



Appeal Decision

Site visit made on 30 October 2024

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2024

Appeal Ref: APP/M1520/W/24/3338627

153 Bramble Road, Daws Heath, Benfleet, Essex, SS7 2UU

- 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 Gary Bailey against the decision of Castle Point Borough Council.
 - The application Ref is 23/0225/FUL.
 - The development proposed is described as 'Proposing 1no. new dwelling with new access and private amenity at 153 Bramble Road, Benfleet. Retaining the existing dwelling.'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have taken the site address from the appellant's appeal form as it more clearly identifies the site's location.

Main Issues

3. The main issues are:
 - (a) whether the proposed development would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - (b) the effect of the proposal on the openness and the purpose of the Green Belt;
 - (c) the effect of the proposed development on the site's ecology; and
 - (d) 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

Whether Inappropriate Development

4. The National Planning Policy Framework (the Framework) advises that in the Green Belt, development should be regarded as inappropriate. Paragraphs 154 and 155 of the Framework do however set out exceptions where development in the Green Belt might not be considered as inappropriate.

5. The Council considered the proposal under the exceptions in what are now Paragraphs 154 (e), (f) and (g) and found none of them to be applicable to the proposal. The appellant only advances their case on the basis that the proposal accords with Paragraph 154 (e). As such, there is no information before me that disagrees with the Council's conclusions regarding exceptions (f) and (g).
6. Paragraph 154 (e) allows for limited infilling in villages. The term 'limited infilling' is not defined in the Framework. Furthermore, whilst the site lies outside the settlement boundary of Daws Heath, this is not necessarily determinative in judging whether a site forms part of the village. Accordingly, these are therefore matters of planning judgment, to be based on the facts on the ground. In my opinion, limited infilling must occur when a relatively small gap between buildings is filled, such as when an otherwise built-up frontage is completed.
7. Development along Bramble Road within the defined village boundary has a relatively tight grain, with dwellings in a linear format with a strong presence along the road. Once the final house is passed heading east, there is a gap until the next buildings and the appeal site. Whilst the distance is not extensive, the road together with the trees and hedges on either side create a visual buffer and a sense of having left the village.
8. This is reinforced by the sporadic nature and looser grain of development around the appeal site. The houses are of various styles and set at irregular intervals and with varying degrees of setback from the road. Indeed, some are set well-back from the road behind hedging and trees. This not only reduces their prominence on the road frontage but also contributes to the visual disconnection between the buildings. Furthermore, the gardens of houses along this part of Bramble Road often form open space between buildings, which contributes to the rural character of the road and provides a visual link to the wider countryside which surrounds it.
9. Whilst there are features such as streetlights near the appeal site and I note the observations regarding the provision, or otherwise, of certain signage, this does not detract from my findings above. Similarly, that properties within the defined village boundary can be seen from outside the appeal site does not, to my mind, make the 'on the ground' experience feel as though one is part of a wider village envelope. Therefore, whilst the appeal site is close to Daws Heath, my finding is that it is not located in the village for the purposes of the Framework.
10. The appeal site forms a gap between the neighbouring properties on either side. Although it originally formed part of the garden to one of these dwellings it generally reads as part of an extensive undeveloped area which makes a contribution to the openness of the Green Belt, rather than as a gap in an otherwise continuous frontage. Whilst the proposed dwelling could infill the site, I do not consider the site itself to be a small gap in an otherwise built-up frontage given the sporadic nature of development I have outlined above.
11. However, even if I were to conclude that the development would be 'limited infilling', it is not in a village. It follows that the proposal is not limited infilling in a village and, consequently, the exception listed in paragraph 154(e) of the Framework does not apply.

12. As a result, the proposed development would be inappropriate development in the Green Belt. By definition, it would therefore be harmful to the Green Belt, and this is a matter to which I afford substantial weight in my decision.

Openness and Purpose

13. The Framework states that '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.'
14. From a spatial perspective, the development would inevitably lead to a reduction in the openness of the Green Belt by introducing a dwelling on a site that is currently largely free from built development. Even acknowledging the boundary planting around the site, much of which could be retained, the introduction of such permanent built form at the site would be visible in some views. Even if this were only from Bramble Road, there would nevertheless be some small visual loss of openness. Having regard to the nature and size of the development, there would overall be moderate harm to the openness of the Green Belt.
15. I note the appellants comments in respect of the site being between two existing houses and so there would be no risk of sprawl or merging with other towns and that the site does not encroach on the countryside or impact on an historic town. Be that as it may, none of those matters change my conclusion that harm to the openness of the Green Belt would nevertheless occur; and, as per Paragraph 153 of the Framework, any harm to the Green Belt attracts substantial weight.

Ecology

16. In the absence of any initial ecological information, the Council was concerned that biodiversity harm might occur as a result of the development. As part of the appeal submission an Outline Ecological Assessment has been provided.
17. I have no reason to doubt the evidence submitted in the ecological assessment or its findings. I am therefore satisfied that the report provides a sufficiently firm basis on which to conclude that there is not important habitat or any protected species on the site. As such, were the development to proceed, planning conditions could ensure that sufficient regard is had to on-site protection and where possible enhancement of biodiversity is secured.
18. Accordingly, I find that the proposal would comply with the Framework which, amongst other things, seeks to protect and enhance biodiversity.

Other Considerations

19. The Council is unable to demonstrate a five year supply of deliverable housing land. The appellant indicates that the latest figure is 1.86 years supply and that the Council has only achieved 50% of its housing requirement in the 2022 measurement of the housing delivery test. This is significantly below Government expectations. Furthermore, the lack of an up-to-date Local Plan no doubt hampers the Council's ability to address these issues.
20. The proposal could be delivered quickly and there would also be some economic benefits to the area both during construction and following

occupation. There may also be some social benefit in having additional residents in the area.

21. Whilst the proposal would only deliver one new dwelling, which tempers the scale of the benefit, any additional dwelling would undoubtedly be of value in boosting housing stock given the significant shortfall generally. It is also suggested that of relevance to this appeal is that there is a particular demand in the area for larger houses such as the one proposed. I therefore afford the lack of adequate housing supply considerable weight in the determination of this appeal.
22. The appellant also references the Manor Trading Estate appeal decision in relation to the need to develop more than just brownfield sites within the Green Belt if the housing requirements are to be met locally. However, any review of the Green Belt boundaries would need to be undertaken in a comprehensive manner so that any release of land followed a thorough consideration of all the implications. It would not be appropriate in this case for me to arbitrarily lessen the Green Belt protection that the appeal site currently enjoys based on the possibility that the boundary of the Green Belt might have to be altered at some point in the future.
23. The design of the proposed dwelling was not a contentious matter in this appeal. That it would accord with the character of nearby properties would be expected and so is not a matter that weighs heavily in favour of the proposal. The scheme would also accord with policies addressing such matters as highway safety, parking, effect on neighbours, flooding etc. However, compliance with the necessary requirements and policies represents a lack of harm and so is neutral within the overall balance.
24. My attention has been drawn to other appeal decisions. Some of these references are in relation to case law, which my decision also reflects. Other decisions are noted in relation to the individual circumstances of those sites and their perceived similarities to the current appeal. Each appeal proposal is however considered on its own merits and based on the evidence available in each case. Therefore, whilst these provide helpful background there is insufficient evidence that they are so comparable to the scheme before me that they would lead me to conclude that this proposal represents limited infilling in a village.

Green Belt Balance

25. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is not just outweighed but clearly outweighed by other considerations. Whilst the benefits of the proposed development which make up the other considerations are worthy of considerable weight, I do not find them to clearly outweigh the harm that the proposal would cause to the Green Belt by reason of inappropriateness and harm to openness. Consequently, very special circumstances do not exist, and the Framework indicates that the development should not be approved.

Planning Balance

26. Section 38(6) of the Planning and Compulsory Purchase Act provides that the appeal should be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the Council does not

suggest that there would be conflict with any policies of the development plan. However, the Framework is an important material consideration that must be taken into account.

27. Having found that very special circumstances do not exist, policies within the Framework relating to land designated as Green Belt provide a clear reason for refusing the development. Therefore, notwithstanding the issue of housing land supply, Paragraph 11 d) of the Framework does not indicate that permission should be granted in this case.

Other Matter

28. The appeal site lies within the zone of influence of three sites protected under the Conservation of Habitats and Species Regulations 2017. This requires that a competent authority makes an Appropriate Assessment (AA) of the implications of the plan or project on the integrity of the sites in view of their conservation objectives. The appellant has produced a unilateral undertaking that would provide the necessary financial contribution under the Council's mitigation scheme. Given my findings on the main issues in this appeal and that mitigation measures would not represent a benefit of the proposed development to be weighed in the planning balance, it is not necessary for me to pursue the matter further and carry out an AA.

Conclusion

29. I have not found there to be any conflict with the Council's development plan. Nevertheless, the Framework represents a material consideration which in this case, for the reasons given above, causes me to conclude that the appeal should be dismissed.

Stewart Glassar

INSPECTOR