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## 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: 27 March 2025

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**Appeal Ref: APP/V1505/D/24/3348390**

**The Glen, Broomhills Chase, Little Burstead, Billericay, Essex, CM12 9TG**

- 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 J Holland against the decision of Basildon Borough Council.
  - The application reference is 24/00461/FULL.
  - The development proposed is a single storey detached outbuilding - cart lodge.
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### Decision

1. The appeal is allowed and planning permission is granted for a single storey detached outbuilding - cart lodge, at The Glen, Broomhills Chase, Little Burstead, Billericay, Essex, CM12 9TG in accordance with the terms of the application ref 24/00461/FULL, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall accord with those shown on the approved plans.
  - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 01,02 & 03.

### Main issues

2. The first main issue is whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies. The second main issue is the effect of the proposed development on the character and appearance of the area.

### Reasons

#### *Green Belt*

3. The property 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 Framework states that development in the Green Belt is inappropriate unless one of a defined exception applies. This includes at paragraph 154c) the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building.
4. The proposed development is for a detached outbuilding, which is of an open cart lodge design, to provide a store and a covered double garage area. The appellant

has drawn my attention to saved Policy BAS GB4 of Local Plan (Extensions to Dwellings in the Green Belt), which sets out the Council's approach to determining the floorspace criterion for allowing extensions to dwellings. The appellant says this Policy sets out that garages should be considered an extension to a dwelling.

5. There is some ambiguity in the wording of the Policy. In one part it is stated that, for the purposes of the Policy, extensions include garages, but in another part it is stated that calculations of floorspace will include specifically attached garages. I therefore find this Policy inconclusive in whether the development plan defines detached garages as an extension. I note the Council have not included reference to this Policy in any of their assessments of the proposed development.
6. The appellant has also drawn my attention to case law regarding the circumstances in which an outbuilding might be considered an extension to a building<sup>1</sup>. I have had regard to this, particularly due to the ambiguity in the development plan. It has been held that the provisions of paragraph 154c) of the Framework can include structures which are physically detached from the building of which they are an extension. Such a consideration is a matter of fact and degree, taking into account factors including whether the proposal is a normal domestic adjunct, and having regard to the purpose and use of the proposed outbuilding.
7. The outbuilding proposed in this appeal is for a double garage and store, which is a scale of use and function that is typical for an outbuilding serving a dwellinghouse of the scale and form of The Glen. The siting of the outbuilding would be close to the dwelling, and it would be conveniently and logically laid out on the site in relation to the property. I am satisfied that the facts in this case point to the outbuilding being seen as an extension to the dwelling.
8. The appellant informs me the footprint of the outbuilding would be 72m<sup>2</sup>, which is an increase in 26% over the footprint of the original dwelling's 270m<sup>2</sup>. The bulk and visual impression of the outbuilding would be reduced by the open-sided design of the building, with two thirds being open. In my opinion the size of the outbuilding, its siting and its open-fronted design mean the proposal would not be a disproportionate addition over and above the size of the original building. The proposal therefore falls within the exception set out in paragraph 154(c) of the Framework and so does not constitute inappropriate development.
9. The exception set out in paragraph 154(c) does not expressly state as a determinative factor the requirement to assess the impact of the development on the openness of the Green Belt in gauging inappropriateness. Thus, having found the extension would not be a disproportionate addition to the original building, there is no place for a subsequent assessment of the effect of the development on Green Belt openness<sup>2</sup>.
10. On the first main issue it is therefore my conclusion that the proposed development is not inappropriate development and so accords with the Framework.

#### *Character and appearance*

11. The outbuilding would be located forward of the front elevation of the existing property of The Glen. However, The Glen is set notably further back into its plot

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<sup>1</sup> *Warwick DC v SSLUHC, Mr J Storer & Mrs A Lowe* [2022] EWHC 2145 (Admin) and *Sevenoaks DC v SSE& Dawe* [1997]

<sup>2</sup> *Lee Valley Regional Park Authority v Epping Forest District Council* [2015] EWHC 1471 (Admin)

than other properties along Broomhills Chase, with a strong building line seen along that road. I saw at my site visit there is a variety in the type of housing in the area, and a number of outbuildings to properties. These are set within landscaped gardens and large plots, and the outbuilding at The Glen would be seen in this wider context. It is of a scale, design and siting that would fit comfortably in the area, with the open design further assisting in minimising any effect on the area.

12. Section 12 of the Framework seeks to achieve well-designed places. Paragraph 135 requires developments to, amongst other matters be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and be sympathetic to local character and history, including the surrounding built environment and landscape setting. Saved Policy BAS BE12 of the Local Plan seeks to ensure new residential development is of a satisfactory design and layout. The proposal would satisfy these policy requirements and hence on the second main issue it is my conclusion there would not be harm to the character and appearance of the area.

### *Conclusion*

13. For the reasons given above I conclude the proposed development is consistent with the Framework and the development plan. The appeal is therefore allowed.
14. The Council suggested a condition in the event of the appeal being allowed requiring materials to match the existing dwelling, but the drawings and application form specify different materials; hence, I have modified the condition to refer to the submitted details, to ensure a suitable appearance to the extension. I have attached the suggested condition specifying the approved plans in the interests of precision.

*C J Leigh*

INSPECTOR