



Appeal Decision

Site visit made on 8 April 2025

by **C Harding BA (Hons) PGCert PGDip MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30th April 2025

Appeal Ref: APP/V1505/D/24/3353203

280 London Road, Wickford, Essex SS12 0JZ

- 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 Jason Berner against the decision of Basildon Borough Council.
 - The application Ref is 24/00625/FULL.
 - The development proposed is demolition of 2 existing sheds and construction of new shed and extended pool enclosure.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised National Planning Policy Framework ('the Framework') in December 2024. During the appeal the parties were invited to comment on the relevance of the revised Framework to the appeal proposal. In reaching my decision, I have had regard to the responses of the parties.

Main Issues

3. The main issues are:
 - whether the proposal would amount to inappropriate development in the Green Belt having regard to the Framework;
 - the effect of the development on the openness and purposes of the Green Belt, and;
 - if the development is inappropriate development in the Green Belt, whether the 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 the proposal would be inappropriate development in the Green Belt

4. The Framework identifies 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. It sets out that the construction of a new building in the Green Belt should be regarded as inappropriate, unless it would constitute one of the exceptions set out in Paragraph 154. The Framework 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. Saved Policy BAS GB1 of the Basildon District Local Plan Saved Policies (2007) ('BDLP') defines the Green Belt. In doing so is broadly consistent with advice within the Framework.
6. Paragraph 154 of the Framework sets out circumstances where development in the Green Belt will not be inappropriate, including at Paragraph 154(g), limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
7. As the site currently forms residential garden, it is excluded from the definition of previously developed land, as set out within the Framework's glossary. Accordingly, regardless of whether the proposal would have no greater impact or would not cause substantial harm to the Green Belt, it would not fall within this exception.
8. Furthermore, given the location of the proposal within a large garden, which would remain of a significant size following the construction of the proposal, it would not amount to infill development.
9. The site lies within the 'Plotlands' area, as defined on the BDLP Policies Map. However, I have not been provided with any planning policies that specifically relate to this designation. In any event, this designation has no bearing upon whether the proposal would meet the exception set out at Paragraph 154(g), and it has not been put to me that the proposal would fall within any of the other exceptions within Paragraph 154.
10. For these reasons, the appeal proposal would be inappropriate development in the Green Belt. It would therefore conflict with the relevant objectives of BDLP Saved Policy BAS GB1 and the associated policies of the Framework.

The effect of the development on the openness of the Green Belt

11. Openness is an essential characteristic of the Green Belt and has both spatial and visual aspects. The proposal would result in the existing building adjacent to the outdoor pool being extended over the extent of the pool, along with the construction of a new outbuilding. These would be significant structures in terms of their height, width and volume and would have a material harmful impact upon the openness of the Green Belt in spatial terms. I accept that given the location of the proposal in the well-screened rear garden of the appeal property and close to other buildings that the loss of openness in visual terms would be less significant, there would nevertheless be lesser harm in this regard also.
12. The proposal would see the removal of two existing outbuildings in the garden, including a garage in poor repair. While the removal of these buildings would offset the size of the proposed buildings to some extent, there is no substantive evidence before me to demonstrate that their removal would amount to an offset of openness that would equal or exceed the overall size, volume and bulk of the proposal when taken as a whole.
13. It is stated that the appeal property is in an urban built-up area which is not reflective of the wider Green Belt. Even if I were to agree that this was the case, the

appeal property is nevertheless included within the Green Belt, and the proposal would lead to a harmful loss of openness, particularly given the open nature of the large garden, despite its relatively high level of screening and proximity to neighbouring development.

14. Overall, I therefore conclude that the proposal would lead to a harmful loss of openness of the Green Belt.

Other considerations

15. I have found that the proposal would be inappropriate development that would harm openness. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It advises that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
16. It is stated that the proposal would result in a tidier appearance to the rear garden with existing structures, some of which are in a deteriorating condition, being removed and built development being consolidated. Given the relatively well-screened nature of the rear garden, this would be a minor benefit of the proposal.

Green Belt Balance

17. In summary, the proposal would be inappropriate development in the Green Belt and would result in harmful loss of openness to the Green Belt. The Framework requires me to give substantial weight to any harm to the Green Belt.
18. As a whole, the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development stated at Paragraph 153 of the Framework, do not exist. Having regard to Paragraph 11(d)(i) of the Framework, this provides a clear reason to refuse the development.

Conclusion

19. The proposal would conflict with the development plan when read as a whole and the other considerations before me do not indicate that I should make a decision other than in accordance with the development plan. Accordingly, I conclude that the appeal is dismissed.

C Harding

INSPECTOR