



Appeal Decision

Site visit made on 12 February 2025

by **C J Leigh BSc(Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26th March 2025

Appeal Ref: APP/V1505/W/24/3350548

Fallowfields, Grays Avenue, Langdon Hills, Basildon, Essex, SS16 5LP

- 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 Patrick Isaacs against the decision of Basildon Borough Council.
 - The application reference is 24/00504/FULL.
 - The development proposed is the erection of a two bedroom single storey detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework was published during the appeal. The main parties were given the opportunity to comment and I have considered the revised Framework in my decision.

Main issues

3. The main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework, including the impact on openness; 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 necessary to justify the proposal in the Green Belt.

Reasons

Green Belt

4. The appeal site lies within the Metropolitan Green Belt, the boundaries of which are drawn in accordance with saved Policy BAS GB1 of the Basildon Local Plan 2007. The proposed development would see the erection of a dwelling at the end of a large garden to Fallowfield. There is an existing outbuilding in this location which serves Fallowfield, and this would be demolished.
5. The Framework states that development in the Green Belt is inappropriate unless it is for one of a defined exceptions listed in paragraph 154. The appellant has referred to a number of matters that relate in some way to these exceptions.
6. The appeal site is within a loose-knit area of housing with spacious plots within the wider countryside area, and the proposed dwelling would be largely surrounded by

generally open land. Hence, the development would not constitute the limited infilling in villages, as provided for in criterion e) of paragraph 154. As the proposed dwelling is in a different use than the existing building, criterion d) would not apply as this allows for the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

7. Criterion g) allows for the limited infilling or the partial or complete redevelopment of previously developed land which would not cause substantial harm to the openness of the Green Belt. The appeal site is part of the garden to Fallowfields and is not within the built-up area, and hence constitutes previously developed land in accordance with Annex 2 of the Framework. Hence, the proposed development might potentially fall within criterion g).
8. The openness of the Green Belt has a visual aspect as well as a spatial aspect. In this regard, the appeal site and its immediate surroundings are characterised by open garden land. The existing small-scale outbuilding on the appeal site does not notably diminish the site's spaciousness, which is characterised by an overriding absence of built form. The proposed dwelling would be considerably larger than the existing outbuilding: it would be taller and deeper, leading to a building of substantial bulk. There would also be parking and circulation areas for the new dwelling.
9. The scale of this new building would thus bring about an amount of new built development onto the site which would have a substantially greater spatial impact in a location that currently does not see such extensive development. There would be an adverse spatial impact due to the scale of development in this location, leading to substantial harm to the openness of the Green Belt.
10. The site is distant from local service centres and facilities. Given the site would not be in sustainable location having regard to paragraphs 110 and 115 of the Framework, the proposal would also not comply with the provisions of paragraph 155.
11. Due to the site area given on the application form, the development would adhere to the definition of Major development defined by the Framework. It is also not apparent that those contributions would be made here and the development would not adhere to the 'golden rules'.
12. I therefore find that the proposal would not satisfy any of the exceptions set out in paragraph 154 of the Framework and so would be inappropriate development. That is, by definition, harmful to the Green Belt and so in accordance with the Framework I attach substantial weight to this harm.

Other considerations

13. I am informed the Council have confirmed the erection of a carport on the site would be permitted development (ref. 23/01216/LDCP). That has not been erected, but the appellant considers this to be a development that would, if built, be comparable in scale to the proposed dwelling.
14. I note, though, that if built the car port would be a very considerable distance from the dwelling, at the end of a garden that slopes down steeply and is entirely grass. Fallowfields already has a parking area and garaging directly adjoining the dwelling, with access to Grays Avenue. I am therefore not persuaded by what I saw

at the site visit, or from submissions by the appellant, that there is a real prospect of the carport development taking place.

15. In any event, the proposed dwelling is notably larger than the car port which would exist if 23/01216/LDCP was ever built. In particular, the height of the dwelling would be markedly taller, and hence the overall bulk and scale of the proposed building would have a substantially greater effect on the openness of the Green Belt than the car port.
16. For the above reasons I place little weight on the car port as a fallback position that is comparable to the development the subject of this appeal.
17. The proposal would lead to an additional dwelling. The Council has a deficiency in five-year housing land supply. Whilst an additional dwelling is welcome in light of the shortfall in supply, the contribution of one house to that shortfall is small, and hence I attach limited weight to this matter.

Green belt balance

18. The development would result in substantial harm to the openness of the Green Belt. In accordance with the Framework, substantial weight is attributed to any harm to the Green Belt.
19. Little weight is attributed to the fallback position of the carport, and limited weight to the scheme's contribution to housing supply.
20. The Framework advises that 'very special circumstances' to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
21. In this case, when taken together, the overall benefits would do not clearly outweigh the totality of harm. Consequently, the very special circumstances necessary to justify the development do not exist. This provides a clear reason for refusing planning permission and the proposal would not benefit from the presumption in favour of sustainable development.

Conclusion

22. For the reasons given the appeal is dismissed.

C J Leigh

INSPECTOR