



Appeal Decision

Site visit made on 3 April 2025

by **C Shearing BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 April 2025

Appeal Ref: APP/M1520/D/24/3356471

86 Daws Heath Road, Hadleigh, Benfleet, Essex SS7 2TA

- 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 Curtis Biddle against the decision of Castle Point Borough Council.
 - The application Ref is 24/0520/FUL.
 - The development proposed is described as 'extensions to form open plan kitchen living diner, reception room, integral garage with self contained annexe and extra bedrooms'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. During the course of the appeal, a new National Planning Policy Framework has been published (the Framework). The policies which are most relevant to this proposal have not been subject to any substantial changes and I am satisfied that no party has been prejudiced by my taking it into account.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt;
 - the effect of the proposal on the openness and purposes of the Green Belt, 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

Whether Inappropriate

4. The Framework, at paragraph 142 identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework establishes that development in the Green Belt should be regarded as inappropriate, but lists exceptions in paragraph 154. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
5. One such exception to inappropriate development listed in paragraph 154 is the extension or alteration of a building provided that it does not result in

disproportionate additions over and above the size of the original building. Policy GB5 of the Castle Point Borough Council Local Plan 1998 (the LP) relates specifically to proposals for the extension of existing dwellings in the Green Belt and gives criteria which should be met. Some of those criteria go beyond the provisions of the Framework, but others relate to consideration of size relative to the original dwelling.

6. Based on the figures provided by the Council, the proposed extensions would result in an uplift of 294% in the gross internal area of the building and would more than triple the volume of the existing building. These figures have not been disputed by the appellant. While the existing building is a modest chalet bungalow with low eaves level and rooms in the roofspace, the proposal would see the footprint of the building substantially elongated into a L-shape including large gable features within its roof slopes. In combination, these factors demonstrate the proposed extensions would very substantially increase the size of the original building. In terms of assessment against policy GB5 of the LP, the extension would impair the scale, character and original form of the existing dwellinghouse.
7. For these reasons the proposal would result in disproportionate additions over and above the original building. Accordingly, the proposal would be inappropriate development by definition and would conflict with policy GB5 of the LP.

Openness and Green Belt Purposes

8. The Planning Practice Guidance (PPG) sets out factors that can be taken into account when considering the potential impact of development on the openness of the Green Belt. These include, but are not limited to, visual and spatial aspects. This part of Daws Heath Road is characterised predominantly by residential properties which address the street and which have long gardens extending behind. While there is a more dense pattern of development immediately surrounding the appeal site, this gives way to more open land including grassed fields enclosed by hedgerows further along Daws Heath Road to the east. Given the more dense housing surrounding the appeal site, as well as the school buildings to the south, there is a very limited sense of openness when traveling along this part of Daws Heath Road.
9. I note the findings of the Green Belt Review 2018 (the GBR) evidenced by the appellant, which informed the Council's 2019 pre-submission Plan. The GBR notes, among other points, that the residential development of the area and extent of development are uncharacteristic of a rural location and finds the contribution of the wider parcel to the first three purposes of the Green Belt to be between moderate and none. Despite the passage of time since the GBR was completed, in the absence of evidence to the contrary and given the findings of my site visit, I have no strong reason to reach a different view to the GBR regarding the contribution of the surrounding area to the Green Belt purposes.
10. Turning to the site itself, it is triangular in shape and sits largely behind the established building line of Daws Heath Road. The existing modest sized property is positioned at the northern end of the site, surrounded in part by a raised terrace, and the land slopes downwards to the south. The remaining site is wooded and free of built form and there is a greater appreciation of the visual and spatial aspects of the Green Belt's openness from within the site itself.

11. For the reasons set out above, given the extent of the proposed uplift in the size of the building and its footprint across the site, the proposal would entail a significant reduction in the spatial aspect of the site's openness. The visual effects on openness would be more limited, given the site's position behind the building line of Daws Heath Road and the limited visibility into the site from surrounding viewpoints. The elongated scale of the house would likely be visible to some extent from the access road into the school, although this would be limited to glimpses given the boundary planting.
12. The proposal would therefore cause a reduction in the spatial aspect of the Green Belt's openness, and some reduction in its visual qualities. The effects would therefore be harmful, although I acknowledge this harm to be at the lower end of the scale, given the characteristics of the area and the contribution of the wider area to the Green Belt purposes.

Very Special Circumstances

13. The Framework makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
14. While I have found the harm to the openness of the Green Belt and to its purposes to be at the lower end of the scale, the proposal would nonetheless be inappropriate development and the Framework requires that substantial weight is given to any harm to the Green Belt, including harm to its openness.
15. I have included consideration of the GBR in the assessment above, and that document acknowledges that it is not its purpose to modify the current Green Belt boundary. As such, I do not give the findings of that document additional weight in favour of the proposed development.
16. While the 2019 pre-submission Plan may propose to remove the site from the Green Belt, this has not yet occurred and the relevant Green Belt policies must still be applied. There is not substantive evidence before me regarding the Council's progress towards adopting its new local plan and I note it remains at the pre-submission stage. There is not, therefore, any certainty surrounding the final form that its policies may take, how far away from adoption they may be, or the proposed amendments to the Green Belt boundary. As such I am unable to give more than little weight to the potential of the site being removed from the Green Belt, based on the information before me.
17. The appellant refers to an earlier outline planning permission granted for a new house on the site¹ where the findings of the GBR were referenced. However, I do not have details of this earlier permission or the certainty surrounding the new local plan at that time. As such I cannot be satisfied that the circumstances of the proposal would be the same. I also note the appellant's comments regarding development at 271 Rayleigh Road, approved in September 2016, for a replacement building to provide flats. While that development was similarly inappropriate development, I do not have details of that scheme and the balance of considerations before the Planning Committee would very likely have been

¹ 19/0844/OUT

different. Its consideration would also pre-date the current Framework and I cannot be satisfied the circumstances were the same as this appeal scheme. Similarly, I afford this consideration limited weight.

18. The proposal would bring the existing house back into use, allowing it to contribute again to the local housing stock, and it would tidy the surrounding land, providing some visual benefit. However, it is not apparent that these benefits rely on the extent of development proposed and together I give these considerations limited weight given the scale of the development. The proposal would include an annexe which could provide a self contained space for the appellant's grandmother while also providing the benefits of being close to her family for extra care. This is an important benefit to the appellant and his grandmother and can be afforded moderate weight, based on the information provided.
19. However, overall there are not considerations of sufficient weight which would clearly outweigh the harm to the Green Belt, which the Framework requires is given substantial weight. As a consequence, the very special circumstances necessary to justify the proposed development do not exist.

Other Matters

20. The Council accept that its development plan is not up to date. However, even if paragraph 11 of the Framework were relevant to the appeal, the application of policies in the Framework which protect the Green Belt provide a strong reason for refusing the development proposed. As such the proposal would not benefit from the presumption in favour of sustainable development set out in the Framework.
21. The site is close to 96 and 98 Daws Heath Road, which are grade II listed and their setting now comprises the surrounding residential development described above and the school to the rear. Given the distance between the buildings and intervening structures, I am satisfied that the proposal would preserve their setting.
22. The site is within the Essex Coast Recreational Disturbance Avoidance Mitigation Zone, relating to designated habitats sites. However, Regulation 63(1) of the Habitats Regulations² indicates the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal. As the appeal is being dismissed on other grounds it is not therefore necessary to address this in any further detail.

Conclusion

23. The proposal would conflict with the development plan and there are not material considerations of sufficient weight, including approaches in the Framework, which indicate that a decision should be made other than in accordance with it. The appeal is therefore dismissed.

C Shearing

INSPECTOR

² The Conservation of Habitats and Species Regulations 2017