



Appeal Decision

Site visit made on 18 June 2024

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 01 August 2024

Appeal Ref: APP/V1505/D/24/3339348

Willows Farm, Orchard Avenue, Ramsden Bellhouse, Billericay, Essex, CM11 1PH.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Janaway against the decision of Basildon Borough Council.
 - The application Ref 23/01266/FULL, dated 12 October 2023, was refused by notice dated 11 December 2023.
 - The development proposed is an outbuilding forming garage and garden store, for storage of equipment related to maintenance of adjacent land.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's decision letter describes the outbuilding as retrospective. It is clear from the evidence provided and my site visit that the outbuilding has been erected onsite. I shall determine the appeal on this basis accordingly.

Main Issues

3. I consider the main issues in this case to be:
 - a) whether the outbuilding constitutes inappropriate development in the Green Belt;
 - b) its effect on the openness of the Green Belt; and
 - c) if it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the development.

Reasons

Whether the proposal constitutes inappropriate development in the Green Belt

4. The Willows Farm is a detached dwelling located in the Green Belt.
5. I note from the council's evidence that the building the subject of this appeal is located some 83.0 metres or so from the front boundary of the appeal site. It is approximately 4.7 metres wide and 9.9 metres long. It has a shallow mono pitched roof with a ridge height of about 3.1 metres at its highest point. This

building is required for the storage of machinery for maintaining the land. It is clad in part face brickwork and part black weather boarding.

6. As the Council have not directed me to any Development Plan policies, I have therefore referred to the National Planning Policy Framework (the Framework). This indicates that, with some exceptions, the construction of new buildings is inappropriate in the Green Belt. The construction of detached buildings ancillary to a dwelling is not one of the exceptions identified. I therefore agree with the appellant that none of the exceptions are met. Accordingly, I conclude that the appeal proposal would be inappropriate development within the Green Belt. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Effect on the openness of the Green Belt

7. Openness has both spatial and visual aspects. In this case the appeal site has a sense of both spaciousness and openness that contributes to the semi-rural setting of the rear of the property.
8. The outbuilding is offset from the adjacent access way and is located to the rear of the main house and further into the open garden area than the existing outbuilding set immediately behind the dwelling. However, it is open to view from the surrounding area.
9. The building is of limited height and has a floor area of only some 40 square meters or so and would be only open to very limited views from Orchard Avenue. Nevertheless, given its location to the rear of the existing property, resulting in a clear intrusion into the area it does, in a small but material way have a significant impact on openness, both in spatial and visual terms. The harm the openness of this part of the Green Belt conflicts with the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open.

Other considerations

10. The building is modest in scale and of a simple design clad in traditional materials. Therefore, in itself the design would be acceptable. Nevertheless, all design should be of a high quality and therefore I give this consideration very limited weight.
11. I note from the evidence that the neither the Parish Council nor any neighbours have objected to the proposal. Notwithstanding the lack of objection, I have considered this development on its individual planning merits. I therefore afford this matter very little weight in the planning balance.
12. I appreciate the need to securely store garden machinery given the level of rural thefts of such equipment. However, due to the scale of the overall development here there may well be other ways of providing secure storage which would cause less harm to the Green Belt, I therefore give this consideration limited weight.
13. From the aerial photograph provided I see that there are a number of other outbuildings behind dwellings facing Orchard Avenue. However, I have limited detail relating to the background to those cases, therefore their existence alone is not an appropriate justification for permitting another here, which I have

considered on its individual planning merits. I therefore give this matter very little weight.

14. I note the appellant's argument that the building may well, due to its size fall to be considered as permitted development. However, as acknowledged by the appellant when planning permission was granted for the dwelling on this site permitted development rights for extensions and outbuildings were removed to allow the local planning authority to maintain control over extensions and outbuildings in the interests of protecting the Green Belt. I therefore give this consideration no weight.
15. The proposed outbuilding constitutes inappropriate development in the Green Belt. The other considerations do not clearly outweigh the substantial weight that I give to the harm to the Green Belt, by reason of inappropriateness and harm to openness that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusions

16. For the reasons set out above, the proposal would conflict with the Framework. Material considerations do not indicate a decision should be taken other than in accordance with the Framework. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Philip Willmer

INSPECTOR