
Appeal Decision

Site visit made on 1 March 2024

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th April 2024

Appeal Ref: APP/V1505/W/23/3327027

Elizabeth Villa, Meadow Way, Wickford SS12 9HA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Jones against the decision of Basildon Borough Council.
 - The application Ref is 23/00101/FULL.
 - The development proposed is the erection of a chalet style dwellinghouse.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Government published a recently revised National Planning Policy Framework ("the Framework") and all references in this decision relate to the revised document. I am satisfied that the parties will not be prejudiced by the changes to the national policy context as there are no material changes relevant to the substance of this appeal.
3. The evidence indicates that the appeal site lies within the Zone of Influence of the Benfleet and Southend Marshes Special Protection Area (SPA) and Ramsar site, and the Crouch and Roach Estuary SPA and Ramsar site. These sites are subject to statutory protection as European sites of nature conservation importance under the Conservation of Habitats and Species Regulations 2017 (as amended). I will return to this matter later in this decision.

Main Issues

4. The main issues in this appeal are:
 - Whether the proposed development would be inappropriate development in the Green Belt having regard to any relevant development plan policies and the Framework.
 - The effect of the proposed development on the openness and purposes of the Green Belt.
 - The effect of the proposed development on the character and appearance of the area.
 - If the proposal is inappropriate development, whether the 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 it.

Reasons

Whether inappropriate development

5. Policy BAS GB1 of the Basildon District Local Plan Saved Policies 2007 ("the BDLP"), defines the extent of the Green Belt, including the appeal site. However, it does not set criteria for judging whether the appeal proposal would be inappropriate development in the Green Belt. Therefore, I find no conflict with this Policy.
6. In terms of the Framework, the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions. These exceptions include buildings that constitute 'limited infilling in villages' as set out in Framework Paragraph 154.e). 'Limited infilling in villages' is not defined in the Framework or the BDLP. Therefore, whether a proposed building would constitute 'limited infilling in a village' is a matter of judgement for the decision maker, based on a site's particular characteristics and its context when assessed 'on the ground'.
7. The proposed dwelling would be limited in scale and would occupy a relatively small gap between existing dwellings set within a continuous row of dwellings fronting a metalled road. As such, it would constitute limited infilling as a matter of judgement and consequently my attention turns to whether the proposed dwelling would be located in a village.
8. The appeal site is set within a cluster of buildings, predominantly dwellings, that are arranged around the mostly hard surfaced roads of Meadow Way and The Chase, that form a 'loop' extending off Cranfield Park Road via the single road connection of Fairway. This cluster is mostly surrounded by countryside of open fields interspersed with sporadic small groups of buildings, often set along cul-de-sacs, that separate it from the built-up area of Wickford to the north and the A127 to the south.
9. It is argued that the proposed dwelling should be considered part of the village of Nevendon. However, despite the existence of a formal road name sign of 'Fairway' at the junction with Cranfield Park Road, there are no obvious features or clear boundaries, such as a formal name sign, to identify this relatively small sized cluster of buildings, including the appeal property, as within a village. The appeal site is situated within a discernible row of tightly spaced dwellings within the cluster, however this is not necessarily indicative of a village and the forms of villages can vary,
10. Furthermore, I did not observe any services, facilities or amenities in the locality of the appeal site or within or around the cluster of buildings which might be expected to characterise a village. The number and type of services and facilities within villages can vary and might be relatively limited in some. However, their absence from the cluster of buildings at the appeal site is not indicative of it being within a village.
11. The map of the SS12 postcode district of Nevendon covers an extensive area of land, including a large proportion of the built-up area of Wickford and stretching beyond the A127 to the south. Although the appeal site lies within it, it does not appear to relate to any physical characteristics 'on the ground' or follow the boundaries of a settlement. As such, the postcode district does not

identify the appeal site as within a village and it has limited relevance to my considerations and holds very little weight in favour of the proposal.

12. The Oxford Dictionary definition provided by the appellant states that a village is a group of houses and associated buildings, larger than a hamlet and smaller than a town, situated in a rural area. Given the relatively small scale of the cluster of buildings in which the appeal site is situated, and taking account of my findings above, the cluster has the scale and characteristics that are akin to a hamlet under the definition provided. The absence of services, facilities or amenities which might be expected to characterise a village, adds further weight to this finding.
13. The site in the Branksome Avenue appeal¹ ("the Branksome Avenue appeal") was located on the edge of Wickford and within an area where existing development was extensive and well consolidated, and displayed the predominant character of a well-ordered residential suburb. The site was situated within an area with a network of roads and very few undeveloped plots, formalised street name signs throughout, mains drainage and services, and many of the features and characteristics of a village.
14. some general similarities can be drawn between the Branksome Avenue appeal and the appeal proposal before me in terms of the scale and type of development proposed, and their plotland origins in the broader Wickford area. Neither were formally identified in the BDLP as villages. However, each case must be determined on its own merits and such decisions are subject to various site-specific considerations and judgements.
15. Compared to the Branksome Avenue appeal site, I have found the site in this appeal to be set within a relatively small sized cluster of buildings in the countryside some distance from Wickford and where development is not extensive and does not display the features and characteristics of a village. As such, the Branksome Avenue appeal site is materially different in location and context to the appeal site before me and of limited weight and relevance to my considerations in this appeal.
16. In taking account of all the above and based on the evidence before me and my experiences at the site visit, I find that the proposed dwelling would not be located within a village. I note that my findings on this matter generally accord with an unsuccessful appeal decision² for a bungalow at the nearby property of 'Patricia', Meadow Way, Wickford.
17. I conclude on this issue that the proposed development would not constitute limited infilling in a village. As such, it would not meet the exception in Framework Paragraph 154.e) and would be inappropriate development in the Green Belt. An absence of conflict with BDLP Policy BAS GB1, does not alter this conclusion or weigh in favour or against the appeal proposal.

Openness and purposes

18. The appeal site comprises undeveloped land set around a modestly sized blockwork structure in the centre of the site which the evidence suggests was a former dwelling that has fallen into disrepair. The Council's evidence indicates that an appeal decision of several years ago found that any residential use of

¹ APP/V1505/W/21/3278853

² APP/V1505/W/20/3262753

this structure appears to have been abandoned and no substantive contrary evidence on this matter is before me in this appeal. Set within this structure was what appeared to be a timber shed in a poor condition. A separate timber building is positioned to the front of the site.

19. In spatial terms, the proposed dwelling and associated vehicle parking area would partly occupy space on the appeal site that is currently undeveloped, reducing the openness of the Green Belt. In visual terms the proposed dwelling would be seen as part of the established row of dwellings and set against the backdrop of a stable-type building on land at the rear. Nonetheless, its built form would be clearly visible in close distance views from the road where its scale and massing would cause a loss of visual openness in the Green Belt, albeit to a relatively modest and localised extent.
20. Compared to the existing conditions at the appeal site, the scale of the proposed dwelling would be considerably, and materially, larger than the existing relatively small buildings, including the blockwork structure on the appeal site. It would therefore have a greater impact on the openness of the Green Belt than the existing development. Consequently, it would not meet the exception in Framework Paragraph 154.g) and would be inappropriate under this exception, even if it was located on previously developed land.
21. The appeal proposal would not result in the sprawl of a large built-up area or towns merging into one another. Nonetheless, for the reasons given above the proposed development would, in totality, harm the openness of the Green Belt in spatial and visual terms, and lead to a very small degree of encroachment into the countryside in conflict with this purpose of the Green Belt.

Character and appearance

22. The character and appearance of the area is defined predominantly by rows of modestly sized bungalows intermingled with the occasional undeveloped plot. Along the section closest to the appeal site, the buildings are constructed to different designs with sloping roofs of either gabled or hipped forms, and generally consistent roof heights. Several dwellings appeared to have accommodation within their roofs, although very few have roof dormers and the dormers that were visible further along Meadow Way were relatively modest in size.
23. The gabled form of the proposed dwelling would reflect the mixed roofscape in the area. However, the height, width and massing of the front gable would be noticeably greater than that of the other gable fronted dwellings on this section of Meadow Way. The proposed roof dormers, notwithstanding their sloping sides, would add considerable elevated mass and bulk to the roof slopes of the proposed dwelling. They would be highly visible in the street scene and together with the massing of the front gable would result in a dwelling that would be visually dominant and discordant by comparison to the modestly sized bungalows in the area with their simple forms and uninterrupted roof slopes.
24. The approved dormers at 'Charal', are smaller than those proposed in this appeal and would be seen in the context of the taller and relatively large roof of the adjacent dwelling at 'Cranlea'. Furthermore, there would be limited intervisibility between the appeal dwelling and 'Charal', which is located some distance away. As such, the dormers at 'Charal' are materially different in

scale, design and visual context to the appeal proposal and they do not justify the harm that the proposed development would cause.

25. Although the existing blockwork structure is in a poor physical condition, it is a small structure that is set well back into the site and has a relatively limited visual impact. Any beneficial effect of its removal, together with the tidying-up of the site, which I am not persuaded would be contingent on the appeal proposal, would be small and firmly outweighed by the appeal proposal's harmful visual effect.
26. For these reasons, I conclude on this issue that the proposed development would harm the character and appearance of the area. As such, it would be contrary to BDLP Policy BAS BE12, which amongst other objectives, seeks to refuse development that causes material harm in respect of the character and appearance of the surrounding area, including the street scene.
27. For the same reasons, the proposal would conflict with Paragraph 135 of the Framework, which states that planning decisions should ensure that developments are sympathetic to local character, including the surrounding built environment.

Other considerations

28. The proposal would make efficient use of land and could be built out relatively quickly. In the context of the housing supply in the Council's area, where there is a shortfall against the housing requirement, this is a matter of significant weight in its favour.
29. The construction and occupation of the proposed development would provide a family home and generate employment opportunities during construction and lasting economic activity through occupation. The new resident household would provide beneficial financial support to businesses and services, and make a small contribution to sustaining rural services. The proposed dwelling could be adaptable to provide an accessible living environment for occupiers with restricted mobility. However, given the scale of the proposed development, these benefits would be modest and attract limited weight in its favour.
30. The proposed dwelling could be built from locally sourced materials and to a very high standard in respect of its environmental sustainability. The latest technology for minimising energy and water usage, and generating renewable energy could be incorporated. There is no obvious impediment to meeting current Building Regulations standards. The proposal would appear to be capable of securing a net gain in biodiversity at the site, including through native planting. However, given its scale, any environmental benefits arising from these aspects of the proposal would be modest and attract limited weight in its favour.
31. A dwelling of an appropriate size and design would not, in principle and in isolation of Green Belt considerations, be inconsistent with the character of the area, and the removal of the existing blockwork structure would represent a small beneficial effect to the openness of the Green Belt. However, this would be firmly outweighed by the appeal proposal's harmful effect on Green Belt openness that I have identified above.
32. Limited evidence is before me to explain the Council's reasoning for permitting a new detached 1-bedroom bungalow in lieu of an existing workshop, garage

and storage building at 'Charal', near to the appeal site. In any case I am not bound by the decisions of the Council in determining this appeal. As such, this planning permission has limited relevance and weight to my considerations in this appeal.

33. The current status of the Basildon Draft Local Plan 2016, which reportedly identified the plotlands around Wickford for infill housing development, is not clearly established in the evidence. As such, any support given by it to infill development in the Green Belt has negligible weight in favour of the appeal proposal when set against the Framework.
34. I have not been provided with any substantive evidence that the appeal property has been affected by a persistent problem of fly tipping or antisocial behaviour, or that redevelopment of the site would be the only means of resolving such issues. Therefore, such concerns have very little weight in favour of the proposal.
35. On the evidence before me and based on my observations at the site visit, I am satisfied that the proposal would safeguard the living conditions of nearby occupiers and provide adequate living conditions for future occupiers. Furthermore, it would cause no harms to highway safety. However, an absence of harm in these respects would be requirements of any well-designed scheme and does not carry positive weight in favour of the appeal proposal.

Other Matters

36. The appellant has expressed a willingness to make payment to the Council of the requisite tariff-based contribution towards the delivery of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) to mitigate the proposal's potential adverse in-combination effects on the nature conservation interests of the SPAs referred to above. However, there is no mechanism before me to properly secure this contribution and therefore I cannot be certain that the proposed development would not harm the integrity of the SPAs. Nevertheless, in light of my findings on the main issues above, it is not considered necessary to look at the harm to the SPAs in detail, given that the proposal is unacceptable for other reasons.

Green Belt Balance

37. Paragraphs 152 and 153 of the Framework state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, and that substantial weight should be given to any harm to the Green Belt. I must therefore give substantial weight to the proposal's harm to the Green Belt.
38. Even if the proposal's contribution to housing supply were afforded the same substantial weight as that given in the Branksome Avenue appeal decision, the benefits attributed to this, and to the other considerations above, do not clearly outweigh the totality of the harm to the Green Belt, by reason of inappropriateness, harm to openness and encroachment into the countryside. The harm I have identified to the character and appearance of the area adds further weight against the proposal and would be contrary to BDLP Policy BAS BE12. Consequently, the very special circumstances necessary to justify the development do not exist.

39. Under Footnote 7 to Paragraph 11.d)i. of the Framework, the appeal proposal's adverse effect on the Green Belt would provide a clear reason for refusing to grant planning permission. Therefore, the proposal does not benefit from the Framework's presumption in favour of sustainable development.

Conclusion

40. For the reasons given above, I conclude that the appeal proposal would conflict with BDLP Policy BAS BE12 and the Framework. This results in conflict with the development plan as a whole and material considerations do not indicate that a decision should be taken other than in accordance with that plan. Therefore, the appeal should be dismissed.

G Sylvester

INSPECTOR