

Appeal Decision

Site visit made on 16 January 2024

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08.02.2024

Appeal Ref: APP/V1505/W/23/3321876

Crays Hall Farm, Church Lane, Ramsden Crays, Billericay, Essex CM11 2UN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr J Keeling (J Keeling & Son) against the decision of Basildon Borough Council.
 - The application Ref 22/00934/REM, dated 28 June 2022, sought approval of details pursuant to condition No 1 of planning permission Ref 20/00198/OUT, granted on 25 November 2021.
 - The application was refused by notice dated 21 November 2022.
 - The development proposed is outline application with all matters reserved except access for the erection of agricultural workers dwelling.
 - The details for which approval is sought are: appearance, layout and scale.
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Decision

1. The appeal is dismissed and approval of the reserved matters is refused, namely: appearance, layout and scale details submitted in pursuance of condition No 1 attached to planning permission Ref 20/00198/OUT, granted on 25 November 2021.

Preliminary Matters

2. The principle of an agricultural workers dwelling and the suitability of the access have been established by the outline permission referred to above and, therefore, are not matters before me. A landscape plan has been provided, but as landscaping is not one of the reserved matters for which approval is sought I have treated this as indicative.

Main Issue

3. The main issue is the effect of the proposed dwelling on the character and appearance of the surrounding area.

Reasons

4. The appeal site is located within a large farm holding that includes arable and grassland for livestock grazing, within the Green Belt. It is an elevated part of an open field with extensive views of the surrounding area. A row of recently constructed agricultural buildings is nearby to the north, with woodland and a
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railway line beyond this. The Outwood Solar Park lies to the west of the site, with the urban edge of Billericay beyond this.

5. Comparisons are drawn between the appeal proposal and an earlier unsuccessful reserved matters application related to the same outline permission¹. While I note this, I have considered the proposal before me on its individual merits. I note also that since the current proposal was refused, permission has been granted for the same reserved matters for a dwelling of different design to the current proposal². The appellant indicates that the appeal proposal seeks a preferable, more contemporary form of dwelling than the approved one.
6. The proposal is for a two storey dwelling, with a flat roof and glazed balustrading enclosing a terrace on the first floor. A separate single storey building would comprise a farm office and garage. The Council indicates that the size of the dwelling would not be considered excessive in relation to the proposed use, to accommodate a livestock manager and their family. I see no basis to disagree, particularly as the scale of the proposed dwelling is not dissimilar to the recently approved one. Moreover, I am not aware that the Council raises any concerns about the proposed layout, which is similar to the approved scheme, also comprising a two storey dwelling with a separate office and garage building. The principal consideration, therefore, reflected in the main issue, relates to the appearance of the proposed dwelling.
7. The Council's *Landscape Character Assessment* (2014) (LCA) identifies the site as falling within the 'East Billericay Wooded Hills and Ridges' character area. This is described as an area of wooded farmland on hills and ridges located to the east of Billericay, with a marked rural character within the area and a few isolated properties and farm buildings. A management guideline for the area is to retain key viewpoints and vistas to landscape from public roads and rights of way.
8. The appeal site and its immediate surrounds reflect these characteristics, with the only nearby buildings being the farm buildings that the dwelling would relate to, both functionally and visually. While these are of modern construction and materials, they are nonetheless utilitarian in character and appearance, reflecting their agricultural use and the rural character of their surrounds. They are positioned on lower ground than the dwelling would be, making them less prominent in the landscape setting. The solar farm to the west is a prominent feature, but despite its presence, due to the openness and extent of the wider surrounding countryside, the area retains the marked rural character identified in the LCA.
9. The proposed dwelling would be a rectangular block form with extensive areas of glazing, particularly to the upper floor. I acknowledge that these and other design features reflect the objective of creating an environmentally sustainable building, which enables views of the surrounding countryside. I accept also that neither the Essex Design Guide nor the National Planning Policy Framework (the Framework) seek to stifle innovative design. Indeed, the Framework says that significant weight should be given to outstanding or

¹ Ref 22/00159/REM.

² Ref 23/00002/REM.

innovative designs which promote high levels of sustainability, so long as they fit in the overall form of their surroundings³. The Framework also requires that decisions should ensure that developments are sympathetic to local character and landscape setting⁴.

10. In terms of appearance, the dwelling and associated building would have a symmetrical block form, with little articulation. While it would have a modern, contemporary appearance there is no reasonable basis to conclude that the dwelling would represent the outstanding or innovative design envisaged in the Framework. The built form combined with the extensive glazing and apparent use of concrete would have a hard, urbanising effect, which would contrast unfavourably with the rural landscape and wider setting. These effects would be apparent both in their own right and by comparison to the design of the approved dwelling, which, while of greater height, would integrate more effectively into the rural landscape setting.
11. The prominence of the appeal site on high ground means that, as the Council contends, the proposed dwelling would be seen from the footpaths to the north and east, and possibly in longer passing views from the rail line further north. From these viewpoints the dwelling would be seen as an incongruous addition to the rural landscape, viewed both in isolation and in the context of the nearby agricultural buildings. I note the appellant's contention that appropriate planting will be used to assimilate the proposal in its setting. However, landscaping is not before me as a reserved matter, but based on the indicative plan, this would not overcome the harmful effects of the proposed dwelling in this open rural location.
12. I have had regard to the representations made by interested parties, which largely reflect the main issue in this case.
13. Accordingly, for the above reasons, I conclude that the proposed dwelling would have a materially harmful effect on the character and appearance of the surrounding area. Consequently, while the Council does not refer to any specific development plan policies in its decision notice, the proposal is contrary to the Framework, particularly the requirement that decisions should ensure that developments are sympathetic to local character and landscape setting.

Conclusion

14. For the reasons given, it is concluded that the appeal should be dismissed.

J Bell-Williamson
INSPECTOR

³ Paragraph 139b).

⁴ Paragraph 135c).