



Appeal Decision

Site visit made on 3 October 2025

by **G Sylvester BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 October 2025

Appeal Ref: APP/V1505/W/25/3367005

Land West of Hill Farm Cottages, London Road, Crays Hill, Billericay, Essex

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Matthew Firth of Granville Global against the decision of Basildon Borough Council.
 - The application Ref is 24/00676/OUT.
 - The development proposed is the erection of up to five dwellings and garages.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The planning application was submitted in outline with all matters reserved for future consideration. Therefore, insofar as the access, appearance, landscaping, layout and scale of the proposed development are shown on the submitted drawings, I have treated those matters as indicative and representing one option for developing the appeal site for up to 5 dwellings and garages.

Main Issues

- The main issues in this appeal are: (i) the effect of the proposed development on the character and appearance of the area, and (ii) whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (“the Framework”).

Reasons

Character and appearance

3. The appeal site is part of a large field with a frontage to London Road that forms a sizeable gap between the residential properties to the east and west. It allows the extensive rural landscape of spacious fields to the north of Crays Hill to extend up to the edge of London Road and is one of several such gaps to do so. Although the appeal site is experienced in the context of the rows of dwellings on the opposite side of the road, it is clearly of a different character and context to them.
4. Being devoid of built development the appeal site contributes positively to the sporadic, loose-knit pattern of development on the edge of the settlement and its rural setting. This includes the gradual transition between the row of dwellings opposite and the countryside to the north. The width and absence of development on the appeal site allows panoramic views of the attractive scenic rural landscape to the north to be obtained across it from London Road and Gardiners Road North.

In those views, the eye is drawn towards the distant ridge of the hillside beyond the river in a relatively wide vista that includes the appeal site and the expansive fields in the foreground. As such, the appeal site allows impressive views of the landscape and scenic beauty of the countryside to be experienced from within the settlement.

5. For those reasons the appeal site's baseline condition makes a significantly positive contribution to the character and appearance of the area. I am not aware of the countryside to the north of the road being subject to any statutory protections or designations. However, it is nonetheless an attractive landscape and decisions on planning applications should recognise the intrinsic character and beauty of the countryside, in accordance with Framework paragraph 187.b).
6. The appeal proposal would consolidate built form between the flanking dwellings where no development currently exists. This would result in an urbanising effect that would markedly erode the spaciouly rural landscape character of the appeal site and the sporadic, loose-knit pattern of development along the north side of the road. The proposed development would intrude into the foreground of those long-distance panoramic views out of Crays Hill and obscure views across the scenic rural landscape.
7. This would be clearly apparent in a range of public viewpoints along London Road and Gardiners Road North, including straight-ahead views from around the junction close to the school. Although relatively localised and experienced in the context of the built development that exists nearby, the appeal development's degree of intrusion into those views and its urbanisation of the appeal site would result in a high degree of harm to the character and appearance of the area, even with the softening effect of new planting.
8. There would be flexibility through the reserved matters to advance alternative layouts and smaller buildings, and to landscape the site to soften the appearance of the development. The proposed dwellings could be laid out to closely reflect the linear ribbon of buildings on the opposite side of the road. However, no alternative indicative details are before me in this appeal, and in having regard to those that are, I am not satisfied that the harmful effects that I have described above from the amount of development proposed could be designed out or satisfactorily mitigated at the reserved matters stage.
9. Consequently, the appeal development would harm the character and appearance of the area, contrary to Policy BAS BE12(i) of the Basildon District Local Plan Saved Policies September 2007, insofar as it states that planning permission for new residential development will be refused if it causes material harm to, amongst others, the character of the surrounding area, including the street scene. There would also be conflict with Framework paragraph 135.c) insofar as developments should be sympathetic to local character including landscape setting.

Whether inappropriate development in the Green Belt

10. Development in the Green Belt is inappropriate under the Framework unless one of the exceptions under Paragraph 154 applies or where grey belt land is utilised and all the criteria under Paragraph 155 apply. Inappropriate development in the Green Belt is harmful by definition and should not be approved except in very special circumstances. Those exceptions include buildings that constitute 'limited infilling in villages' as set out in Framework Paragraph 154.e).

11. The Framework does not provide a definition of limited infilling. Given the relationship between its size, disposition of buildings, and the range of services and facilities, I consider Crays Hill to be a village. The appeal site is a recognisable gap between the flanking 2 storey dwellings and the proposed development could be laid out to infill the space between them with up to 5 dwellings thus comprising infilling. When taken in the context of the amount and spread of buildings in the village, and the size of the appeal site, I am satisfied that the proposal is for a limited number of dwellings, albeit towards the upper end of limited.
12. For those reasons, the appeal development would constitute limited infilling in a village and would not be inappropriate development in the Green Belt under the above exception. Accordingly, it is unnecessary to assess the proposal's effects on Green Belt openness or purposes, or whether grey belt land would be utilised. An absence of harm to the Green Belt is a neutral factor that does not weigh in favour nor against the appeal development.

Other Matters

13. The appellant has paid a financial contribution to mitigate the proposed development's potential significant adverse effect on the Blackwater Estuary Special Protection Area (SPA). However, as I am dismissing the appeal for other reasons, no harm would arise to the SPA, and being mitigation, the financial contribution would be a neutral factor.
14. The evidence indicates a current housing land supply of some 1.88 years, which is a very significant shortfall against the 5-year requirement. The latest Housing Delivery Test results show that only 35% of the housing requirement was delivered in Basildon between 2021-2023. There is nothing before me to indicate that a marked improvement to that situation would be likely in the foreseeable future. In that context the appeal development would make a modest but nonetheless valuable contribution to housing supply.
15. Construction and occupation of the proposed development would bring short term and lasting economic benefits to the area. Future occupiers would support services and facilities in the area and contribute to community vitality and taxation receipts. Energy and water could be used efficiently, including on-site generation from renewable sources, helping reduce carbon dioxide emissions below building regulations standards. Nearby bus stops could be improved to benefit the wider community. Any contamination of the site could be remediated.
16. The appeal site was one of several land parcels at Crays Hill that were proposed to be allocated for housing development in the emerging Basildon Borough Local Plan 2014-2034. However, as the plan was withdrawn before going through its examination it is a matter of limited weight in my consideration of this appeal, which I have assessed on a site-specific basis. Allocating sites through the local plan involves assessing the relative benefits and disbenefits of various potential development sites and it is materially different to the development management process. Whether the appeal site would be included in a future local plan is likely to involve such an assessment and is a matter for the Council and an examining Inspector.
17. In this instance, given the importance that I have placed on the appeal site's contribution to the character and appearance of the area, I attach substantial weight to the harm that I have identified. It brings the development into conflict with

Saved Policy BAS BE12 and the development plan when read as a whole. The benefits of the development do not outweigh that conflict.

18. Due to the Council's land supply position, Framework Paragraph 11.d)ii, and the so called 'tilted balance' applies. In that scenario planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, including specific key policies.
19. On the benefits side of the balance, the appeal proposal would make a valuable contribution to increasing the supply of housing in a reasonably accessible location. It would accord with the Framework's support for making effective use of under-utilised land and for developing windfall housing sites, including of a scale likely to be built out quickly and suitable for small and medium enterprise builders. It would deliver cumulative economic, social and environmental benefits.
20. On the negative side, for the reasons given above the appeal development would conflict with Framework Paragraph 135.c). I am not satisfied that those lasting harmful effects could be avoided or satisfactorily designed out through its detailed design at the reserved matters stage. Consequently, it would not achieve the Framework's expectation for development to be well designed or the creation of high quality places that are fundamental to what the planning and development process should achieve and a key aspect of sustainable development. The Framework is clear that development not well designed should be refused.
21. Framework paragraph 73, states that great weight should be given to the benefits of using suitable sites in settlements for homes. In my judgement the harm to the character and appearance of the area would not make the appeal site suitable for the proposed development in that regard. Nonetheless, the cumulative benefits of the appeal scheme would, particularly given the extent of the housing shortfall, be valuable and they carry weight of a high order in its favour.
22. However, when assessed against those policies of the Framework, the appeal development's harm to the character and appearance of the area is a determinative matter in this appeal and therefore carries substantial weight against it. Consequently, for the reasons given above, the adverse impacts of the proposed development on the character and appearance of the area significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the Framework's presumption in favour of sustainable development does not apply in this instance.

Conclusion

23. For the reasons given above the proposed development would be contrary to the development plan when read as a whole. The material considerations including the benefits of the proposed development and the provisions of the Framework are insufficient to outweigh that conflict. Therefore, I conclude that the proposed development is unacceptable, and the appeal should be dismissed.

G Sylvester

INSPECTOR