

Appeal Decision

Site visit made on 2 February 2024

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th February 2024

Appeal Ref: APP/V1505/W/23/3318708

Great Blunts, Stock Road, Billericay CM4 9PL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr G Peachey against the decision of Basildon Borough Council.
 - The application Ref 22/00509/FULL, dated 6 April 2022, was refused by notice dated 14 November 2022.
 - The development proposed is erection of a pair of two storey semi-detached dwelling houses, with associated parking, amenity and landscaping, in lieu of extant planning permission 14/00784/FULL for the construction of a single-storey building for holiday accommodation adjacent Great Blunts Farmhouse.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development from the appeal form and the Council's decision notice as this was agreed by the parties during the determination of the application.
3. On 19 December 2023, a revised National Planning Policy Framework (the Framework) was published. On the same day, updated Housing Delivery Test (HDT) results were also published. The main parties were given the opportunity to make further comments on the implications of these for this appeal. I have referred to the updated paragraph numbers from the Framework in this decision.
4. An unsigned and undated planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) has been submitted with respect to contributions towards recreational disturbance mitigation and surrendering an extant planning permission. I will return to this in due course.

Main Issues

5. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the Framework including the effect upon the 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

Green Belt

6. I have not been directed to any policies in the Basildon District Local Plan 2007 (LP) which address new dwellings in the Green Belt. I therefore have determined this issue with reference to the Framework. Paragraph 152 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 of the Framework confirms that new buildings are inappropriate in the Green Belt unless it is one of the exceptions listed. There is no dispute the proposal would be inappropriate in these terms and I have no reason to find otherwise. Nor would it fall within any of the forms of development identified as not inappropriate as in paragraph 155 of the Framework. The proposal would therefore constitute inappropriate development in the Green Belt.
7. The Framework identifies at paragraph 142 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The addition of two dwellings in a currently undeveloped area would harm both the spatial and visual openness of the Green Belt from the additional built form in a location where there is none at present. It is likely that this would be accompanied by domestic paraphernalia which would further reduce openness.
8. The appeal proposal would constitute inappropriate development in the Green Belt and harm its openness. It would be contrary to the advice regarding the protection of the Green Belt set out in Section 13 of the Framework. In accordance with the advice at paragraph 153, I attach substantial weight to this harm.

Other Considerations

9. It has been put forward that the extant permission for holiday accommodation could be surrendered and that this would give rise to a heritage benefit and a Green Belt benefit. However, there is not a completed planning obligation before me to achieve this, nor any alternative mechanism. Accordingly, this matter does not weigh in favour of the proposal.
10. The appellant's undisputed evidence shows that the Council fall quite some way short of being able to demonstrate a five year supply of deliverable housing land. The most recent HDT results show housing delivery is also falling short. While the proposed development would only make a limited contribution to that shortfall, it would nonetheless be a benefit and one to which I would attach moderate weight given the extent and duration of the housing land supply shortfall.
11. No adverse effect on highway safety has been identified. The Council has not raised any concerns with regard to the effect of the proposed development on living conditions of neighbouring or future occupiers and I have no reason to find otherwise. However these would amount to a lack of harm and be neutral.
12. The application was submitted following positive pre-application advice. The Framework acknowledges the benefits of early engagement and good quality pre-application discussion. While such advice is not binding, it is clearly unfortunate when a different decision is reached on an application. However, I have dealt with the appeal on its planning merits based on the evidence before me.

Other Matters

13. The site is located within the Zone of Influence for the Essex Coastal Recreational Avoidance and Mitigation Strategy where it has been identified that new residential development is likely to have a significant effect on the features of interest of habitats sites through increased recreational pressure. The potential for the site to form offsite habitat for lapwing has also been identified as a consideration. Had I been minded to allow the appeal, it would have been necessary to establish whether the proposal on its own or in combination with other projects would likely have significant environmental effects on the integrity of the Habitats Sites. However, given my findings above, it has not been necessary for me to pursue this issue further. A finding that the proposal would not have an adverse effect on integrity, with or without any mitigation, would be at best a neutral matter.
14. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
15. Great Blunts Farmhouse is a Grade II Listed Building. Its significance is derived from its architectural interest as a vernacular building and its historic interest as evidence of the rich agricultural history of the area. It lies in an open setting which reflects this history, although the surrounding land is no longer in agricultural use. This is enhanced by the relationship with the former stables which have retained their appearance and the former estate cottages adjacent to the appeal site which evidence the historic pattern of development. The Council's built heritage consultant identified the estate cottages as non-designated heritage assets due to their historic and architectural interest. I consider their significance to lie in the understanding they provide to the setting of the Farmhouse.
16. The proposed layout shows the reinstatement of what would have been the original access road to the Farmhouse which at present is a footpath. The proposed dwellings would be of a scale and appearance that would reflect those of the existing estate cottages, sat in a position that would reflect the layout of the access road. They would be some distance from the Farmhouse, although there would be a good degree of intervisibility due to the flat topography and open characteristics of the area although I note landscaping is proposed around the proposed dwellings. Notwithstanding, the open setting enjoyed by the Farmhouse would not be diminished due to its extent and the setting of the listed building would be preserved. Consequently, there would not be harm to the significance of the estate cottages either, as the historic understanding of the development of the area would remain.

Balance and Conclusion

17. I have found that the proposal would constitute inappropriate development in the Green Belt and would result in a loss of openness. The Framework confirms that inappropriate development should only be permitted in very special circumstances. Such circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. For the reasons given above, I find that the other considerations in this case do not

clearly outweigh the harms that I have identified. Consequently, the very special circumstances necessary to justify the proposed development do not exist.

18. This finding also means that there are policies in the Framework that provide a clear reason for refusing the development proposed. Therefore, under Paragraph 11d)i of the Framework, the proposal does not benefit from the presumption in favour of sustainable development.
19. Therefore, for the reasons given, and having had regard to all other matters raised, the appeal is dismissed.

J Downs

INSPECTOR