



Appeal Decision

Site visit made on 6 August 2025

by **J Heppell BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 October 2025

Appeal Ref: APP/V1505/W/25/3363474

Bromfords Villa, Borwick Lane, Wickford, Essex SS12 0QA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Mr and Mrs Mwanza against the decision of Basildon Borough Council.
 - The application Ref 24/01342/FULL was approved on 3 March 2025 and planning permission was granted subject to conditions.
 - The development permitted is demolition of existing side extension, rear conservatory, front porch and annexe building. Erection of a two storey rear extension (including retention of existing rear kitchen extension) and new porch to the side of the property.
 - The condition in dispute is No 5 which states that: *In respect of the proposed development hereby permitted, notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order, no development within Part One, Classes A, and E of Schedule 2 to the Order shall be carried out within the site of this application except with express permission granted under Part III of the Town and Country Planning Act 1990 or any re-enactment thereof.*
 - The reason given for the condition is: *To protect local amenity, prevent over development of the site and ensure a satisfactory standard of external appearance.*
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Decision

1. The appeal is allowed and the planning permission Ref 24/01342/FULL for demolition of existing side extension, rear conservatory, front porch and annexe building and erection of a two storey rear extension (including retention of existing rear kitchen extension) and new porch to the side of the property at Bromfords Villa, Borwick Lane, Wickford, Essex SS12 0QA granted on 3 March 2025 by Basildon Borough Council, is varied by deleting condition 5 and substituting for it the following condition:
 - 1) 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 permitted by virtue of Class A of Part 1 of Schedule 2 to the Order shall be undertaken.

Preliminary Matters

2. The parties dispute whether the appellant agreed to the wording of the disputed condition, but regardless the appellant is entitled to seek to amend the condition.

Background and Main Issue

3. Planning permission was granted for the erection of a two storey side extension and front porch which included a condition removing permitted development rights for extensions to the dwelling, which includes outbuildings within its curtilage. The Council considers the condition to be necessary to protect local amenity, prevent overdevelopment of the site and ensure a satisfactory standard of external appearance. The appellants, however, object to the condition because they consider

that it is excessive and unreasonable to remove permitted development rights for outbuildings. In doing so, they seek to vary the condition by removing reference to Class E.

4. The main issue, therefore, is the effect that varying the condition would have on the character and appearance of the area, with particular regard to its location in the Green Belt.

Reasons

5. The condition was imposed to protect local amenity, prevent overdevelopment of the site and ensure a satisfactory standard of external appearance. Although not referenced in the reason, Saved Policy BAS GB4 of the Basildon District Local Plan (BDLP), which permits extensions to dwellings in the Green Belt subject to certain criteria, states that relevant permitted development rights may be removed where it is considered that the implementation of permitted development rights could cause material harm to the Green Belt (criterion (iv)).
6. Part 1, Class E of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) allows for the provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure. It also allows for the provision of a container used for domestic heating purposes for the storage of oil or liquid petroleum gas. Houses within the Green Belt are not excluded by the GPDO from permitted development rights that apply to dwellings.
7. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. The appeal site is one of several large residential plots in Borwick Lane, which is on the fringes of Wickford. Although the site is fenced at the front, the dwelling and its single storey additions and outbuildings present an almost continuous built-up frontage to Borwick Lane. The site's side and rear boundaries are screened by natural vegetation such that only glimpsed views of the buildings can be gained from the surrounding open countryside.
8. The site thus makes only a moderate contribution to the visual aspect of the Green Belt's openness as a whole. Owing to the physical presence of the house on the site and the space that it occupies, the contribution of the site to the spatial aspect of Green Belt openness is limited.
9. The dwelling had a floor area of 232sqm, and when implemented the planning permission will reduce this to 222.8sqm. As a consequence of replacing a single storey annex and side extension with a two storey extension, the proposal will reduce the built footprint on the site, thereby improving the openness of the Green Belt.
10. Given the reduction in the floorspace and built footprint of the dwelling, both the visual and spatial aspects of the openness of the Green Belt as a whole have been enhanced by the development. Consequently, notwithstanding the outbuildings which Class E of the GPDO potentially allows the appellant to build, it is not reasonable or necessary to remove permitted development rights for outbuildings in order to maintain the visual and spatial openness of the Green Belt. Neither is it necessary to do so to protect local amenity, prevent overdevelopment of the site or ensure a satisfactory standard of external appearance.

11. As such, this part of the condition does not further the aims of saved Policy BAS GB4 of the BDLP. I therefore conclude that the removal of permitted development rights for outbuildings is not reasonable or necessary in the interests of the character and appearance of the area, with particular regard to its location in the Green Belt.

Conclusion

12. As I have concluded that the disputed part of the condition relating to outbuildings is not reasonable and necessary in the interests of the character and appearance of the area, I will replace the condition subject to the appeal with one that refers to Class A only and not Class E.
13. For the reasons given above, I conclude that the planning permission should be varied as set out in the formal decision.

J Heppell

INSPECTOR