



## Appeal Decision

Site visit made on 19 September 2023

**by J Gunn DipTP, DipDBE, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28 September 2023**

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**Appeal Ref: APP/V1505/W/22/3310341**

**Woodbridge, Branksome Avenue, Wickford, Essex SS12 0JD**

- 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 Peter Hayward against the decision of Basildon Borough Council.
  - The application Ref 22/00205/FULL, dated 14 February 2022, was refused by notice dated 5 August 2022.
  - The development proposed is described on the application form as 'Self-build new single storey detached dwelling.'
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### Decision

1. The appeal is allowed and planning permission is granted for a self-build new single storey detached dwelling at Woodbridge, Branksome Avenue, Wickford, Essex SS12 0JD in accordance with the terms of the application, Ref 22/00205/FULL, dated 14 February 2022, subject to the conditions contained in the attached schedule.

### Preliminary Matters

2. Planning law requires the appeal to be determined in accordance with the development plan for the area unless material considerations indicate otherwise. In this case, the main parties agree that the appeal site falls within an area of Green Belt (GB), as defined in the Basildon District Local Plan (LP), adopted in 1998. Policy GB1 of the LP confirms the boundaries of the GB are those shown on the Proposals Map. The Council also refer to Policy BE12 of the LP in their delegated report which relates to the impact of development on the character of the area. In this regard they conclude that the proposal complies with the National Planning Policy Framework (the Framework) and Policy BE12.
3. The Council also indicates in its delegated report that they are unable to demonstrate a deliverable 5-year supply of housing land. I have not been advised of any subsequent change to this position. The Framework makes clear the need to maintain a minimum of 5 years' supply in all local authority areas, in order to help boost the supply of housing nationally. The shortfall of housing land in the district is therefore an important material consideration.
4. In the Council's decision notice, refusal reason 2 relates to the potential impact of the proposed development on internationally designated habitat sites as a result of recreational disturbance. In this regard the appellant has submitted a Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act 1990 (as amended) agreeing to make a financial contribution of £137.71 towards mitigation for the effects of the proposed development. This accords with the policy agreed between various authorities, including Basildon

Council and Natural England. The Council are aware of the UU and have indicated that they wish to make no further comments on this issue. I have no reason to doubt that the Council is capable of ensuring that the sum of money involved is directed to the intended purpose. In the circumstances, I am satisfied that the proposed development would have no likely significant effect, either alone or in combination with any other schemes, on any protected habitats.

## **Main Issues**

5. The main issues in the appeal are:

- whether the proposed development is 'inappropriate development' for the purposes of the National Planning Policy Framework and the development plan;
- the effect of the proposed development upon the openness of the Green Belt; and
- if the proposed development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the proposed development.

## **Reasons**

*Whether the proposal would be inappropriate within the Green Belt*

6. The Framework explains that the fundamental aim of GB policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of GB's are their openness and their permanence. The construction of new buildings is inappropriate unless in accordance with the exceptions in the Framework.
7. Exceptions in the Framework include limited infilling in villages (paragraph 149 e); limited affordable housing for the local community needs under policies set out in the development plan (including policies for rural exception sites) (paragraph 149 f); and limited infilling or the partial redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) (paragraph 149 g). Paragraph 149 g) is subject to the caveat that the development would not have a greater impact on the openness of the GB than the existing development; or not cause substantial harm to the openness of the GB, where the development would re-use previously developed land and contribute to meeting an identified housing need within the area of the local planning authority.
8. The appeal site lies within an area comprising former plotland development, on the edge of the town of Wickford. This settlement was originally developed in the inter-war years, in a piecemeal manner, with a variety of wooden chalets and other forms of temporary dwellings designed for holidays and leisure uses, or as smallholdings. It is served by a network of estate roads, arranged in a grid pattern with dwellings fronting onto them. However, the original buildings and uses have since been largely replaced by permanent dwellings. This has resulted in dwellings being located at irregular distances from the highway edge, with varied separation distances between buildings, and a great variety in built form.

9. In some parts of the plotland area, mainly towards the fringes, the housing is punctuated by undeveloped land where the original plots were not taken up. That said, in the main core area, including Branksome Avenue, Sugden Avenue and the western part of Studland Avenue, such plots are few. The predominant character is that of a developed residential neighbourhood.
10. The proposed dwelling would occupy a plot of similar width to other properties along Branksome Avenue and Sugden Avenue. The footprint of the proposed dwelling would be relatively modest, with sizable gaps between the side boundaries of the site and the facing elevations of the nearest houses. It would comprise of a bungalow of a similar design to other dwellings that are present in the immediate vicinity of the appeal site. Having regards to paragraph 149 e), it does not appear to be disputed that the scale of the proposed development would be limited. Consequently, in my view, there can be no doubt that the scheme would comprise limited infilling.
11. Notwithstanding the above, the Council does not accept that the appeal site is located in a village and disagrees with the view of the inspector who allowed a proposal for a dwelling on land on a nearby site on Branksome Avenue<sup>1</sup>. In that case the inspector, whilst recognising the sporadic nature of some parts of the plotlands settlement, concluded that there was no convincing reason why the development he was assessing should not be considered as being located within a village.
12. A village is not a term that is defined within the Framework, and I have not been directed towards any locally adopted definition. Consequently, I have made an assessment based on what could reasonably be interpreted as a village, and the evidence before me, taking into account factors on the ground, including the appeal site and its surroundings.
13. The Collins dictionary defines a village as 'a group of houses, together with other buildings such as a church and a school, in a country area'. In this case the plotlands settlement does not accord with this stereotypical definition of a village, in that it does not have services and facilities such as a church or a school. However, not all villages have community facilities and therefore this factor, on its own, is not an argument that leads me to conclude that the appeal site is not located within a village.
14. In support of their argument the Council make reference to their Plotlands Study (June 2017) and the Settlement Hierarchy Review (August 2015). Whilst extracts of the study are highlighted in their delegated report, which provides a description of the area within which the appeal site is located, it does not rule out the possibility of it being within a village. In this regard I have taken particular note of the references which refer to the area being 'a rural part of the borough southeast of Ramsden Bellhouse and west of Wickford,' and an 'un-serviced settlement.' These references support the notion that the plotlands are a separate entity, as opposed to being part of Wickford.
15. This view is reinforced by the Council's reference, in their delegated report, which describe the appeal site as being located in the plotlands 'on the cusp' of Wickford. In this regard I acknowledge that the plotlands settlement is in close proximity to the urban area of Wickford, including the houses and commercial premises on London Road. That said, I noted that the plotlands settlement has

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<sup>1</sup> APP/V1505/W/3278853

a distinct character, in terms of its layout and urban form, that sets it apart from the remainder of Wickford. As a result, it provides an identity to the area and exhibits some of the qualities that would normally be found in a traditional village.

16. In terms of its effect on the GB, the proposed development would be indistinguishable from other infill developments that have been permitted within the plotlands settlement and other GB locations. Consequently, having regards to the aims of the Framework's GB policies, and taking all of the above into account, I see no reason why the appeal site should not be considered to fall within a village.
17. Accordingly, for the purposes of paragraph 149 e), I conclude that the appeal proposal would fall within the provision of 'limited infilling in villages'. As such, the scheme would not constitute inappropriate development, in terms of GB policy.
18. As I have concluded that the proposed development would not constitute inappropriate development under paragraph 149 e) there is no need for me to consider whether it meets the criteria under paragraphs 149 f) or g).

#### *Openness of the Green Belt*

19. I accept that the proposed development would result in some loss of openness within the appeal site itself, however given the presence of a number of existing outbuildings and the site's enclosed nature, the openness of the wider GB would not be materially affected. In any event, the provision for infilling under paragraph 149 e) is not contingent on openness. It follows that the effects in this regard do not alter my findings with regard to inappropriateness.

#### *Other considerations*

20. Based on the evidence before me, I conclude that the proposed development would not be inappropriate and therefore not in conflict with GB policy. In the light of this conclusion, it is unnecessary for me to consider whether special circumstances exist.

#### **Other Matters**

21. The description on the application form suggests that the proposed development would be a self-build project for the appellant, contributing to meeting the requirements arising under the Self-Build and Custom Housebuilding Act 2015. The appellant also suggests that the proposal could provide an affordable dwelling for the local community. However, there is no evidence before me as to the level of local need for such developments, nor is there any formal commitment to undertaking those developments in that way. I therefore give limited weight to the potential benefits arising in this regard.
22. The Council has made reference to the use of the site as a builders yard and the requirement to cease this use and remove all of the buildings that stood on the site in accordance with a S106 obligation attached to outline planning permission 03/00669/OUT. Whilst noting that a builders yard was still operating from the site at the time of my visit, and outbuildings were still present, the issue of what lawfully exists on the site is not a matter before me. In the event that the appeal is allowed, and the development proceeds it is likely that these commercial activities would cease.

## **Conditions**

23. I have had regard to the conditions suggested by the Council and, where appropriate, amended the recommended wording in accordance with national Planning Practice Guidance.
24. I have imposed the standard commencement condition (1) and for the sake of certainty, imposed one specifying the approved plans (2).
25. I have imposed a condition requiring submission of details of external materials (3) as these are not specified with any precision on the approved plans or application form.
26. I have imposed a condition relating to landscaping of the development site (4) and combined this with a requirement to maintain it thereafter. This should include both hard and soft landscaping and make provision for off street parking. Whilst also noting the Council's desire to maximise the use of native plant species in the landscaping scheme, with the aim of improving and increasing biodiversity and demonstrating a net gain for pollinators, this does not necessitate the imposition of a separate condition. This matter can be addressed at the time condition 4 is considered.
27. Given current traffic conditions and the narrowness of the road adjacent to the site a condition is necessary to ensure that provision is made for on-site parking, in accordance with the Council's current parking standards, with such facilities retained for the lifetime of the development (5). A condition is necessary to ensure that the materials used for the first six metres of the vehicular access should be finished in a bound material and surface water discharged to a suitable discharge point thereby ensuring that unbound material and/or surface water does not spill into the highway and create unsafe conditions (6).
28. A condition requiring the submission of details of an electric charging point and its subsequent provision is required to encourage sustainable travel (7).
29. In addition, as the road is narrow with multiple properties taking access from it, a condition requiring a construction traffic management plan (8) is necessary to ensure that parking and storage of materials associated with the construction of the proposed development does not obstruct access to these neighbouring properties.

## **Conclusion**

30. For the reasons set out above, the appeal succeeds.

*J Gunn*

INSPECTOR

### SCHEDULE OF CONDITIONS

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development shall be carried out only in accordance with the following approved plans:  
LOCATION PLAN  
PROPOSED\_FLOOR\_PLANS-731019  
PROPOSED\_ELEVATIONS-731018  
STREET\_SCENE-737745
3. No construction work above existing ground level shall be carried out until full details of the materials and finishes to be used on the external surfaces of the development have been submitted to the local planning authority and approved in writing. Thereafter, the development shall be carried out in accordance with the approved details.
4. Prior to the occupation of the development there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
5. The new dwelling shall not be occupied until a vehicular access to the site and the provision of 2 parking spaces has been formed and laid out, in accordance with details to be submitted to the local planning authority and approved in writing. The vehicular access and parking spaces provided shall be retained for the lifetime of the development.
6. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway and there shall be no discharge of surface water onto the highway.
7. The new dwelling shall not be occupied until an electric vehicle charging point has been installed, in accordance with details to be submitted to the local planning authority and approved in writing. The charging point provided shall be retained for the lifetime of the development.
8. No construction works shall commence on the site until a construction traffic management plan has been submitted to and agreed in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details. The principal areas of concern that should be addressed are the reception and storage of building materials and site operative, delivery and visitor parking.

[END OF SCHEDULE]