



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: 8 September 2023

Appeal Ref: APP/V1505/W/22/3304796

Cedar Cottage, Lower Dunton Road, Dunton, Basildon RM14 3TD

- 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 L Jose (CedarTech Developments) against the decision of Basildon Borough Council.
 - The application Ref 20/01432/FULL, dated 10 November 2020, was refused by notice dated 29 June 2022.
 - The development proposed is demolition of existing bungalows, garages and outbuildings, erection of five detached dwellings and garages and revised access to the highway.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. The appeal 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. Even so, as I am dismissing the appeal for other reasons it has not been necessary for me to address this matter any further.
3. The main parties agree the proposal would represent inappropriate development in the Green Belt as defined in Section 13 of the National Planning Policy Framework (the Framework) and saved Policy BAS GB3 of the Basildon District Local Plan Saved Policies September 2007 (BDLP). I concur with that position.
4. Consequently, the main issues are:
 - i. the effect of the proposal on the openness of the Green Belt; and
 - ii. 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

Openness

5. The Council's reason for refusal refers to Policy BAS GB3 of the BDLP. This saved policy was based on former Planning Policy Guidance 2 *Green Belts* (1995), which has been superseded by the Framework. Nevertheless, the provisions of Policy BAS GB3 in relation to replacement dwellings in the Green Belt are generally consistent with paragraph 149 d) of the Framework, so I accord the policy moderate weight.
6. The site comprises two bungalows with associated gardens and some semi-derelict former agricultural buildings. It is surrounded by meadows, beyond which are mature woodlands that contribute to the open appearance of the landscape. The current buildings on the site are low rise and dispersed, so do not dominate that perception. The openness of the site and its surroundings can be appreciated from the main entrance, the nearby meadows and the adjacent public bridleway.
7. A fundamental aim of Green Belt policy, as set out in paragraph 137 of the Framework, is to keep land permanently open. Openness can be perceived spatially and visually. Spatially, the proposal would result in fewer buildings at the rear of the site but more, with hardstanding and access routes, in the centre and towards the front. Therefore, even if the total building footprint would be reduced, there would be a comparable proportion of site coverage. In addition, the new dwellings would have two storeys so would be greater in volume than the existing bungalows and the mainly single storey former agricultural buildings.
8. Visually, the increase in volume and closer clustering of buildings would result in a significantly greater perception of development on the site than at present, notwithstanding the lower level of their location relative to the surrounding landscape. This would have an urbanising effect, despite the presence of other uses, structures and transport infrastructure in the surrounding area. The orderly arrangement of the dwellings would add to this effect, rather than reduce their visual impact. Whilst views from the road would be partly concealed by vegetation along the site boundary, there would be greater visibility when deciduous plants are not in leaf. New boundary planting would be unlikely fully to conceal the development given its proposed scale.
9. I have considered the other appeal decisions referred to by the appellant. In the case of Hentucks Farm¹, the Inspector found there would be a substantial reduction in the quantum of built form at the site, which would result in a significant improvement to the openness of the Green Belt at that location. In the case of Branksome Avenue, Wickford², the Inspector concluded the proposed development would not be inappropriate in the Green Belt. Therefore, the circumstances in those cases are different from this appeal. I have considered this appeal on its merits, based on the evidence before me.
10. For the above reasons, I conclude the proposed development would cause considerable harm to openness. This harm means the five purposes of Green Belt described in paragraph 138 of the Framework would not be achieved by the proposal. I attribute substantial weight to this harm in accordance with

¹ Appeal ref: APP/X0415/W/19/3233363

² Appeal ref: APP/V1505/W/21/3278853

paragraphs 147 and 148 of the Framework. The proposal would also conflict with the aims of saved Policy BAS GB3 of the BDLP.

Other considerations

11. There would be a modest social benefit from the provision of five family sized houses, which could be delivered relatively quickly. The new homes would potentially help reduce the need to commute into the Basildon area. An economic benefit would result from construction of the dwellings and future occupiers' use of local services and facilities, which would be accessible on foot and by bus. The removal of semi-derelict structures would achieve a modest visual enhancement of the site and reduce the risk of anti-social behaviour. These benefits of the proposal would accord with the Framework where it seeks to boost the supply of housing, including on small sites, promote economic growth, reduce the need to travel and create safe places. Given the scale of the proposed development, I give each of these benefits limited weight.
12. The appellant refers to a Green Belt review prepared by the Council to support the emerging Basildon Local Plan 2014-2034 (emerging BLP). I understand the Council withdrew the emerging BLP from examination in March 2022. I therefore give the draft policies and associated evidence on Green Belt in the emerging BLP minimal weight.
13. The proposal would provide good living conditions for future occupiers. Parking spaces, cycle storage, appropriate materials, landscaping, biodiversity enhancements, mitigation of impact on protected species, sustainable drainage, secure design features and archaeological assessment could be secured by condition, were the appeal to be allowed. However, an absence of harm in these regards does not carry positive weight in favour of the development. A high standard of energy efficiency and electric vehicle charging points would be required by other regulatory regimes so would not be benefits of the proposal.

Planning Balance

14. 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.
15. 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 each of the benefits of the proposal identified under other considerations; and minimal weight to the draft policies and associated evidence in the emerging BLP. 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.
16. 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

17. 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