



Appeal Decision

Site visit made on 1 July 2025

by Thomas Courtney BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2025

Appeal Ref: APP/V1505/W/24/3355388

Aerona Cottage, Eversley Road, Pitsea, Basildon, Essex SS13 2DG

- 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 C Button against the decision of Basildon Borough Council.
 - The application Ref is 24/00798/FULL.
 - The development proposed is described as a new dwelling in place of an existing annex building & outbuildings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (2024) (the 'Framework') and development plan policy;
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the living conditions of the neighbouring occupiers of Aerona Cottage and St Annes, with particular regard to noise and disturbance; and
 - if the development would be inappropriate, whether the harm to the Green Belt by way 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 it.

Reasons

Whether inappropriate development

3. The appeal site lies within the Green Belt. Paragraph 154 of the Framework states that new development is inappropriate in the Green Belt unless it falls within the given list of exceptions. Under exception (d), the replacement of a building would not be inappropriate development, provided the new building is in the same use and not materially larger than the one it replaces.
4. The existing annexe and outbuildings are modest, lightweight structures, dispersed across the site with a combined footprint of 102 square meters (sqm). The proposed replacement dwelling would consolidate the existing built form into a

single building of 96.6 sqm, with a greater height, width, and overall built mass. Although slightly smaller in footprint, the proposed dwelling would be bulkier in terms of volume and would introduce a permanent residential structure where the existing buildings are clearly ancillary in function and visual presence.

5. The resulting building would appear more prominent due to the continuous roof form, increased height, and unbroken depth. The current outbuildings are physically separate, which helps limit their overall presence in terms of bulk. By contrast, the proposed building would create a single, cohesive structure with a more substantial built presence on the site.
6. The appellant contends that the proposal would reduce overall ground coverage and amount of development within the plot. However, whilst the distribution of built form would change, the proposal would result in the consolidation of development into one materially larger structure with greater height and mass. The reduction in spread would not offset the increase in bulk and volume of development. The test under paragraph 154(d) relates to the size of the replacement building itself, not to the comparative dispersal or arrangement of existing structures across the plot. Therefore, the proposal would be materially larger and would not comply with exception (d).
7. Turning to exception (g) of paragraph 154, the proposal may also be considered as a partial redevelopment of previously developed land. This exception applies where the development would not cause substantial harm to the openness of the Green Belt. Openness is identified in the Framework as one of the Green Belt's essential characteristics. It has been identified as being formed of both spatial and visual aspects.
8. In this case, the redevelopment introduces a more formal and self-contained residential unit. In visual and spatial terms, the consolidated massing of built form, the formalisation of the site through the introduction of dedicated access, parking, turning, private garden space, domestic curtilage and intensified residential use would result in a clear loss of openness. The dwelling's position and scale together with associated hardstanding and subdivision from the host dwelling, would lead to a distinctly urbanised appearance, harmful to the existing rural openness of the site.
9. I find that the proposal would cause substantial harm to the openness of the Green Belt. Therefore, the development does not fall within the scope of exception (g) either.
10. On this basis, the proposal would represent inappropriate development in the Green Belt and would not accord with the exemptions outlined at Paragraph 154(d) and (g) of the Framework.

Character and appearance

11. The appeal site forms part of the rear garden of Aeron Cottage, a modest detached bungalow situated on the western side of Eversley Road. The site currently accommodates a number of low-level, dispersed outbuildings including an annexe, stable and garage. These structures retain a subordinate and incidental presence within the plot.

12. The wider area is characterised by a loose and generally linear pattern of development along Eversley Road, where built form typically fronts directly onto the road. Properties on Eversley Road have relatively generous garden plots extending to the rear. The grain of development is thus defined by a strong road-facing orientation, open rear curtilages, and a lack of residential backland development. This contributes positively to the semi-rural character of the area and provides a sense of openness between and beyond buildings.
13. The proposed dwelling would depart from this prevailing pattern by introducing a new residential unit deep within the rear of the plot, disconnected from the street frontage and accessed via a long drive. Whilst it would replace existing buildings, the proposed dwelling would introduce a consolidated, more formal residential form, including parking spaces, a turning area, and defined garden boundaries. This domestication of the rear plot would result in a form of backland development that would be out of keeping with the established pattern of development.
14. Though the building would be single storey and not visible in views from Eversley Road, it would nonetheless appear as an incongruous addition when viewed from neighbouring properties to the north given the removal of the tall conifer trees along the boundary.
15. Given the above, the proposed development would have a harmful effect on the character and appearance of the surrounding area. It would therefore conflict with Saved Policy BAS BE12 of the Basildon District Local Plan 2007¹ (DLP) which seeks to ensure proposals are well-designed and do not harm the character of the surrounding area.

Living conditions

16. The proposal would introduce a permanent residential use, with associated vehicle parking, turning, and domestic activity, in close proximity to neighbouring properties. The siting of the parking and turning area immediately adjacent to the rear garden of St Annes, and near the new shared boundary with Aeron Cottage, would lead to a marked increase in activity within a currently quiet and low-intensity part of the site.
17. This would include the sound of vehicle engines, doors closing, and general comings and goings, in addition to noise from outdoor domestic use. These activities would be regular and persistent in nature and would occur close to private amenity spaces where residents reasonably expect a degree of peace and quiet. The resulting disturbance would be materially greater than that associated with the existing annexe and ancillary outbuildings.
18. Whilst the appellant refers to boundary fencing and landscaping as mitigation, the submitted site plan indicates a large section of existing vegetation would be removed. In the absence of this screening and given the limited separation between the proposed parking area and neighbouring gardens, I do not consider that new fencing and landscaping alone would sufficiently reduce the acoustic or perceptual impacts of the development. Furthermore, sound insulation improvements to the host dwelling would not reduce the impact of the noise from vehicles when experienced from the rear garden or when windows would be open.

¹ Basildon District Local Plan – Saved Policies 2007

19. I therefore conclude that the proposal would result in an unacceptable level of noise and disturbance which would harm the living conditions of the occupiers of Aerona Cottage and St Annes. It would conflict with Saved Policy BAS BE12 of the DLP which seeks to ensure that proposals for new residential development do not impinge unreasonably on the amenities of adjoining residents.

Other Considerations

20. The Framework highlights that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, with substantial weight given to any harm to the Green Belt. 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.
21. In support of the appeal, my attention has been drawn to approved developments nearby, including a scheme at Maisron², which was assessed against a different exception in paragraph 154 of the Framework. That case involved the re-use of an existing building, and the Officer Report concluded it would not alter the scale and bulk of the existing building. It is therefore not comparable to the appeal scheme, which introduces a materially larger new building. The development at Rose Cottage³ did not comprise a backland development and did not disrupt the prevailing settlement pattern or harm the living conditions of nearby residents. These examples are not directly comparable, and as such, only limited weight is attached to them.
22. Other developments cited by the appellant are located a considerable distance from the appeal site and lie outside the Green Belt. They are not relevant to the current proposal. The Officer Report for the scheme at Croft End, submitted with the appeal, relates to a different application (ref UTT/20/3110/FUL) that was refused. While a related scheme (ref UTT/17/3675/FUL) may have been approved, insufficient details have been provided to establish a clear parallel. In any case, I have determined the appeal on its own merits.
23. The appellant suggests the proposal would represent an effective use of land, consistent with the Framework's objectives. However, this benefit attracts limited weight and must be weighed against the harm I have identified.
24. The proposed dwelling would be of an acceptable standard of design and would use appropriate materials. It would also comply with modern building regulations and include energy efficiency measures. These are modest benefits which attract limited weight in favour of the appeal scheme.
25. The absence of objections or issues on matters such as ecology, highways, privacy, overlooking, drainage is a neutral consideration. It does not lend weight either for or against the appeal.

Planning Balance and Conclusion

26. The proposal would cause harm to the Green Belt by way of inappropriateness, as well as harm to openness. It would also harm the character and appearance of the area and the living conditions of neighbouring occupiers. Substantial weight must

² Application ref 21/00971/FUL

³ Application ref 15/00098/FUL

be given cumulatively to this harm. The other considerations advanced in this case do not clearly outweigh the substantial harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

27. The Council is unable to demonstrate a five-year supply of deliverable housing sites. Therefore, paragraph 11 d) of the Framework is engaged. However, paragraph 11 d) i) states that there are circumstances where the application of policies in the Framework to protect areas or assets of particular importance provide a clear reason for refusing the proposal. Footnote 7 identifies the Green Belt as such an area and therefore the presumption in favour of sustainable development does not apply in this case.
28. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
29. For the reasons given above the appeal should be dismissed.

Thomas Courtney

INSPECTOR