



Appeal Decision

Site visit made on 15 January 2024

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 17th January 2024

Appeal Ref: APP/V1505/D/23/3320724

**Broadview, Ramsden Park Road, Ramsden Bellhouse, Essex, Billericay
CM11 1NS**

- 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 and Mrs Close against the decision of Basildon Borough Council.
 - The application Ref 23/00046/FULL, dated 11 January 2023, was refused by notice dated 6 March 2023.
 - The development proposed is a detached swimming pool.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach. Where I have referred to provisions of the Framework below, I have done so with numbering from the revised version.

Main Issue

3. The main issues are:
 - 1) whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - 2) the effect on the openness of the Green Belt; and
 - 3) 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 necessary to justify the proposal.

Reasons

Whether the proposal constitutes inappropriate development

4. The appeal site comprises a detached dwelling set within a sizeable plot with long, rear garden. While the garden currently features detached outbuildings, these are largely grouped towards the north of the garden in close proximity to the main dwelling. Coupled with the overall dimensions of the garden, this

ensures that the site remains a spacious plot that, even acknowledging the residential nature of the surrounds, provides a clear sense of openness in this location. The proposal seeks to erect a further detached, single storey outbuilding at the site.

5. The site is located in the Green Belt. While reference has been made to Policy BAS GB1 of the Basildon District Local Plan Saved Policies September 2007, this relates to Green Belt boundaries, an issue which is not in dispute in this case. Nevertheless the Framework is a material consideration, and states at paragraph 154 that construction of new buildings in the Green Belt should be regarded as inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Although this is subject to a number of exceptions, there is no suggestion before me that any of these are applicable in this case and, based on my observations, I have no reason to conclude otherwise.
6. Accordingly, as the construction of a new building within the Green Belt, the proposal would be inappropriate development. It would, by definition, be harmful to the Green Belt and should not be approved unless very special circumstances apply.

Impact on openness

7. 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." It has been established that openness has both a spatial and visual aspect.
8. From both a spatial and visual perspective, the development would inevitably lead to a reduction in the openness of the Green Belt by introducing an outbuilding on a portion of the site that is currently free from permanent built development. Although close to the other outbuildings, it would bring the arrangement of permanent built form at the site further south, into a more notably open section. Even acknowledging its backland nature and the scale of the site, introduction of such permanent built form in this position would interrupt currently open views within the immediate vicinity. This would cause harm to the openness of the Green Belt from both a spatial and visual perspective.
9. I acknowledge the existence of a Lawful Development Certificate in respect of an outbuilding in the same position, and with the same design, as the proposal. However, on the evidence before me at its highest point this would be some 1.025m lower than the proposal. I note that the hipped roof design means that the additional height across the proposal would not always be to the same amount, and that the eaves height would remain unchanged. Nevertheless, the proposal would overall be of a greater height and bulk than the outbuilding that is the subject of this Lawful Development Certificate, thereby further disrupting the openness of the Green Belt and causing further harm in this regard from both a spatial and visual perspective.

Other Matters

10. The main parties agree that the proposal would not result in harm with regard to character and appearance, living conditions or highway safety. This represents a lack of harm, which is neutral in the planning balance.

11. The appellant suggests that the increased height is necessary to match the roof pitch of a current outbuilding at the site and to enable the same roof tiles to be placed on both outbuildings, creating an aesthetically pleasing and consistent design. While this represents a slight benefit of the scheme, it remains that the Lawful Development Certificate requires materials to be similar to those existing, such that even with a lower roof pitch the outbuilding that is subject to this certificate would not appear unduly out of place. Accordingly, this benefit carries little weight.
12. No objections to the proposal have been received from residents of surrounding properties or from the Environmental Health consultees. Nevertheless, it remains that the proposal would cause harm for the reasons outlined.

Whether Very Special Circumstances Exist

13. The Framework establishes that substantial weight should be given to any harm to the Green Belt. When taken cumulatively the other considerations advanced in support of the scheme, including the existence of the Lawful Development Certificate, attract limited weight and this is not sufficient to clearly outweigh the substantial harm to the Green Belt. Consequently, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist and the proposal would fail to comply with the provisions of the Framework.

Conclusion

14. For the reasons given, I conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR