



Appeal Decision

Site visit made on 9 September 2025

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 18 September 2025

Appeal Ref: APP/V1505/W/25/3366596

Rosina, Break Egg Hill, Billericay, Essex CM11 1EU

- 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 & Mrs James against the decision of Basildon Borough Council.
 - The application Ref is 24/00572/FULL.
 - The development proposed is the erection of a self build dwelling, new hardstanding and access.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a self build dwelling, new hardstanding and access at Rosina, Break Egg Hill, Billericay, Essex CM11 1EU in accordance with the terms of the application, Ref 24/00572/FULL, subject to the conditions in the attached schedule.

Applications for Costs

2. An application for costs was made by Mr & Mrs James against Basildon Borough Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to local and national policy; and
 - the effect of the proposal on the integrity of European Designated Habitat Sites.

Reasons

Green Belt

4. The site falls within land defined as Green Belt in accordance with Policy BAS GB1 of the Basildon District Local Plan Saved Policies (September 2007) (BDLP). The immediate area is semi-rural, characterised by low density development within larger verdant plots, adjacent to the Norsey Wood Nature Reserve. The appeal site lies between two developed plots and comprises a steeply sloping, densely vegetated plot with evidence of previous development, including a derelict garage, concrete slab and services. Access is provided by two existing gates.
5. The National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes

that development in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 154 and 155. Paragraph 155 states that development of homes in the Green Belt should not be regarded as inappropriate where a number of criteria are met.

6. Although derelict, the appeal site comprises a permanent structure in the form of a garage, with evidence of a permanent dwelling on site and provided as part of this appeal, as such I am satisfied that the site meets the definition of grey belt land. Moreover, given its position within an existing row of dwellings at the edge of a settlement, the development of the site would not undermine the purposes of the green belt across the plan area.
7. The parties agree that the Council can only demonstrate a 1.88 year housing land supply. This is well below Government expectations and adequately demonstrates an unmet need for the type of development proposed, a self-build dwelling. Whilst the appeal site is located at the edge of the settlement, a number of services and facilities are located within Billericay to enable day-to-day living. Additionally, safe and suitable walking/cycling routes are available with a nearby bus stop and train station with routes to other nearby towns. As such, the proposal would meet the requirements of paragraph 155 of the Framework
8. Consequently, I conclude that the proposal would not be inappropriate development in the Green Belt. It would accord with Saved Policy BAS GB1 of the BDLP and the associated policies of the Framework which collectively seek to control development in the Green Belt.

European designated sites

9. The appeal scheme proposes a dwelling on a site that lies within the Essex Coast Zone of Influence (Zoi) as set out within The Essex Coast Recreational disturbance Avoidance & Mitigation Strategy Habitats Regulations Assessment Strategy document 2018-2038 (RAMS).
10. This Zoi encompass numerous SPAs, SACs and Ramsar Sites¹, with varied qualifying features which can be summarised as including a variety of designated land, aquatic, coastal and other habitats that host a rich array of flora and fauna, including protected and important flora, invertebrates, mammals and amphibians, and over-wintering, migratory, breeding rare or vulnerable birds and internationally important assemblages.
11. The conservation objectives can be summarised as to maintain or restore the integrity of the sites by maintaining or restoring the extent, distribution, structure, function and supporting processes of the qualifying natural habitats and the habitats of the qualifying features and species, the population of the qualifying features, and the distribution of the qualifying features and species within the sites.
12. The Conservation of Habitat and Species Regulations 2017 (the Regulations) require that the competent authority must ensure that there are no significant adverse effects from the proposed development, either alone or in combination with other projects, that would adversely affect the integrity of these sites. The effects

¹ Essex Estuaries SAC, Hamford Water SAC, SPA and Ramsar, Stour and Orwell Estuaries SPA and Ramsar, Colne Estuary SPA and Ramsar, Blackwater Estuary SPA and Ramsar, Dengie SPA and Ramsar, Crouch and Roach Estuaries SPA and Ramsar, Foulness Estuary SPA and Ramsar, Benfleet and Southend Marshes SPA and Ramsar and Thames Estuary and Marshes SPA and Ramsar

arising from the proposal need to be considered in combination with other development in the area and adopting a precautionary approach.

13. The RAMS states that an increase in recreational pressure on these sites is predicted to be linked with planned new residential development across multiple local authorities. Whilst the number of additional recreational visitors associated with each individual dwelling may be limited, in combination the planned level of residential development would have significant effects on the designated sites.
14. The appeal site is within Zol where planned new residential development is likely to result in significant recreational pressure, which would have a likely significant effect on the interest features of the aforementioned sites. Therefore, I consider that the development would be likely to have an adverse effect on the integrity of the sites.
15. The RAMS sets out a strategic approach to mitigation by several councils across the wider area. It details mitigation measures that would be funded by financial contributions at a specified tariff per dwelling. Since these include a range of habitat-based measures such as education, communication, and monitoring, and have been endorsed by Natural England, I am satisfied that the measures would adequately mitigate any adverse effects of the proposal on the identified sites.
16. The appellant has paid £169.45 towards recreational impact avoidance and mitigation. Given the evidence before me I am satisfied that the mitigation measures have been secured and would be used for their intended purpose.
17. The contributions would be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of the Community Infrastructure Levy Regulations. As such, the contributions toward the mitigation schemes would count as mitigation toward maintaining the integrity of the aforementioned sites, and I have taken account of the obligation in my considerations.

Other Matters

18. Concerns have been raised regarding the effect of the proposal on the adjacent Norsey Wood, which has several designations, including Ancient Woodland, Scheduled Ancient Monument, Local Nature Reserve, Local Wildlife Site and Site of Special Scientific Interest. Protected species, adjacent habitats and connectivity have also been raised. Whilst the proposal would be immediately adjacent to the woods, it would not have a detrimental effect on the woods both during its construction and occupation as it is sufficiently set back from its boundary. Although the proposal would increase the volume of built development and hardstanding on the appeal site, there would be a substantial amount of green space and planting with the existing trees retained and ecological enhancements made. As such, the proposal would not harm any protected species and would maintain the adjacent habitats and their wider connectivity.

Conditions

19. I have considered the conditions put forward by the Council against the Framework and where necessary I have amended the wording in the interests of effectiveness and precision.

20. Aside from the statutory condition required to set the necessary time limit for development, a condition is required to indicate the approved plans to provide certainty. An additional condition related to the external materials is not necessary as the proposed materials are adequately detailed on the approved drawings. A condition is required to ensure the development is delivered in line with the relevant self-build legislation.
21. Several conditions related to landscaping and biodiversity are necessary to ensure that the proposal is adequately embedded within its surroundings, appropriate biodiversity enhancements are made and that best practice ecological and arboricultural guidance is adhered to. Similarly, a condition is required to ensure that the development has adequate drainage.
22. To ensure highway safety is maintained during construction and for the lifetime of the development conditions related to the adjacent public footpath, storage of materials, car parking, gates and surfacing are necessary.

Conclusion

23. For the reasons given above, I conclude that the proposal would accord with the development plan as a whole and the Framework, and therefore the appeal is allowed.

K Allen

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 drawing numbers: PD01 Rev P1, PD02 Rev P1, PD05 Rev P1 and PD06 Rev P1.
- 3) The dwelling hereby permitted shall be constructed as a self-build dwelling within the definition of a self-build and custom build housing in the Self-build and Custom Housebuilding Act 2015 (as amended). The first occupation of the dwelling hereby permitted shall be by a person or persons who had a primary input into the design and layout of the dwelling and who will live in the dwelling for at least 3 years. Prior to the first occupation of the dwelling the Council shall be notified of the person(s) who will take up first occupation of the dwelling.
- 4) Prior to first occupation, details of both hard and soft landscape works, including details of materials and a planting schedule, shall be submitted to and approved in writing by the local planning authority.

The hard landscaping shall be carried out prior to the occupation of the development and thereafter retained. All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and 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.

- 5) Prior to first occupation, a minimum of three swift bird bricks shall be installed within the building fabric on the north elevation (east or west elevations if the site is well shaded) of the development hereby approved. The bird bricks shall be installed a minimum of 5 metres above ground level directly under the eaves and gables or within the walls. Evidence of the installation of the swift bird bricks shall be submitted to and approved in writing by the local planning authority, prior to the occupation and the swift bird bricks shall be retained thereafter.
- 6) Prior to any works above slab level, a biodiversity Enhancement Strategy for protected and priority species shall be submitted to and approved in writing by the local planning authority. The Strategy shall include:
 - Purpose and conservation objectives for the proposed enhancement measures;
 - detailed designs to achieve stated objectives;
 - locations of proposed enhancement measures by appropriate maps and plans;
 - persons responsible for implementing the enhancement measures;
 - details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to the occupation and shall be retained thereafter.

- 7) The development hereby permitted shall be carried out in accordance with the details and recommendations set out in the Arboricultural Impact Assessment and Method Statement, Ref TCTC-18498, prepared by Tracy Clarke Tree Consultancy Ltd, dated November 2023.

- 8) The development hereby permitted shall be carried out in accordance with the details, recommendations and mitigation/enhancement measures set out in the Preliminary Ecological Appraisal/Low Impact EclA, prepared by Hybrid Ecology, dated July 2023 and the Badger Survey, prepared by Hybrid Ecology Ltd, dated 10th October 2024.
- 9) The development hereby permitted shall be carried out in accordance with the details set out in the Drainage Strategy, Ref 5589-EGG-ICS-XX-RP-C-07.001, prepared by Infrastruct CS Ltd, dated 17 November 2023.
- 10) Prior to first occupation, a minimum of two car parking spaces shall be provided. Each parking space shall have minimum dimensions in accordance with the current parking standards. The car parking shall thereafter be retained.
- 11) No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the site boundary.
- 12) Any gates provided at the vehicular and pedestrian accesses shall be inward opening only.
- 13) The public's rights and ease of passage over public footpath no. 26 Billericay shall be maintained free and unobstructed at all times.
- 14) Areas within the curtilage of the site for the purpose of reception and storage of building materials shall be provided clear of the highway.

*****End of Conditions*****