



Appeal Decision

Site visit made on 1 August 2023

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2023

Appeal Ref: APP/V1505/W/22/3307289

Land at Claygate, Enfield Road, Wickford Essex

- 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 G Darby against the decision of Basildon Borough Council.
 - The application Ref 22/00796/FULL, dated 26 May 2022, was refused by notice dated 31 August 2022.
 - The development proposed is Erection of an Infill Dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the address from the Council's decision notice and the appeal form in the banner heading as it more accurately describes the site.
3. The site lies within the Zone of Influence for the Essex Coastal Recreational Avoidance and Mitigation Strategy. The appellant has provided a signed Unilateral Undertaking (UU) dated 15 September 2022 pursuant to S106 of the Town and Country Planning Act 1990 (as amended), securing a contribution towards the mitigation of recreational disturbance. I will return to this matter.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt and its effect on the openness and purposes of the Green Belt; and
 - 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

Whether Inappropriate Development and Effect on Openness and Purpose

5. The Framework identifies at paragraph 137 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 of the Framework confirms that new buildings are inappropriate in the Green Belt unless it is one of the exceptions listed. Basildon District Local Plan Saved Policies (2007) (LP) Policy BAS GB1 confirms the boundaries of the Green Belt.

6. Paragraph 149 e) of the Framework sets out that limited infilling in villages is one such exception. The dwellings within the Shotgate plotlands are clearly physically separated from Shotgate and Wickford. There is some intervening development, and there is a footpath with illumination linking the site to Shotgate. However, this does not result in the Shotgate plotlands physically integrating with the existing settlement. Although the plotlands are regularly laid out with roads and street names, the area does not display any characteristics that would lead me to conclude it constitutes a village such as services and facilities. Rather it appears as a stand-alone enclave of dwellings.
7. I have been directed to another appeal decision¹ on a plotland site in the Green Belt. However, this is not the same plotland development as that before me. While it may be that there are similarities in the nature of the areas, I do not have full details of the relationship between that plotland development and the surrounding area. In any event, each decision must be taken on its own merits, and a different finding in another location would not alter my assessment of this site and its relationship with the surrounding area.
8. It is not in dispute that the proposal would constitute limited infilling and I have no reason to reach a different conclusion. However, all aspects of exception e) in paragraph 149 must be met for a proposed development to benefit from it. As the appeal site is not within a village, the proposal does not comprise development to which exception 149 e) of the Framework applies.
9. The essential characteristics of Green Belts are their openness and their permanence. Openness is the absence of development and can have spatial as well as visual aspects. Paragraph 138 of the Framework sets out the five purposes of the Green Belt, namely to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
10. Although the proposed dwelling would be single storey, it would occupy the majority of the width of the plot. Even if the existing structure on the site were considered permanent, the proposed dwelling would be notably larger and more prominent due to its footprint, height and position closer to the front of the site. There would also likely be the siting of domestic paraphernalia as a result of the normal use of a dwelling which would further exacerbate the effects of the development. This would inevitably result in a loss of both visual and spatial openness to the Green Belt. This harm would be limited given the presence of surrounding dwellings and the scale of the proposed development. Nonetheless, in accordance with paragraph 148 of the Framework, I attach substantial weight to it.
11. It may be that there have been frequent visits to the site associated with how it is being used. As such, and given the surrounding development, the activity associated with an additional dwelling would be unlikely to have an adverse effect on the purposes for which the Green Belt is protected. Similarly, the position of the proposed site, enclosed by existing development, would mean that the proposal would not encroach into the countryside. However these would amount to a lack of harm and would therefore be neutral factors.

¹ APP/V1505/W/21/3278853 allowed 6 April 2022

12. Paragraph 149 g) of the Framework, as it relates to this appeal, allows for the redevelopment of previously developed land (PDL) subject to it not having a greater impact on the openness of the Green Belt than the existing development. I have found the proposed development would have a greater impact on openness than at present. This is accepted by the appellant in his evidence. Even if I were to find that the site constituted PDL, the proposed development would not benefit from the exception provided by paragraph 149 g) as both criteria have to be met.
13. For these reasons, the appeal proposal would constitute inappropriate development in the Green Belt as it would not meet any of the exceptions set out in paragraph 149 of the Framework and would be harmful to the openness of the Green Belt. It would therefore be contrary to LP Policy BAS GB1 which confirms the site lies within the Green Belt boundary. Paragraph 147 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Other Considerations

14. The Council has confirmed it can only demonstrate a 1.85 year supply of housing, and that the adoption of a new plan is some five years away. It also acknowledges that this is likely to involve the release of land within the Green Belt. In light of the housing supply position, I attach moderate weight to the delivery of an additional dwelling. In reaching this view, I have had regard to the Broadwater Road decision² as highlighted by the appellant. There would also be economic benefits arising during the construction and occupation stages. It would also be possible to access services and facilities within Shotwell, including access to public transport, by means of travel other than the private car. However, these benefits would be limited due to the small scale of the proposed development.
15. The Council's emerging plan was withdrawn in March 2022. While this appears to have been at a late stage and has caused frustration to the appellant given the history of the site, it now has no status. I have not been made aware of any emerging policy position since then. Both parties have referred to the Plotlands Study 2017 which formed part of the evidence base for the withdrawn plan. I have not been provided with a copy of this document, or any substantive detail of how it would support this appeal. While it may be that the Council will seek to include a policy specific to plotlands developments in a future development plan, there is no such policy or emerging approach at this time. I therefore attach very limited weight to this.
16. It may be that there would be adverse effects arising from the same dwelling constructed elsewhere, be that within or outside the plotlands area, on a green field site. However, that would not alter my assessment of the harm that would arise from the proposed development. I have not been made aware of a policy approach which requires a sequential approach to be taken to housing development in the area.
17. In isolation of consideration of the Green Belt, there would not be any harm arising to the character and appearance of the area. The design of the proposed dwelling would be acceptable and it would provide appropriate living conditions for future occupiers. There would not be harm to the living

² APP/C1950/W/22/3294860 allowed 25 August 2022

conditions of neighbouring occupiers. There would not be an adverse effect on the safe operation of the highway network. However, these factors would amount to a lack of harm and would be expected of any well designed development. They would therefore be neutral in the planning balance.

18. The appellant has directed me to recent appeal decisions within the administrative area of the Council allowing housing within the Green Belt and likens the appeal site to these. However, both of those decisions turned on site- and development-specific factors. The Maitland Lodge³ appeal was considered against a different limb of the exception contained within paragraph 149 g) of the Framework. The Kennel Lane⁴ appeal found that, despite it being an extremely high policy bar to cross, very special circumstances did exist. I will return to the issue of very special circumstances in relation to this appeal in due course. However, each appeal must be considered on its own merits.

Other Matters

19. The site is located within the Zone of Influence for the Essex Coastal Recreational Avoidance and Mitigation Strategy which is subject to pressures from recreational disturbance. Had I been minded to allow the appeal, it would have been necessary to establish whether the proposal on its own or in combination with other projects would likely have significant environmental effects on the integrity of the habitats sites. However, given my findings, it has not been necessary for me to pursue this issue further. A finding that the proposal would not have an adverse effect on the integrity of the habitats sites, with or without any mitigation, would be at best a neutral matter.

Conclusion

20. I have found that the proposal would constitute inappropriate development in the Green Belt and would be harmful to its openness. I afford these matters substantial weight in accordance with paragraph 148 of the Framework. The other considerations in this case do not carry sufficient weight to clearly outweigh the harm. Consequently, the very special circumstances necessary to justify the proposed development do not exist.
21. The harm to the Green Belt would result in a conflict with the development plan when read as a whole. My ultimate finding in respect of the Green Belt and lack of very special circumstances also means that, as set out in Footnote 7, there are policies in the Framework that provide a clear reason for refusing the development proposed. Therefore, under Paragraph 11d)i of the Framework, the proposal does not benefit from the presumption in favour of sustainable development.
22. The proposed development would conflict with the development plan taken as a whole and there are no material considerations before me, including the Framework, that merit sufficient weight, to suggest the decision should be made other than in accordance therewith. Therefore, the appeal should be dismissed.

J Downs
INSPECTOR

³ APP/V1505/W/22/3296116 allowed 11 November 2022

⁴ APP/V1505/W/22/3298599 allowed 9 December 2022