
Appeal Decision

Site visit made on 20 November 2024

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 January 2025

Appeal Ref: APP/V1505/W/24/3344735
Dunton Grange, Dunton, Basildon CM13 3SN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Patrick Holloran against the decision of Basildon Borough Council. The application Ref is 23/01239/OUT.
 - The development proposed is demolition of outbuildings and erection of a residential development of 6 dwellings including means of access, landscaping, drainage and associated infrastructure.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is outline with all matters reserved. The appeal was accompanied by a drawing which includes a proposed layout, access and landscaping. As these matters are reserved I have treated the drawing as indicative only.
3. The appellant has indicated that the original description of development has changed from no specific number of dwellings to six. The description included in the banner heading reflects the amended description of proposed development included on the appeal form.
4. Reference is made to the Council's emerging Local Plan, which was withdrawn before the examination. Consequently, its draft policies have limited weight for the purposes of determining this appeal¹. The Council's decision includes reference to its adopted policies with respect to reason three, concerning the effect on character and appearance. The other reasons include references to the National Planning Policy Framework (the Framework) only.
5. A revised version of the Framework was published on 12 December 2024. The main parties have had the opportunity to comment on this and I have taken account of the comments made. References to specific paragraphs in this decision refer to the latest version.

Main Issues

6. As the site is located in the Green Belt the main issues are:

¹ In accordance with paragraph 49 of the National Planning Policy Framework.

- whether or not the proposal would be inappropriate development in the Green Belt having regard to the Framework;
- the effect on Dunton Grange, a non-designated heritage asset, and its setting;
- the effect on the character and appearance of the appeal site and the surrounding area; 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

7. The appeal site comprises Dunton Grange, a substantial single storey detached dwelling formerly used as a school, together with land to the east and south, which is largely open except for a number of outbuildings. The whole site lies in the Green Belt. The surrounding area is semi-rural in character with a sporadic layout of buildings along Lower Dunton Road south of the appeal site and a more regular linear pattern of dwellings immediately to the north.

Whether the proposal would be inappropriate development

8. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence.
9. I note that the Council does not rely on development plan policies, but instead refers to the Framework's provisions concerning the effects of development in the Green Belt. The Framework says that development in the Green Belt is inappropriate unless one of a number of exceptions applies.
10. The Council considers that around two thirds of the overall site is previously developed, focused on Dunton Grange, its garden areas and related hardstanding. The open land to the south does not fall under the Framework's definition of previously developed land.
11. Despite not all the site being previously developed, given the extent of such land that is involved I agree that it is reasonable to assess the proposal against the relevant exception to inappropriate development in the Framework. In the latest version of the Framework this is the partial or complete redevelopment of previously developed land, which would not cause substantial harm to the openness of the Green Belt².
12. I have had regard to the evidence concerning the site's contribution to the purposes of including land in the Green Belt, including in relation to the withdrawn plan's evidence base. However, this matter cannot have a direct bearing on the issue of whether the proposal would be inappropriate development. For proposals involving the redevelopment of previously developed land, the Framework only requires an assessment of whether or not the proposed development would cause substantial harm to the openness of the Green Belt.
13. The proposal involves six additional detached dwellings. Layout is reserved for subsequent consideration, but given the site's size and configuration some of the

² Paragraph 154g).

new development is likely to occupy open land to the south and east of the existing dwelling. The suggested height parameters indicate that dwellings could be bungalows or chalet bungalows.

14. The site includes some boundary planting to three sides. This would restrict some views of the new dwellings, particularly across open land to the east. The site has an extensive frontage on Lower Dunton Road, which allows for views into it from the public realm. While Dunton Grange would restrict some views of dwellings behind it, some of the additional development would be readily apparent in viewpoints along the road frontage.
15. Despite the presence of sporadic development in the surrounding area and the planting to the site boundaries, the predominantly open, undeveloped nature of the area is an important characteristic. Therefore, taking the above findings as a whole, the development of six dwellings would result in some harm to the spatial and visual openness of this part of the Green Belt. However, the amount of development proposed within a largely self-contained site would not result in substantial harm. Consequently, the proposal is not inappropriate development. As such, there is no requirement to assess other considerations to determine whether very special circumstances exist.

Dunton Grange

16. Dunton Grange was built as Dunton County Primary School in 1928–9 and was converted to its current residential use in the late 1990s. The Council's Historic Environment advisor considers that due to its largely unaltered exterior and historic and communal value it should be considered to be a non-designated heritage asset. It is considered that the new dwellings would have an urbanising effect on the asset, thereby detracting from the building's setting.
17. The building has undergone a number of alterations, notably to the rear as well as the replacement of the original windows with UPVC ones. Nonetheless, I accept that its original architectural and historic character can still be appreciated. Furthermore, it has some local historic interest as the former village school as well as a locally significant historical association with the nearby Plotland Estate. As such, it has some local significance within its wider setting.
18. The building is principally seen and appreciated from the road frontage and as it would have the largest footprint and garden it would retain its primacy on the site. Moreover, aside from the bungalow directly north of Dunton Grange, the indicative layout shows a good degree of separation between the established and proposed dwellings. In this regard, the proposed development would provide sufficient space to retain some understanding and appreciation of the setting of the building, which while largely open has altered over time due to the current residential use.
19. Therefore, based on these findings, I conclude that the proposed development would not have a harmful effect on Dunton Grange and its setting. Consequently, there is no conflict with the Framework's provisions concerning the effects of development on non-designated heritage assets³.

³ Paragraph 216.

Character and appearance

20. The appeal site currently reflects the characteristic layout of residential properties along Lower Dunton Road, particularly those closest to it to the north, with dwellings in a linear layout close to the road frontage. The semi-rural character of the area is particularly apparent from the extensive open land behind the dwellings and the substantive gaps between groups of properties. There is a group of buildings to the south of the appeal site that extends to the east away from the road frontage, but these are not apparently all in residential use and are not characteristic of the wider layout of dwellings. While the site and wider area might not be covered by a particular landscape designation, this does not detract from the semi-rural open character of the land.
21. Layout is a reserved matter but, as noted above, the size and configuration of the site means that the majority of the detached dwellings are likely to be located on currently open land to the south and east. While the proposal would represent a relatively low density of development, it would introduce a materially different urbanising effect to those parts of the site which are currently open.
22. Despite the site's enclosure by planted boundaries, the proposed development would be particularly visible from the site's wide road frontage. From these views the extent of built development, hardstanding for roads and parking areas, parked vehicles and domestic paraphernalia would be readily apparent. These visual effects would harmfully erode the characteristic open aspect of the site to the rear and would contrast unfavourably with the established characteristic layout of dwellings nearby.
23. Accordingly, for these reasons, I conclude that the proposed development would have an unacceptably harmful effect on the character and appearance of the appeal site and the surrounding area. It is, therefore, contrary to Policy BAS BE12 of the Basildon Local Plan Saved Policies (2007), which requires that proposals for new residential development should not harm the character of the surrounding area.

Other Matters

24. I have had regard to the representations made by interested parties, some of which raise matters addressed under the main issues. Access is a reserved matter and, therefore, any access and highway implications, including in relation to other developments in the area, is for subsequent consideration. I note, however, that the Highway Authority does not object to the outline proposal.
25. It is common ground that the Council cannot identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing, as required by the Framework⁴. The appellant states that the level of supply is 2.34 years and the most recent Housing Delivery Test results indicate that delivery was 41%, 46% and 35% of the housing requirement for the last three years.
26. No evidence has been provided to suggest that this is not the case. Consequently, in these circumstances, the presumption in favour of sustainable development is

⁴ Paragraph 78.

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27. I have had regard to the wider development context referred to by the appellant, including the nearby allocation of Dunton Hills Garden village in the Brentwood Local Plan; and the Dunton Garden Suburb proposal. However, these strategic scale developments do not have a direct bearing on the current proposal, which involves a separate site.
28. The Council confirms that part of the site is identified on its Brownfield Land Register and was identified as suitable for development in the Housing and Economic Land Availability Assessment to support the withdrawn Local Plan. However, these matters do not override the requirement to assess this proposal to develop the whole site against relevant development plan policies and other material considerations, including the Framework.
29. There would be some short-term economic benefit from the dwellings' construction and their occupants could help to support local services within the surrounding area. However, given that these benefits would partly be temporary and would relate to six dwellings, they should attract limited weight. The proposal to exceed the standard 10% Biodiversity Net Gain on site would contribute to national policy objectives and should be afforded moderate weight.
30. The appellant draws attention to appeals in another district where persistent housing under-delivery was a reason for permitting development in the Green Belt⁶. In addition, it is contended that the mix of dwellings could contribute to identified housing needs and address a historic over-provision of small dwellings.
31. I acknowledge that the most recent evidence of housing supply and delivery shows a material shortfall against the required levels. I would observe, however, that the recent appeal decisions referred to involved strategic scale developments involving over 600 dwellings, whereas the current proposal would make a much more modest contribution to the shortfall. Nonetheless, due to the substantive shortfall and evidence of housing need, I give this consideration significant weight.
32. Conversely, it has been found that the proposal would cause material harm to the character and appearance of the appeal site and surrounding area. As such, as well as it being contrary to the development plan, it is also contrary to the Framework's requirement that development should be sympathetic to local character, including the surrounding built environment and landscape setting⁷. This is one of the key policies referred to in the balancing exercise required by the Framework. As such, I give substantial weight to the conflict with the Framework in this regard. With regard to other key policies, the proposal would not be in an unsustainable location, although in terms of effective use of land the density of

⁵ In accordance with Footnote 8 to paragraph 11d).

⁶ APP/B1930/W/22/3313110 & 3312277 dated 22 March 2024.

⁷ Paragraph 135c).

development would detract from the semi-rural character of the area. The proposal would not provide affordable housing.

33. Taking these findings as a whole, despite the deficiencies in housing supply and delivery, on balance the benefits of six dwellings in this location are not of sufficient weight to overcome the extent of the conflict with the development plan and the Framework. Therefore, I conclude that in this case the adverse impacts of granting permission significantly and demonstrably outweigh the benefits. Hence the presumption in favour of sustainable development does not apply.

Conclusion

34. The proposal is contrary to development plan policy and to the Framework as it would cause unacceptable harm with regard to the effect on character and appearance. Despite the shortfalls in housing supply and delivery, the presumption in favour of sustainable development does not apply and there are no other material considerations that outweigh the conflict with the development plan. Accordingly, it is concluded that the appeal should be dismissed.

J Bell-Williamson

INSPECTOR