



Appeal Decision

Site visit made on 18 February 2025

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th March 2025

Appeal Ref: APP/V1505/W/24/3352383

Plot 2 Holly Tree Farm, Hovefield Drive, Wickford, Essex SS12 9JD

- 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 Olabimi Olafusi against the decision of Basildon Borough Council.
 - The application Ref is 24/00287/FULL.
 - The development proposed is a timber framed mobile shed and a timber framed greenhouse for agricultural business purposes.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the development would be inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies.

Reasons

Character and Appearance

4. The appeal site is a fenced off area of undeveloped land within a semi-rural location comprised of detached bungalows, gypsy and traveller sites interspersed with vacant grassland plots. Whilst it doesn't appear to be maintained, the area directly around the appeal site, including the appeal site itself, is largely open and undeveloped, providing a break in the surrounding residential development and giving the immediate area a more rural appearance, contributing positively to the character and appearance of the area.

5. The proposed development would introduce two buildings to the appeal site, which although not fixed to the ground, would still largely appear as permanent buildings. The evidence also indicates a portable toilet will be located on the appeal site, although the location of this is unknown.
6. Although the buildings are relatively modest in scale, their presence on the appeal site would appear incongruous in the immediate open and undeveloped area. This would result in a loss in the break in built form, as outlined above, to the detriment of the character and appearance of the area.
7. Their location on the site, away from any surrounding development, would also harm the semi-rural appearance of the area by further encroaching into the open countryside. Furthermore, the appearance of the buildings would be more akin to ancillary residential outbuildings, at odds with the proposed use of the site.
8. The appellant indicates that the proposal would enhance the area and reduce fly tipping, however, I see no evidence to suggest that this would be the case.
9. Therefore, for the reasons above, the proposed development would result in significant harm to the character and appearance of the area. As such, it would conflict with the general design objectives of the Framework.

Whether it is inappropriate development

10. The appeal site is also located within the Green Belt. Paragraph 154 of the Framework indicates that development in the Green Belt is inappropriate subject to a number of exceptions. Under paragraph 154 (a) of the Framework, these exceptions include buildings for agriculture and forestry. Policy BAS GB1 of the Basildon District Local Plan Saved Policies (2007) outlines the boundaries of the Green Belt.
11. S336 (1) of the Town and Country Planning Act 1990 as amended states that agriculture includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes.
12. The proposed buildings are intended to facilitate the proposed heliocultural and horticultural uses on the appeal site, including the breeding and keeping of edible snails and the growing of fruit, vegetables and exotic trees/fruits. Therefore, from the definition above, could be reasonably assumed to be buildings for agriculture.
13. The Council indicate that they cannot be satisfied that the buildings of the sizes proposed are genuinely required or necessary for a viable agricultural purpose. It is noted that limited information has been provided in relation to the agricultural business, such as yield and viability. However, the Framework does not set out any limiting criteria relating to size or any other matters and proposals should generally be determined as applied for. Therefore, the need for the buildings do not form part of my considerations in relation to this main issue and I am satisfied that the proposal would fall under the exception in paragraph 154 (a) of the Framework.

14. Subsequently, the development is not inappropriate development in the Green Belt as it would fall under the exception in paragraph 154 (a) of the Framework.

Planning Balance

15. Whilst it has been found that the proposal would harm the character and appearance of the area, the Council have cited no conflict with any relevant development plan policies.
16. Paragraph 11(d)(ii) of the Framework states that for decision taking, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
17. I have found that the proposed development would result in significant harm to the character and appearance of the area. Paragraph 135 of the Framework states that planning decisions should ensure that development will function well and add to the overall quality of the area and are sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 139 of the Framework also states that development that is not well designed should be refused. Therefore, I afford significant weight to the conflict with these policies in the Framework.
18. The appellant indicates that the proposed development would provide locally sourced food, to promote healthy lifestyles within the local community and contribute to the local economy. They also state that the proposal would improve social and environmental conditions in the area, however, no details have been provided with regard to this. Furthermore, the scale of the proposed agricultural business is also unknown and as such, only limited weight is afforded to any benefits associated with it.
19. Therefore, given the harm that I have identified, the adverse impact of granting planning permission would significantly and demonstrably outweigh the limited benefits when considered against the policies of the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply and does not weigh in favour of the proposed development.

Other Matters

20. The appellant makes numerous references to an emerging local plan that identified the appeal site as a plotland infill area. However, this emerging plan was withdrawn and therefore has no bearing on my consideration of this appeal.
21. Reference is also made to planning permission on the appeal site for the siting of a mobile home, hardstanding and access. There appears to be conflict between the appellant and the Council as to whether this has been granted planning consent. However, again, this has no bearing on the appeal before me.

Conclusion

22. Therefore, for the reasons given above and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR