



Appeal Decision

Site visit made on 20 February 2024

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 March 2024

Appeal Ref: APP/V1505/W/23/3323706

Ramsden Park Farm, Ramsden Park Road, Ramsden Bellhouse, Billercay, Essex CM11 1NR

- 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 John Gatrell against the decision of Basildon District Council.
 - The application Ref 22/00743/OUT, dated 18 May 2022, was refused by notice dated 27 January 2023.
 - The development proposed is outline application for the conversion of the three existing stables at Ramsden Park Farm into three residential dwellings with all matters reserved except access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) has been published since the appeal was lodged. Both main parties have had the opportunity to comment on any relevant implications for the appeal. I have had regard to the Framework in reaching my decision.
3. The description of the development provided on the planning application form has been replaced by an amended version on the decision notice and in subsequent appeal documents. I consider that subsequent description to accurately represent the proposal, including in respect of the reserved matters, and I have therefore used it within this decision.
4. As set out in the description of development, the application was considered as being in outline with all matters except access reserved for future consideration. I have dealt with the appeal on that basis.
5. The appellant has submitted amended plans with the appeal which depict reduced garden areas and the relocation of proposed parking. The Council and third parties have had the opportunity to comment on the amended plans as part of the appeal process. On that basis, and due to the form of the amendment proposed, I do not consider that the interests of any party would be harmed if I proceed to determine this appeal on the basis of the amended plans.

Main Issues

6. The main issues are:

- Whether the proposal would be inappropriate development in the Green Belt, with due regard to openness;
- The effect on the Essex Coastal Recreational Avoidance and Mitigation Strategy (RAMS) zone of influence; and
- If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether Inappropriate Development

7. The appeal site is in the Green Belt. Paragraph 155 of the Framework sets out that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes the re-use of buildings provided that the buildings are of permanent and substantial construction as referred to in paragraph 155(d).
8. The appeal proposal relates to three buildings described as stables, although the submitted evidence also refers to one of them being used for storage purposes. Based on the evidence before me and observations on my visit, the buildings appear to be of a permanent and substantial construction. However, to be considered not inappropriate development in the Green Belt then the proposal should preserve its openness and not conflict with the purposes of including land within it.
9. The proposal would introduce gardens to the rear of the buildings, parts of which would extend onto fields which are viewed as being part of the countryside. The design of the means of enclosure around these gardens would be addressed as part of the reserved matters, but although the appellant refers to post and rail fencing and the views enabled through it, the domestic curtilage proposed with the associated paraphernalia would represent the obvious enclosure of parts of the fields, with subsequent harm to the openness of this area of the Green Belt. This would be the case even allowing for the reduced area of garden shown on the amended plans.
10. The appellant refers to the number and form of traffic movements associated with the horse boarding stables. However, even if traffic movements associated with an appropriate use in the Green Belt can be considered to harm openness, these vehicle movements and associated parking would appear to be restricted to the extent of existing built development on the site. Furthermore, the evidence in respect of the form and nature of vehicle movements associated with the extant use is limited and anecdotal. I am also mindful that vehicles used in association with dwellings would be more likely to be parked on site for longer periods, compared to the more transient level of activity associated with the stables. Although the number of vehicle movements associated with the proposal may be lower than those associated

with the existing buildings, this would not be of a form or degree that would compensate for the projection of domestic curtilage into the Green Belt.

11. As well as openness, the Green Belt purposes should also be considered, including to safeguard the countryside from encroachment. The location and extent of residential curtilage and associated paraphernalia would lead to the domestication of parts of the fields and open land. This would represent encroachment into the countryside, and the proposal would therefore conflict with that Green Belt purpose.
12. The appellant refers to views of the development from various locations. However, even allowing for screening provided by landscaping and buildings, as well as the backdrop of existing built development, I saw that the extent and form of the proposal would be apparent in views from the surrounding area.
13. I therefore conclude that the proposal would not preserve the openness of the Green Belt and would conflict with a purpose of including land within it. The proposal would therefore not meet the requirements of the form of development set out in paragraph 155(d) of the Framework, nor any of the other exceptions and developments in paragraphs 154 and 155. The proposal would therefore be inappropriate development in the Green Belt.

Essex Coastal Recreational Avoidance and Mitigation Strategy (RAMS)

14. As set out in the Council's Officer Report, the aim of the RAMS is to secure financial contributions or other forms of mitigation to mitigate the likely impacts of development. The Officer Report indicates that this would normally be dealt with through securing the required contribution via a Unilateral Undertaking (UU).
15. The appellant has submitted a completed UU which reflects the contribution referred to in the Officer's Report. I therefore consider that this UU addresses the concerns in respect of the potential effect on the RAMS. Based on the UU, the proposal would therefore comply with the Conservation of Habitat and Species Regulations 2017 (as amended).

Other Considerations

16. The proposal would add to the supply and mix of housing in the area. The Officer Report specifies that the Council does not currently have a deliverable 5-year housing land supply, and I am mindful of the history of housing delivery in this area as set out in the Housing Delivery Test. Given these circumstances, the delivery of 3 dwellings carries moderate weight as a benefit in favour of the proposal.
17. The appellant refers to a lack of harm in respect of issues including character and appearance, residential amenity and highway safety. However, a lack of harm is not a benefit and these are neutral considerations in the planning balance.

Balance and Conclusion

18. Notwithstanding my conclusions in respect of the effect on the RAMS, the proposal would be inappropriate development within the Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to any harm.
19. The Framework requires that inappropriate development should not be approved except in very special circumstances. Even given the Council's housing land supply position, the other considerations in respect of this appeal do not clearly outweigh the substantial harm that would arise from the development. Therefore, very special circumstances to justify the proposal do not exist.
20. The Council's decision refers to Saved Policy BAS GB1 of the Basildon District Local Plan which establishes the boundaries of the Green Belt as shown on the Proposals Map. The appellant considers that the policies of the Local Plan are out of date, but this does not negate the boundaries of the Green Belt as established in the development plan.
21. Reference has also been made to Saved Policy BAS GB7 of the Local Plan which relates to the reuse of buildings in the Green Belt. Due to the effect on openness the proposal would be contrary to this policy. Policy BAS GB7 reflects the wording of the Framework in respect of the form of development before me, and I therefore give the conflict with this policy significant weight.
22. In any event, for the reasons given, the proposal would be contrary to the Framework in respect of protecting Green Belt land, which provides a clear reason for refusing the development proposed.
23. I therefore conclude that the appeal should be dismissed.

David Cross

INSPECTOR