



Appeal Decision

Site visit made on 27 July 2023

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 September 2023

Appeal Ref: APP/V1505/W/23/3314619

Well Green Cottage, Dry Street, Langdon Hills SS16 5LT

- 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 Roy Stratton against the decision of Basildon Borough Council.
 - The application Ref 22/00659/FULL, dated 5 May 2022, was refused by notice dated 7 November 2022.
 - The development proposed is 'infill' development of new 3no bed detached dwelling house on land adjacent to Well Green Cottage, Dry Street, Basildon.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. "Wellgreen Cottage" is given as the site location on the planning application form. However, "Well Green Cottage" is used elsewhere on the application form, the appeal form and in other appeal documents. For consistency, I have used "Well Green Cottage" in the site address above.

Background and Main Issues

4. Policy BAS GB1 of the Basildon District Local Plan Saved Policies September 2007 (BDLP) defines the extent of Green Belt in the area, which includes the appeal site. This saved policy is consistent with the National Planning Policy Framework (the Framework), so I give it significant weight.
5. The appellant refers to a Basildon Borough Plotland Study and Green Belt Infill Topic Paper, which were prepared to support new Green Belt policies in the emerging Basildon Local Plan 2014-2034 (emerging BLP). I understand these documents identified the appeal site as suitable for infill development without causing harm to the openness of the Green Belt or the purposes of including land within it. I also understand the emerging BLP was withdrawn from examination in March 2022. Consequently, I give the draft policies and associated evidence on Green Belt in the emerging BLP minimal weight.

6. Therefore, the main issues are:

- i. whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
- ii. the effect of the proposal on the openness of the Green Belt; and
- iii. 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

7. Paragraph 149 of the Framework states the construction of new buildings in the Green Belt is inappropriate subject to a number of exceptions. This includes e) limited infilling in a village. The question of whether a settlement constitutes a village is a matter of planning judgement. I nonetheless note the dictionary definitions of a village and a hamlet cited by the appellant from another appeal decision¹.
8. Dry Street connects south Basildon to the High Road south of Langdon Hills, passing through open countryside. The houses along Dry Street do not form a single, cohesive group but are spread in small clusters at irregular intervals along its considerable length. The appeal site is situated on the north side of Dry Street within one of these clusters and near to a group of newer dwellings south of Dry Street around Northlands Approach and Thames View.
9. Other than the houses and a nearby farm, there is little to constitute a clear village centre or community focal point within the group of dwellings of which the appeal site is a part. There is an isolated 'Memorial Church' and hall situated some considerable distance away, close to the outskirts of Basildon. Another, older church is located on the main High Road some distance beyond the western end of Dry Street. I am not persuaded that either church is clearly associated with the group of homes near the appeal site such that they could be considered a village.
10. There is little evidence to demonstrate most Dry Street residents consider they live in a village, notwithstanding the discussion that took place when the planning application was considered. There is also little to substantiate historical references to a Dry Street village. I am not aware of the details or location of the planned Dry Street primary school, so give this little weight.
11. I have considered the appeal decision for Branksome Avenue, Wickford². The Inspector found existing development in that location to be extensive and well consolidated, with many of the features and characteristics of a village. The circumstances were therefore different from those in the current appeal. I am not aware of the circumstances in the other appeals cited by the appellant. In any case, each appeal must be considered on its individual merits, and I have determined this appeal based on the evidence before me.

¹ Appeal ref: APP/B3438/W/18/3211000

² Appeal ref: APP/V1505/W/21/3278853

12. Taking all this together, I find the evidence before me is insufficient to demonstrate the appeal site is within a village. Consequently, the proposed development would not constitute limited infilling in a village, so would not satisfy paragraph 149 e) of the Framework. It would therefore be inappropriate development in the Green Belt. Paragraphs 147 and 148 of the Framework state that inappropriate development is, by definition, harmful to the Green Belt. In accordance with the Framework, I give substantial weight to this harm.

Openness

13. The parties agree the appeal site can be considered previously developed land and I see no reason to reach a different conclusion. According to paragraph 149 g) of the Framework, limited infilling or the partial or complete redevelopment of previously developed land would not be inappropriate where it does not have a greater impact on the openness of the Green Belt than the existing development.
14. The appeal site comprises the garden of Well Green Cottage and includes no buildings at present. There are mature trees and/or hedges surrounding the site, beyond which there is open countryside on two sides. Openness can be perceived spatially and visually. Spatially, the proposal would introduce a building where there is none currently. This would have a significantly greater impact on openness than the existing garden, notwithstanding that the house would be single storey and have a comparable frontage and siting to nearby dwellings.
15. Visually, views of the new house would be partly restricted by surrounding vegetation when it is in full leaf, but there would be greater visibility at other times of the year. The new driveway would also increase visibility of the development from the road. Overall, the proposal would cause considerable harm to the openness of the Green Belt to which, as set out in the Framework, I give substantial weight.

Other considerations

16. The development of one house would have a modest economic benefit through construction and future occupiers' use of local services and facilities. Given only one dwelling is proposed, I give this benefit limited weight. The new self-build dwelling would also make a modest contribution to meeting local housing need, including for younger people. I give this benefit limited weight also. I note the appellant's reasons for wishing to build the proposed house, but little weight can be attached to such personal circumstances.
17. Compliance with the development plan in relation to design quality, use of matching materials, provision of external amenity space, parking and highways are neutral factors. Mitigation of impacts on protected species would be required and could be secured by condition were the appeal to be allowed. This is also a neutral factor.

Other Matters

18. The site is within the setting of Rose Cottage, a Grade II listed building dating from the eighteenth and nineteenth centuries. Its significance derives from its timber frame with wattle and daub, thatched roof and casement windows with lattice leaded lights. Its setting includes its relationship with other nearby historic buildings on Dry Street. Historic maps suggest there was formerly a

building on the appeal site, but that was demolished some years ago. The proposal would not significantly alter any view of the listed building. On balance, I consider there would be no harm from the proposal to the setting or significance of the listed building.

19. The site falls within the Zone of Influence for one or more of the European designated sites scoped into the emerging Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (Essex Coast RAMS). European designated sites are afforded protection under the Conservation of Habitats and Species Regulations 2017. Mitigation measures would be required in accordance with the Essex Coast RAMS. The RAMS contribution has not been paid and no Unilateral Undertaking has been submitted with this appeal. Nonetheless, I note the appellant's willingness to provide the necessary mitigation if planning permission were granted.
20. I note the proposal has been revised since a previous, refused application³. Nevertheless, I have considered this appeal on its merits, based on the evidence before me. The Council's decision-making procedure is outside my remit in considering this appeal.

Planning Balance

21. According to paragraphs 147 and 148 of the Framework, inappropriate development in the Green Belt should not be approved except in very special circumstances. These will not exist unless the harm to the Green Belt is clearly outweighed by other considerations.
22. I have given substantial weight to the harms the development would cause to the Green Belt by virtue of its inappropriateness and to openness. I have given limited weight to the economic and social benefits of the proposal and little weight to the appellant's personal circumstances. Individually or cumulatively, these other considerations do not clearly outweigh the harms to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist.
23. The Council accepts it cannot demonstrate a five-year supply of deliverable housing sites. In these circumstances, according to the Framework, the policies most important for determining the appeal are out of date. However, for the reasons set out above, policies in the Framework that protect Green Belt provide a clear reason for refusing the development proposed. Therefore, according to paragraph 11(d)(i) and footnote 7 of the Framework, the presumption in favour of sustainable development does not apply.

Conclusion

24. I have found the proposal conflicts with the development plan, read as a whole. No other material considerations, including the Framework, have been shown to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

C Carpenter

INSPECTOR

³ Application reference: 21/00842/FULL