



Appeal Decision

Site visit made on 9 January 2024

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2024

Appeal Ref: APP/V1505/D/23/3322452

155 Noak Hill Road, Great Burstead, Billericay, Essex CM12 9UJ

- 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 D Perfect against the decision of Basildon Borough Council.
 - The application Ref 23/00213/FULL, dated 13 February 2023, was refused by notice dated 12 April 2023.
 - The development proposed is a proposed single storey rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for the proposed single storey rear extension at 155 Noak Hill Road, Great Burstead, Billericay, Essex CM12 9UJ in accordance with the terms of the application, Ref 23/00213/FULL, dated 13 February 2023, subject to the following 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 following approved plans: R7-206 PL_001 and R7-206 PL_002.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published by the Government on 19 December and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been significantly amended. As a result, I consider that there is no requirement for me to seek further submissions and I am satisfied that no party's interests have been prejudiced by my taking this approach. I will refer to the updated paragraph numbers where necessary in this appeal.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect on openness 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

4. Policy BAS GB1 of the Basildon District Local Plan Saved Policies 2007 (BLP) defines the extent of the Green Belt. Policy BAS GB4 of the BLP states that dwellings in the Green Belt will be allowed to extend to 90 square metres or by 35 square metres over and above the original floor area of the dwelling (or the area as at 1 July 1948), whichever is the greater. Whilst specifically restrictive in its assessment, the policy is nevertheless consistent with the Green Belt policies in the Framework insofar as it seeks to protect the openness of the Green Belt from inappropriate development which is disproportional.
5. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes at paragraph 154 that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions. Both parties agree that the host property has been subject to several previous extensions, thus any additional development would be considered disproportionate and the exception under paragraph 154 c) would not be applicable.
6. Consequently, the proposal would constitute inappropriate development in the Green Belt, and conflict with the Framework and BLP Policies BAS GB1 and BAS GB4.

Openness

7. Paragraph 142 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. Openness can be perceived spatially and visually.
8. In spatial terms, the appeal proposal would increase the footprint over that of the existing development, thus inevitably reducing the openness of the Green Belt by occupying part of the appeal site where no building exists. As such, the proposal would have an adverse impact on the openness of the Green Belt in spatial terms.
9. With regard to the visual aspect, given its set back nature in respect to the main street scene the host property and its curtilage have limited public views along Noak Hill Road. Views of the property are further restricted by an extensively green boundary consisting of well-established hedges and shrubs providing a good screen of the host property and the appeal proposal. The site itself also occupies a ribbon of residential development along this part of Noak Hill Road. The proposal would be located at the rear of the dwellinghouse, which would also obscure it from most public views. Therefore, I conclude in visual terms, that the appeal scheme would have no significant effect on the visual aspect of openness of the Green Belt.

10. Overall, whilst I find there would be no harm to the visual dimension of the openness of the Green Belt, there would be to the spatial dimension. Therefore, the proposal fails to preserve the openness of the Green Belt.

Other considerations

11. The appellant refers to a fallback position and has presented a Prior Approval and Lawful Development Certificate (LDC)¹ for the erection of a single storey side and partially rear extension at the appeal site. The appellant highlights that the LDC scheme would have a larger combined footprint and volume than the appeal proposal. As such I accept that the fallback position is available and a material consideration in the assessment of the proposal. Furthermore, I accept that there is a real possibility that it could be implemented should planning permission for the appeal scheme be refused.
12. The fallback scheme would be sited on the side elevation and would be visible from the front of the host property occupying a relatively prominent position. Whilst I acknowledge that the appeal proposal would have an impact on the spatial aspect of openness of the Green Belt, as stated above, I have found the proposal would have no significant effect on the visual dimension. Furthermore, the proposed development would have a smaller footprint and volume than the LDC scheme and would occupy a more discreet rear location. I appreciate that the permitted side extension would provide only glimpse views from public vantage points, however in my view, the appeal proposal would have a reduced spatial and visual impact on Green Belt openness than the approved LDC scheme. For these reasons I apportion the fallback position considerable weight.
13. Whilst I acknowledge that the appeal scheme would add further bulk and mass to the already extended host dwelling, it would be less harmful to the openness of the Green Belt and to the character and appearance of the area. I therefore conclude that the effects of the fallback scheme would be more harmful than those of the appeal scheme.

Conditions

14. To meet legislative requirements, a condition is imposed to address the period for commencement. A condition is imposed to ensure that the development is carried out in accordance with the approved plans, in the interests of certainty. A condition is also necessary to ensure that materials match the existing property and protect the character and appearance of the host building and surrounding area.

Green Belt Balance and Conclusion

15. The proposal would result in inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. In addition, openness is an essential characteristic of the Green Belt, so a reduction in openness would also be harmful, even if to a limited extent. I am also required to give substantial weight to any harm to the Green Belt.
16. However, I give considerable weight to the potential fallback position which may be implemented. This would have a more harmful effect on openness than

¹ Basildon Borough Council Refs: 22/01638/PDPA and 22/01794/LDCP

the appeal scheme. As such, in this case I find that this other consideration is of sufficient weight to clearly outweigh the substantial harm to the Green Belt by reason of inappropriateness and effect on openness and Green Belt purpose. As a result, very special circumstances exist to justify inappropriate development in the Green Belt.

17. Although there would be conflict with the development plan, the balance of planning considerations in this case leads me to the view that the appeal should succeed. For the reasons above, I conclude that the appeal should be allowed, and planning permission should be granted, subject to the conditions I have set out above.

Robert Naylor

INSPECTOR