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## Appeal Decision

Site visit made on 2 September 2025

by **J Pearce MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2<sup>nd</sup> October 2025

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**Appeal Ref: APP/V1505/W/25/3365675**

**The Ranch, Church Lane, Ramsden Crays, Billericay, Essex CM11 2UN**

- 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 Joshua Fitzwater of Stratstone Developments against the decision of Basildon Borough Council.
  - The application Ref is 24/01161/FULL.
  - The development proposed is the demolition of existing garage/annexe/stables and dwelling, redevelopment into a 2no two-storey detached chalet style dwellinghouses with associated garage and landscaping.
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### Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing garage/annexe/stables and dwelling, redevelopment into a 2no two-storey detached chalet style dwellinghouses with associated garage and landscaping at The Ranch, Church Lane, Ramsden Crays, Billericay, Essex CM11 2UN in accordance with the terms of the application, Ref 24/01161/FULL, subject to the conditions in the attached Schedule.

### Main Issues

2. The main issues are:
  - whether the proposal would be inappropriate development in the Green Belt for the purposes of development plan policy and the National Planning Policy Framework (the Framework); and
  - if it is inappropriate, whether the harm to the Green Belt by reason 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 the development.

### Reasons

*Whether the proposal is inappropriate development*

3. The Framework explains 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.
4. The appeal site consists of a detached single-storey dwelling, set back from Church Lane. The dwelling is within spacious grounds with a detached outbuilding to the rear comprising a garage with an annexe and stables. The site is remote from the nearest settlement and whilst there is sporadic development along

Church Lane, the site is not within a built-up area. The proposal is for the redevelopment of the site for the erection of two detached dwellings following the demolition of the existing single-storey dwelling and the part-demolition of an outbuilding to the rear of the dwelling.

5. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate. An exception to this includes the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
6. Previously developed land is defined in Annex 2 of the Framework as 'land which is or was occupied by a permanent structure and any associated fixed surface infrastructure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed)'. The site would not fall within the exclusions set out within the definition, particularly given that the site is not located within a built-up area. Accordingly, the site would be previously developed land and the proposal for two detached dwellings would comprise a complete redevelopment of previously developed land.
7. The proposed dwellings are of a considerable scale and would significantly increase the volume of built form at the site in comparison to the existing development. Moreover, the position of the proposed dwellings within the site in addition to their scale and mass would make them more visible than the existing buildings at the site. Consequently, the proposal would have a significantly greater impact on the spatial and visual openness of the Green Belt at the site than the existing development.
8. The dwellings would be located within the context of the surrounding development, which is partly enclosed from the surrounding open fields by hedgerows and mature trees. The development would be visible from outside the site, including from Church Lane. Nonetheless, the Council acknowledges that the level of harm to the openness of the Green Belt would be limited and localised to the site. The proposal would largely be visually contained. Moreover, the development would not unacceptably impact the function and purpose of the Green Belt and would not lead to an encroachment of development into the countryside.
9. The proposal would lead to an increase in activity at the site through the addition of a dwelling. The number of comings and goings, residential paraphernalia and other domestic activities associated with the proposal would exceed that of a single dwelling but would be limited by the scale of the proposal. Consequently, the proposal would not lead to a significant or harmful increase in activity that would result in harm to the openness of the Green Belt.
10. Accordingly, although the proposal would harm the openness of the Green Belt, the adverse effects would be moderate. Given that the proposal would not cause substantial harm to the openness of the Green Belt, the proposal would therefore accord with Paragraph 154 g) of the Framework.
11. Therefore, the proposed development is not inappropriate development, as per Paragraph 154 g) of the Framework. Consequently, very special circumstances do not need to be demonstrated for the proposal to be considered acceptable in Green Belt terms. The proposal therefore accords with the Framework, which seeks to protect the Green Belt from harm.

## Other Matters

12. The Blackwater Estuary Special Protection Area and Ramsar site is classified for bird species and habitats that are rare and/or vulnerable. The Conservation of Habitat and Species Regulations 2017 (as amended) (the Regulations) imposes a duty on the competent authority to consider whether a proposed development may have a significant effect on the conservation objectives of such sites either alone, or in combination with other plans and projects within the context of an Appropriate Assessment (AA).
13. The proposed additional dwelling would be likely to result in additional recreational pressure locally on sensitive coastal areas and such activity could cause disturbance to birds and their habitats. The increase from the development alone would be small, but it is likely that in combination with other developments, the proposal could have a significant impact on the integrity of the Habitats sites.
14. The Essex Coast Recreational disturbance Avoidance and Mitigation Strategy Supplementary Planning Document 2020 (SPD) sets out a strategic approach to mitigate such adverse impacts, and details mitigation measures that would be funded by financial contributions at a specified tariff per dwelling. These include a range of habitat-based measures, education, communication and monitoring. As set out in the SPD the approach is endorsed by Natural England.
15. In this case, the appropriate contribution has been secured through a direct payment to the Council. I have no clear reason to doubt that the Council, as a responsible public body, would not spend the money in the way as envisaged by the SPD, or within a specified timetable.
16. As such, the contribution may be taken into account as mitigation to effectively mitigate the recreational impacts of the proposed development on the nature conservation interest of the Habitats sites and avoid adverse effects to their integrity. I am satisfied that the mitigation measure would be used for the intended purpose. In light of the above and following an AA, I find that the proposal would not adversely affect the integrity of the Habitats sites.
17. Schedule 7A of the Town and Country Planning Act 1990 (as amended) (the Act) introduced a statutory framework for biodiversity net gain (BNG), and it applies to all planning applications for non-major development submitted on or after 2 April 2024. Under the statutory framework, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the Biodiversity Gain Condition (BGC), which requires that at least a 10% increase in biodiversity value is met.
18. The appellant indicates that the development could be self-build dwellings. Nonetheless, there is no enforceable mechanism before me through which matters relating to the ownership and occupation of the dwelling could be secured. Therefore, there is no guarantee that the proposal would be built and occupied as self-build dwellings and, consequently, I cannot be certain the proposal would be exempt from the mandatory BNG for that reason. It follows that the proposal is subject to the general BGC, as set out in the Act.
19. It is proposed that the BGC would be met through a range of on-site measures, and the Council has not raised any concerns with this approach. Based on the evidence before me, I have no reason to conclude that the BGC could not be achieved.

## Conditions

20. Suggested planning conditions have been provided by the Council. I have considered the conditions having regard to the Framework and advice contained in the Planning Practice Guidance. I have adjusted the wording of some conditions to improve precision.
21. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interests of certainty. I have not included the Council's suggested condition in respect of the external materials to be used as these details are provided on the approved plans.
22. A condition requiring details to prevent surface water discharging onto the highway is included in the interests of highway safety. To safeguard ecology at the site, a condition is included relating to the requirement for a licence issued by Natural England. As these relate to the early stages of the development, it is necessary to discharge these conditions prior to commencement.
23. Conditions ensuring adherence with biodiversity measures, the delivery of an enhancement strategy, and the provision of Swift bricks are included in order to mitigate the ecological effects of the proposal. The quality of the environment, including the Green Belt, would be preserved through a condition requiring the removal of part of the existing garage, annexe and stable building
24. To safeguard the living conditions of existing and future occupants of the site and neighbouring dwellings, conditions are included requiring the installation of obscure glazing to the first floor side windows and to the side of the first floor terrace of Plot 1. Adequate on-site parking and the use of a bound material for the accesses would be secured by conditions, whilst a condition requiring the areas for storage of materials and manoeuvring of the vehicles be provided clear of the highway is included in the interests of highway safety.
25. The appellant has requested conditions in respect of the phasing of the development and the separate approval of details on a plot-by-plot basis to enable a flexible construction and provide an opportunity for the development to proceed as self-build housing. Nevertheless, the application form states that the development is for market housing and there is no mechanism before me, including a planning obligation, that would ensure that the proposed dwellings would comprise self-build housing. In any event, a phasing condition would not be necessary and, as the materials are stated on the plans, a condition relating to materials would also not be necessary.
26. The general BGC has a separate statutory basis as a planning condition under Paragraph 13 of Schedule 7A of the Act. On this basis, the Planning Practice Guidance strongly encourages decision makers to not include the BGC, or the reasons for applying it, in the list of conditions imposed in the written notice when granting planning permission<sup>1</sup>.

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<sup>1</sup> Planning Practice Guidance Paragraph: 024 Reference ID: 74-024-20240214

**Conclusion**

27. For the reasons given above the appeal should be allowed.

*J Pearce*

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 200 Revision P1, 201 Revision P2, 202 Revision P2, 210 Revision P2, 211 Revision P2, 212 Revision P1 and 103 Revision P1.
- 3) Prior to the commencement of the development hereby permitted, details of the means to prevent the discharge of surface water onto the highway shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to first use of the accesses and shall thereafter be retained.
- 4) Prior to commencement of the development hereby permitted, the following shall be submitted to and approved in writing by the local planning authority:
  - a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead; or
  - b) evidence of site registration supplied by an individual registered to use a Bat Mitigation Class Licence; or
  - c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.
- 5) All mitigation measures and/or works shall be carried out in accordance with the details contained in the Bat Emergence and Re-Entry Survey (Arbtech, September 2024) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
- 6) Prior to any works above slab level, a Biodiversity Enhancement Layout for biodiversity enhancements listed in Bat Emergence and Re-Entry Survey (Arbtech, September 2024) 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, orientations and heights 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 thereafter be retained.
- 7) Prior to first occupation of the development hereby permitted, the existing building in the north-eastern corner of the site as indicated as Phase A on the phasing plans (drawing number 211 revision P2) shall be removed.

- 8) Prior to first occupation of the development hereby permitted, screening shall be provided to the northern and southern flank edges of the terrace located at the rear of Plot 1. This screening shall be obscure glass, shall have a minimum height of 1.8m from finished floor level of the terrace and shall thereafter be retained.
- 9) Prior to first occupation of the development hereby permitted, the first floor windows in the side elevations shall be obscurely glazed to a minimum privacy level 3 and should not be capable of opening to an angle of more than 20 degrees. The obscure glazing shall thereafter be retained.
- 10) Prior to first occupation of the development hereby permitted, a minimum of 2 swift bird bricks shall be installed on the north elevation (or the east or west elevations if the site is well shaded) of the approved dwellings within the fabric of the building and shall thereafter be retained. The bird bricks shall be installed a minimum of 5 metres above ground level directly under the eaves and gables or within the walls, with a clear 'swoop space' of four metres free of obstructions. Evidence of the installation of the swift bird bricks on site shall be submitted to the local planning authority prior to first occupation of the development hereby permitted.
- 11) Prior to first occupation of the development hereby permitted, the vehicle parking spaces shall be provided in accordance with drawing numbers 201 Revision P2, 202 Revision P2 and 210 Revision P2. Thereafter those spaces shall be retained for the parking of vehicles only.
- 12) Prior to first occupation of the development hereby permitted, the accesses shall be finished with a bound surface material for a distance of 6 metres from the edge of the highway.
- 13) Areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

**End of Schedule**