



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: 31 March 2023

Appeal Ref: APP/V1505/W/22/3296363

Clovelly, Studland Avenue, Wickford SS12 0JF

- 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 and Mrs J Blacker against the decision of Basildon Borough Council.
 - The application Ref 21/01598/FULL, dated 20 October 2021, was refused by notice dated 14 February 2022.
 - The development proposed is re-use and conversion of the existing building to create a 3 bedroom accessible dwelling, with parking and gardens and use of existing access.
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Decision

1. The appeal is allowed and planning permission is granted for re-use and conversion of the existing building to create a 3 bedroom accessible dwelling, with parking and gardens and use of existing access at Clovelly, Studland Avenue, Wickford SS12 0JF in accordance with the terms of the application, Ref 21/01598/FULL, dated 20 October 2021, and the plans submitted with it, subject to the conditions in the schedule below.

Preliminary Matters

2. In the banner heading and decision above I have used the description of the proposed development as given on the application form. This differs from that used by the Council, but accurately describes the development under consideration. The Council's description also referred to a new pitched roof. This is clearly shown on the application plans and I have taken account of that element of the proposed development.
3. In March 2022, after the application was decided, the Council withdrew the emerging Basildon Local Plan from Examination in Public. Therefore, the Council has confirmed that references in the reasons for refusal to policies of the emerging Local Plan are no longer relevant and in reaching my decision I have not had regard to those emerging policies.
4. A Unilateral Undertaking has been provided by the appellants in relation to mitigation of likely significant effects on European Sites. I have had regard to its contents when considering the appeal and return to this matter below.

Main Issues

5. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, taking account of its effect on openness, and

- the effect of the proposal on the character and appearance of the area, with particular regard to its scale and the width of the plot.

Reasons

Inappropriate Development in the Green Belt

6. The appeal site is within a plotlands estate, on land designated as Green Belt. The majority of the plots contain a single detached dwelling, of varied form and scale. There are also some vacant plots in the vicinity of the appeal site. The site is located to the side of an existing bungalow and contains a single storey outbuilding of narrow rectangular form.
7. Paragraph 150 of the National Planning Policy Framework (the Framework) allows for the re-use of buildings within the Green Belt, provided they are of permanent and substantial construction. However, this is subject to an overall proviso that such development should preserve the openness of the Green Belt and not conflict with the purposes of including land within it.
8. Policy BAS GB7 of the Basildon District Local Plan 2007 (BDLP), also allows in principle for the re-use or adaptation of existing buildings, subject to criteria including the effect on openness and visual appearance (including as a result of creation of a residential curtilage), and whether the building is of permanent and substantial construction.
9. The existing building on the appeal site is a sizeable timber-clad outbuilding, incorporating a double garage at the front and a range of rooms at the rear. During my site visit I saw that these are currently used for domestic storage and other ancillary residential purposes. There are several existing window and door openings to the side and rear. The building appears to be of permanent and substantial construction and there is no clear evidence that it is incapable of conversion to independent residential use.
10. The proposed alterations to introduce a shallow pitched roof would increase the height of the building to a limited degree. However, it would still be of modest overall height, with a ridge height significantly lower than that of the host bungalow and other surrounding built development. The building would otherwise not be extended. The Council concluded that the alterations to the building itself would have no material effect on the openness of the Green Belt and would to some extent improve the appearance of the building. Based on the evidence before me, I am of the same opinion.
11. At the front of the site is an existing driveway and parking area, which extends across the frontage of both the appeal site and the host bungalow. During my site visit, several vehicles were parked in this area and I also saw that it accommodates storage of refuse and recycling bins. The use of the whole site frontage for access, parking and bin storage appears well-established.
12. Although the introduction of a second dwelling may generate some additional parking, traffic movement and other domestic activity, this is likely to be limited given the modest scale of the proposed accommodation. There would be enough space within the existing parking area to accommodate the likely requirements of two separate dwellings without spilling into undeveloped areas.
13. At the rear, an existing close boarded fence already encloses part of the garden immediately behind the building to be converted. The plans indicate that this

fence line would remain, but even if it was moved to the new plot boundary, this would not have any additional effect on openness. Limited additional boundary treatment is proposed, in the form of a post and rail fence and hedgerow planting between the existing and proposed dwellings and their driveways. This would not affect openness to any material degree.

14. While the introduction of a more intensive residential use can in some cases affect the openness of the Green Belt, including as a result of additional parking and domestic paraphernalia, in this case the site has a well-established residential use and is largely surrounded by existing dwellings. No additional hardstanding is proposed, there would be limited additional means of enclosure and the likely level of parking and domestic paraphernalia would be modest. Therefore, having had regard to the nature of this particular site and its surroundings, I conclude that openness would be preserved.
15. In terms of the purposes of the Green Belt, there would be no additional urban sprawl or encroachment into the countryside, since the site has an established residential use. Neither would there be any encroachment into any of the nearby undeveloped plots, which retain a more rural character. There would be no effect on merging of neighbouring towns or the setting and special character of historic towns. While no urban regeneration is involved, the proposed development would enable recycling of an existing building.
16. For the reasons set out above, I conclude that the proposed re-use of an existing building, and the associated external alterations and use of land, would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. Therefore, the proposal is not inappropriate development in the Green Belt. It does not conflict with Policy BAS GB7 of the BDLP or with relevant paragraphs in the Framework. These policies, amongst other things, allow for the reuse of existing buildings in the Green Belt, where they are of permanent and substantial construction, provided openness is preserved.

Character and Appearance

17. The area around the appeal site is laid out as plots to either side of narrow lanes. Most contain an individual dwelling, the majority of which are bungalows or chalet bungalows. There are also a handful of park homes and chalets.
18. Although the original pattern of plots can still be discerned, their widths vary, as does the design, materials and form of individual dwellings. The occasional vacant plots interrupt the pattern of built development and there is little regularity or consistency to the street scene.
19. The proposed plot would be long and narrow and would also leave the existing bungalow on a relatively narrow plot compared to some of its neighbours. However, there are other narrow plots nearby, including two bungalows opposite the appeal site and others nearby on Parkstone Avenue. There are also several nearby examples of very modest bungalows with narrow front elevations and limited lateral separation. Within this context, although the limited width of the plot would be a departure from the established pattern, it would not be so different as to be inherently harmful.
20. The space retained alongside the proposed dwelling would be in reasonable proportion to its scale and neither the existing nor the proposed dwelling would

appear cramped. The long, narrow form of the proposed dwelling would be unusual, but given the varied surrounding development it would not appear unduly conspicuous or jarring within the street scene.

21. For the reasons set out above, having had particular regard to its scale and the width of the plot, I conclude that the proposed development would not be harmful to the character and appearance of the area. It would accord with Policies BAS BE12 and BAS GB7 of the BDLP and with relevant paragraphs in the Framework. These policies require, amongst other things, that new residential development avoids material harm to the character of the surrounding area, including the street scene, and that reuse of buildings does not result in harm to the visual amenities of the Green Belt.

Appropriate Assessment

22. The appeal site lies within an identified 22km Zone of Influence of the Blackwater Estuary Special Protection Area (SPA) and Ramsar site. This is one of several European Sites along the Essex Coast, which are recognised for their value as coastal habitats and support internationally important populations of breeding and non-breeding bird species. Along with the other Essex Coastal sites, the Blackwater Estuary has been identified by Natural England as being vulnerable to harm as a result of recreational disturbance. Such disturbance would be exacerbated by an increase in the local population resulting from new residential development, including through the cumulative effect of small-scale developments.
23. The appeal proposal would result in a net increase of one new dwelling, with an associated increase in local residents living within the Zone of Influence. This would be likely, in turn, to increase recreational pressure. It is therefore likely that the proposal, both alone and in combination with other development, would adversely affect the integrity of the Blackwater Estuary SPA and Ramsar site. As such, it is necessary for me, as the competent authority, to conduct an appropriate assessment in relation to the effect of granting permission on the integrity of European Sites.
24. The Essex Coastal European Sites are covered by the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). In partnership with other affected local planning authorities, the Council has adopted a RAMS SPD¹, which sets out measures for the avoidance and mitigation of recreational disturbance. These comprise measures to enhance habitat and divert activity away from the most vulnerable locations, alongside education and communication with recreational users.
25. Pursuant to the RAMS, arrangements are in place for financial contributions to be sought in connection with new residential development, to fund avoidance and mitigation measures on a strategic basis. The appellants have provided a Unilateral Undertaking (UU) which undertakes to make the required RAMS payment. The Council has confirmed that the UU would be considered effective in securing the required contribution. I am likewise satisfied that the UU would be effective in this regard and also that it meets the relevant tests for planning obligations as set out in the Framework.

¹ Essex Coast Recreational disturbance Avoidance and Mitigation Strategy Supplementary Planning Document adopted May 2020

26. Natural England has been consulted as part of this appropriate assessment and has agreed with my conclusion that the RAMS payment would appropriately address the effects of increased recreational pressure on European Sites. I am therefore satisfied that the proposal would not adversely affect the integrity of European Sites, either alone or in combination with other development.

Other Matters

27. The appellants have outlined a range of benefits, including the proposal's contribution to the supply of housing and the extent to which it would address the housing needs of family members. However, since I have concluded that the proposal would be acceptable in relation to the main issues outlined above, it is not necessary for me to address these benefits in any further detail.

Conditions

28. The Council has suggested a number of conditions which I have considered against advice in the Framework and Planning Practice Guidance. I have amended some of them for consistency and clarity and have omitted others.
29. I have imposed a condition specifying the approved plans to provide certainty. I have also imposed a condition to secure the proposed external materials, in the interests of maintaining the character and appearance of the area.
30. I am mindful that the Framework states that permitted development rights should not be restricted unless there is clear justification to do so. The modest scale of the building and the limited extent of external alterations has been an important factor in my conclusion that the proposal would not harm the openness of the Green Belt or the character and appearance of the area. Further additions could be harmful to openness and could lead to a more cramped form of development. As such, removal of permitted development rights for extensions, roof extensions or outbuildings is justified given the circumstances of this specific development.
31. The Council has recommended a condition regarding remediation of any unexpected contamination. However, no specific risks relating to contamination have been highlighted in the evidence before me. Furthermore, only limited ground disturbance is proposed, since the existing building would be converted. As such, this suggested condition would not meet the tests in the Framework, being neither necessary nor fairly and reasonably related to the development. Absence of such a condition does not, however, negate any requirements arising from other regulatory regimes, including in relation to the safe disposal of construction waste.

Conclusion

32. For the above reasons, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions set out in the schedule below.

Jane Smith

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 approved drawing no. 1316/2 (Proposed Ground Floor Plan, Proposed Elevations, Location Plan and Site Plan).
3. The external alterations hereby permitted shall be constructed using the materials specified in the submitted planning application.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or alterations or outbuildings as defined within Part 1 of Schedule 2, Classes A, B, and E inclusive of that order shall be constructed on the site without the written permission of the Local Planning Authority.

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