basildon Borough Local Plan 2014-2034 was withdrawn from examination in March 2022, shortly before the application was determined.
17. Given the above, there is no evidence of any current or emerging strategic policy establishing a need for changes to the Green Belt boundary, in line with paragraph 140 of the Framework. Therefore, I have considered the appeal on the basis of the adopted Green Belt boundary and have given evidence about potential for future changes in its alignment very limited weight.
18. I have noted family circumstances highlighted through the appeal process, including that the site has been owned for a considerable period, with a view to development which could help support care needs relating to old age and disability. I have had due regard to these personal circumstances, as well as to the aims encompassed by the Public Sector Equality Duty (PSED) set out in s149 of the Equality Act 2010.
19. I note that it is now hoped that the site would assist with a move to a full-time care placement. However, there is no substantive evidence as to how development of this site would facilitate this outcome, or why it is deemed to be a necessary part of that process. As such, there is little specific evidence that refusal of planning permission would result in a failure to advance equality of opportunity or otherwise conflict with the aims of the PSED. Therefore, while I have had appropriate regard to the family situation, it carries only limited weight.
20. The contribution to the supply of family housing would inherently be limited, since the proposal is for a single dwelling. I have therefore given this potential benefit limited weight.
21. The proposed development would not in itself introduce sprawl into the wider countryside beyond the north east extent of the village. However, neither

would it physically prevent any future expansion into this area. Therefore, the proposal has no clear role in reinforcing this physical boundary to the village.

22. Absence of any identified harm in terms of highway safety, noise or pollution is a neutral factor which weighs neither for nor against the proposed development. Any historic Structure Plan policy requiring that all waste and undeveloped land should be used is no longer a consideration, since it no longer forms part of the development plan.

Green Belt Balance

23. The proposal would be inappropriate development in the Green Belt as defined in the Framework. There would be harm to openness, in both visual and spatial terms. The Framework indicates that inappropriate development should not be approved except in very special circumstances. Such 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.
24. The Framework requires that the harm by reason of inappropriateness be given substantial weight. While a number of factors have been highlighted in favour of the proposed development, for the most part I have given these limited or very limited weight. Taken together, including the personal circumstances highlighted, these considerations would still carry only modest weight. Therefore, the harm to the Green Belt is not clearly outweighed by other considerations and the very special circumstances necessary to justify the proposal do not exist.

Conclusion

25. Due to my above findings, the site is not suitable in principle for residential development comprising a single dwelling. Therefore, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Jane Smith

INSPECTOR