



Appeal Decision

Site visit made on 30 May 2024

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2024

Appeal Ref: APP/V1505/W/23/3333612

Land West of Elizabeth Villa, Katherine Road, Bowers Gifford, Basildon, Essex, SS13 2DH

- 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 Scott Nicholls against the decision of Basildon Borough Council.
 - The application Ref is 23/00455/FULL.
 - The development proposed is construction of one detached chalet house with new access from Katherine Road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the National Planning Policy Framework (the Framework);
 - the effect upon the openness and purposes 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

3. The site lies within the Green Belt as defined by Basildon District Local Plan 2007 (LP) Policy GB1. I have not been directed to any policies in the LP which address new dwellings in the Green Belt, nor is there any reference to LP Policy in the reason for refusal. 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.
4. Paragraph 154 e) of the Framework sets out that limited infilling in villages is one such exception. There is development immediately adjacent to the appeal site at Elizabeth Villa, with a further dwelling beyond that. However, the

proposal before me would leave a similar sized plot undeveloped to the other side. The dwelling beyond that is at a distance due to the size of its plot. The land to the opposite side of Katharine Road appears open, as is the land to the rear. Infill, as commonly understood, involves development between existing structures. I cannot conclude that the appeal site would constitute infilling given the surrounding layout.

5. I have been referred to the Basildon Borough Plotland Study 2017. I have not been made aware of the current status of this document and I therefore attach only limited weight to it. However, it does provide the background to Plotlands developments and acknowledges them as self-built settlements. In the case of the appeal site, development continues along Pound Lane from Bowers Gifford continuously, albeit not always to both sides of the road. The roads serving the Plotlands are constructed, with formal road names. In a broad sense, development continues, albeit with gaps, in all directions from the appeal site. I am therefore satisfied that the site lies within a village. The proposal is for one dwelling and would therefore be limited.
6. The appellant has provided me with a number of appeal decisions. However, I must assess this appeal on its individual merits. It is unlikely that any other site would have an identical relationship to surrounding development as the appeal site.
7. As I have concluded that the proposal would not constitute infilling, it would not meet the exception set out in paragraph 154 e) of the Framework. It therefore would be inappropriate development in the Green Belt, contrary to the advice in Section 13 of the Framework. In accordance with the advice at paragraph 153, I attach substantial weight to this harm.

Openness and Purposes

8. Paragraph 142 of the Framework states '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'. Openness is the absence of development and can have spatial as well as visual aspects.
9. I observed a caravan as shown on the submitted plans which lies partially within the appeal site. The Council considers the caravan to be unauthorised. I make no comment on its planning status. In any event, the proposed dwelling would be considerably larger in scale. There would not only be a spatial loss of openness arising from the construction of the proposed dwelling, but a visual loss arising from the introduction of a permanent structure and its associated paraphernalia. Given this, and the general absence of development in close proximity to the appeal site other than Elizabeth Villa, the harm to the openness of the Green Belt would be moderate. In accordance with paragraphs 153 of the Framework, I give substantial weight to this.
10. Paragraph 143 of the Framework sets out the five purposes of the Green Belt. I consider the proposed development would not directly affect the purposes of the Green Belt. However, this would amount to a lack of harm and would therefore be neutral.

Other Considerations

11. The main parties are in agreement that the Council can only demonstrate a 1.89 year housing land supply. While the proposed development would only contribute a single dwelling to meeting that shortfall, it would nonetheless be a benefit and one to which I would attach moderate weight given the extent of the housing land supply shortfall. There would also be economic benefits arising from the proposal during the construction and occupation stages. I attach limited weight to these, given the proposal is for one dwelling.
12. There is public support for the proposed development which shows the appellant is held in regard. I am mindful of the advice in the Framework which places value on creating communities. However, as the dwelling would be permanent and it would not be reasonable to limit the permission to the appellants only, I attach limited weight to this.
13. The Council has not identified any harm with respect to the design and scale of the proposed dwelling. There is no substantive evidence before me of security risks from the site being undeveloped. There are no objections from consultees with respect to highways, ecology, trees or contaminated land. I have no reason to reach a different conclusion on any of these considerations. The appellant has indicated a number of conditions that could be imposed on any permission including landscaping and electric vehicle charging. However, these are to be expected of any well designed development, and as such would be neutral.

Other Matters

14. 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 effect on water quality and the potential for the site to form offsite habitat for lapwing were also identified as considerations. 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.

Planning Balance and Conclusion

15. 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.

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

J Downs

INSPECTOR