



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: 08 May 2025.

Appeal Ref: APP/V1505/W/24/3351631

Meadway Farm, Rectory Road, Billericay, Essex, CM12 9TR

- 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 Ms L Norris against the decision of Basildon Borough Council.
 - The application reference is 24/00469/FULL.
 - The development proposed is removal of caravan/motorhome storage area and the erection of one dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for removal of caravan/motorhome storage area and the erection of one dwelling, at Meadway Farm, Rectory Road, Billericay, Essex, CM12 9TR in accordance with the terms of the application ref 24/00469/FULL, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published in December 2024. The main parties were given the opportunity to comment and I have considered the revised Framework in my decision.

Main issues

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

Reasons

Green Belt

4. The property lies within the Metropolitan Green Belt. The Framework states that development in the Green Belt is inappropriate unless one of the specified exceptions applies. This includes, at paragraph 154g), 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.
5. The appeal site comprises an area of hardstanding which is used for the open storage of caravans and motorhomes, with an access to Rectory Road. The Council's Delegated Report for the planning application explains that this use is considered to be immune from enforcement given the length of time that storage

has existed, and the Council consider the appeal site to be previously developed land. In my view the current and historic use of the land for storage, with hardstanding on the land, means the site constitutes previously developed land.

6. The Delegated Report assessed the current proposals as reducing the amount of development on the site that exists at present by virtue of the storage use and hardstanding and, with the creation of a semi-natural open area, to lead to an increase in openness. On this basis the Council concluded the proposals would not be inappropriate development.
7. I concur with this assessment. The existing storage use across the site is extensive and the appellant explains this occurs throughout the year across the site, with many vehicles in long-term storage. I saw at my site visit that the extent and type of storage on the site leads to a high degree of visual and spatial intrusion into the landscape, including from the public footpath that adjoins the site. The submitted drawings show a proposed single building in the southern part of the site with the remainder as garden area, and a larger area to be open, semi-natural landscaped green space.
8. The above matters would lead to an increase in the openness of the Green Belt and hence it follows that the redevelopment of the land would satisfy the requirements of paragraph 154g) of the Framework. On the first main issue it is therefore my conclusion that the proposed development is not inappropriate development and so accords with the Framework in this regard.

Character and appearance

9. The proposed dwelling would sit behind the general building line of properties fronting Rectory Road. Those properties are generally in large, deep plots, and a number have outbuildings across their plots. I also saw at my site visit that a short distance to the south are buildings that front the perpendicular road of New Road, and these buildings are visible from the appeal site and from the adjoining public footpath. The houses along New Road lead to a sense of depth of development in the area, behind the frontage of Rectory Road.
10. The proposed development would replace the existing storage of caravans and motorhomes across the site with a modestly-scaled single storey dwelling, along with visual and spatial enhancement of the area through the increased semi-natural landscaped green space. This would lead to a reduction in visual impact. The proposed dwelling would also be seen in the context of other dwellings and outbuildings along Rectory Road and New Road. As such, the proposal would not appear intrusive or incongruous in this setting. The design and limited size of the dwelling mean it would fit comfortably within its landscaped setting, and the wider landscape of well-contained fields and woodland.
11. Due to the design, scale and location of the proposal in relation to other buildings in the area it is my conclusion on the second main issue that there would not be harm to the character and appearance of the area. 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 Basildon Local Plan 2007 seeks to ensure new residential

development is of a satisfactory design and layout, and does not harm the character of the surrounding area. The proposal would satisfy these policy requirements.

Other matters

12. The existing access to the highway, which serves the current storage use, would be utilised by the proposed dwelling. Given this fact I see there is no harm to the safety of those using Rectory Road or the footpath that crosses the access as the use of this access by one dwelling is likely to be less than the storage use. The absence of any objection from the Highways Authority reinforces my conclusion on this matter.
13. The location of the proposed dwelling is distant enough from other properties to ensure no impact on the living conditions of existing occupiers.

Conditions

14. The Council have suggested a number of conditions in the event of the appeal being allowed, which I have considered in light of the six tests for planning conditions contained at paragraph 57 of the Framework and paragraph 003 of the Planning Practice Guidance: Use of Conditions. I have modified a number of the Council's suggested conditions in the interests of precision.
15. I have attached a condition specifying the approved drawings in the interests of precision. I have attached a condition requiring the development to be undertaken in accordance with the materials shown in the application submission and drawings to ensure a satisfactory appearance to the development.
16. The Council seek the removal of permitted development rights for enlargements, roof additions and outbuildings to the dwelling. I have had regard to the advice in the Framework that planning conditions should not be used to restrict national permitted development rights unless there is a clear justification to do so, and in this instance I consider it is justified: the scale of the development as shown in the submitted drawings is an important consideration in allowing the redevelopment of this site, and hence the Council should be able to control any further changes on the site.
17. I have attached conditions requiring the submission of details of landscaping and the retention of such works, to ensure a satisfactory appearance to the development.
18. A condition has been attached requiring the submission of details for refuse and recycling facilities, to ensure proper provision. A condition requiring the provision of the parking spaces as shown on the approved drawing is attached, to ensure proper provision on the site in the interests of highway safety.
19. The condition suggested following the Council's consultation with Essex Place Services: Ecology have been attached, to ensure suitable biodiversity enhancement is provided.
20. I have attached the condition requiring the removal of the existing storage use, as the cessation and removal of that use across the entirety of the appeal site is an important matter in determining the proposed development is in accordance with

the Framework and the development plan. Hence, it is necessary to ensure that use is removed and ceased in perpetuity upon implementation of this permission.

21. A number of conditions are proposed concerned with potential contamination of the site. I agree that, due to the storage use of the site which includes vehicles, it is necessary to attach such conditions to ensure redevelopment of the site for residential purposes is undertaken without harm to future occupiers or those on adjoining land.
22. I do not see it necessary to attach a condition relating to not obstructing the public footpath that adjoins the site. The drawings do not show any proposed obstructions to the path, and if any future occupier obstructed that footpath then there would be other legislative options available to the Council to seek their removal.

Conclusions

23. The parties agree the Council cannot currently meet its 5-year housing land supply requirement. The delivery of one dwelling is a small contribution to this supply, but weighs in favour of the proposal.
24. For the reasons given above I conclude the proposed development is consistent with the development plan and the Framework. Therefore, the appeal should be allowed.

C J Leigh

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1323A.L.001, 1323.L.010, 1323.L.011, 1323(A).L.002 and 1323(A).L.003.
- 3) The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed within the approved plans.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development within Classes A, B and E of Part 1 of Schedule 2 to the Order shall be undertaken.
- 5) No development above ground level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping for the site, which shall include indications of all existing trees, shrubs and hedgerows on the site and details of those to be retained.
- 6) The landscaping scheme as approved in accordance with condition No.5 shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
- 7) The dwelling hereby permitted shall not be occupied until refuse and recycling facilities have been provided on site, details of which shall be submitted to and approved in writing by the local planning authority prior to their installation. The development shall be carried out in accordance with the approved details.
- 8) The dwelling hereby permitted shall not be occupied until two car parking spaces within the plot have been laid out in accordance with the approved plan 1323(A).L.003 (Proposed Site Plan). The vehicle parking shall be retained in this form at all times.
- 9) A Biodiversity Enhancement Layout for biodiversity enhancements shall be submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Layout shall include the following:
 - a) detailed designs or product descriptions for biodiversity enhancements; and
 - b) locations for biodiversity enhancements on appropriate drawings.The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.
- 10) The existing caravan/motorhome storage area as shown on 1323(A).L.003 (Proposed Site Plan) shall be permanently removed from the site prior to occupation or completion of the dwelling hereby permitted, whichever occurs first.
- 11) No development shall take place until a desk-top study has been carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a

‘conceptual site model’ and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). One PDF copy of the desk-top study and a non-technical summary shall be submitted to and approved in writing by the Local Planning Authority without delay upon completion.

- 12) If identified as being required following the completion of the desk-top study, a site investigation shall be carried out prior to commencement of development to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed, taking into account the site’s existing status and proposed new use. One PDF copy of the site investigation and findings shall be forwarded to the LPA without delay, upon completion.
- 13) A written method statement detailing the remediation requirements for land contamination and/or pollution of controlled waters affecting the site, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority. If during redevelopment contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately, and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and approved in writing with the Local Planning Authority.
- 14) Following completion of measures identified in the remediation scheme, One PDF copy of a full closure report shall be submitted to and approved in writing by the Local Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met. The closure report shall include a completed certificate, signed by the developer, confirming that the required works regarding contamination have been carried out in accordance with the approved written method statement.
- 15) If during redevelopment ground contamination is identified, then the Local Planning Authority shall be notified immediately, and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and agreed in writing with the Local Planning Authority.