



Appeal Decision

Site visit made on 7 October 2025

by **L Fern BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 November 2025

Appeal Ref: APP/V1505/W/25/3369951

Land to east of Hydeaway, Fairway, Wickford SS12 9LG

- 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 S Hannibal against the decision of Basildon Borough Council.
 - The application Ref is 25/00237/OUT.
 - The development proposed is described as “construction of 3no. 3 bedroom dwellings, including waste and cycle storage. Inclusive of parking”.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. This appeal relates to an outline proposal, with access to be considered at this stage, and with all other matters reserved for future consideration. I have considered the appeal on this basis. Plans were submitted that provide an indication of how the dwellings could be accommodated on the appeal site and what their scale and appearance could be. I have taken these plans into full account as far as they relate to access, and I have considered them as indicative only regarding all other matters.

Main Issues

3. The main issues are:
 - Whether or not the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies, and the effect of the proposed development on the openness of the Green Belt;
 - The effect of the proposed development on the character and appearance of the surrounding area; and
 - Whether or not any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development, and openness

4. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. 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 is inappropriate unless one of the exceptions applies.

5. One such exception, at Paragraph 154 g), is the partial or complete redevelopment of previously developed land (including a material change of use to residential), which would not cause substantial harm to the openness of the Green Belt.
6. The appeal site is a field, that was observed on my site visit to be used for the grazing of horses. The Framework makes it clear within the definition of previously developed land at Annex 2 that its land which has been lawfully developed and is or was occupied by a permanent structure. In the absence of any substantive evidence to demonstrate otherwise, the appeal site does not constitute previously developed land. The proposed development would not therefore benefit from the exception under Paragraph 154 g).
7. Another exception, at Paragraph 155, confirms that proposals for the development of homes in the Green Belt should also not be regarded as inappropriate where qualifying criteria are met in relation to Grey Belt land, which are considered below.
8. It is not disputed between the parties that the proposed development would utilise Grey Belt land, which would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. Having visited the site and having had regard to the definition of Grey Belt within the Framework, I see no reason to disagree. It is also common ground that there is a demonstrable unmet need for the type of development proposed. The Council can only demonstrate a 1.88-year supply of deliverable housing sites, which falls significantly short of the required 5-year supply as set out in the Framework. The proposal therefore complies with criteria a. and b. of Paragraph 155.
9. Criteria c. requires the proposal to be in a sustainable location. It is acknowledged that the appeal site is not in an isolated location, is connected to the existing highway network and that, given its semi-rural context, some use of the private car would be expected. However, the site is located a significant distance from the bus stops on Cranfield Park Road and any shops, services and facilities beyond, within Wickford.
10. Future residents of the dwellings would need to either walk or cycle down a substantial length of Cranfield Park Road to access bus services. Whilst Fairway is a quiet side road, Cranfield Park Road was observed to be much busier during my site visit. Neither has the benefit of footpaths or street lighting. Cranfield Park Road is particularly narrow, with sections not even benefitting from grass verges large enough to provide refuge for pedestrians. The route would be both unsafe and unattractive, discouraging future residents from utilising sustainable modes of transport and resulting in overdependency on use of the private car. For these reasons, the proposal would not be in a sustainable location and therefore fail to comply with criteria c. Thus, it would not benefit from the exception at Paragraph 155.
11. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. The appeal site is visible from Fairway, Cranfield Park Road and neighbouring residential properties and currently comprises a relatively open field, currently devoid of built development. The construction of residential properties in

this location would inevitably fail to preserve the openness of the Green Belt both spatially and visually.

12. The appellant has directed me to a recent appeal decision¹ in Basildon. Whilst there are similarities with the appeal before me, the Inspector in the Basildon case found there to be no conflict with Green Belt policy. This enabled them to consider the proposal in the context of the presumption in favour of sustainable development at Paragraph 11 d) of the Framework. They subsequently arrived at the conclusion that the harm found with regards to character and appearance did not significantly and demonstrably outweigh the benefits of the proposal. The policy considerations were therefore fundamentally different in the Basildon case to that which is before me, and the contexts are not wholly comparable.
13. For these reasons, the appeal proposal would be inappropriate development in the Green Belt which is, by definition, harmful as set out at Paragraph 153 of the Framework.

Character and appearance

14. The appeal site comprises a modest sized paddock sitting on the junction between Fairway and Cranfield Park Road with fairly open aspect boundaries to the highway. Residential plots in the area are substantial in size, with most dwellings sporadically distributed within them but generally set back considerably from their highway frontage, creating a sense of spaciousness and a reduced sense of built form, which contributes to the area's semi-rural character.
15. Whilst the specific scale and layout of the proposal are not matters for consideration at this stage, the plans demonstrate that the limited site size would inevitably lead to much smaller individual plot sizes than those in the vicinity and therefore a tighter grain of built form that would be inconsistent with its surroundings. Furthermore, the corner location would likely result in at least one of the proposed dwellings being significantly closer to the highway than those in the surrounding area, and in a prominent and highly visible position on the junction, that would disrupt the overall sense of spaciousness.
16. For the above reasons, I find unacceptable harm to the character and appearance of the surrounding area, contrary to Policy BAS BE12 of the Basildon Local Plan (2007) (the LP), which, amongst other things, confirms that new residential development will be refused if it causes material harm to the character of the surrounding area, including the street scene.

Other considerations

17. The proposed development would contribute positively to general housing supply in an area that has a significant shortfall of deliverable housing sites. Furthermore, the Framework acknowledges the important role that small and medium sized sites, such as the appeal site, make towards meeting housing requirements, which are often built out relatively quickly. Although in outline form at present, I am in no doubt that the proposal would also make efficient use of the land available. The appellant also asserts that landscaping proposals would provide environmental enhancements, the development would include energy efficient installations and sustainable methods of construction would be utilised.

¹ PINS Ref APP/V1505/W/24/3347517.

18. I am, however, mindful that the proposal is relatively small in scale and proposes a maximum of 3 dwellings. It could therefore deliver only a single dwelling. I therefore attribute moderate positive weight to the above benefits.

Other Matters

19. The Council states that the appeal site is located within the zone of influence of a Special Protection Area (the SPA), which constitutes a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations). Due to the increase in the number of dwellings, the proposed development would likely have a significant effect on the SPA because of increased recreational pressures.
20. A mitigation strategy has been developed, the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (the RAMS), to deliver the measures necessary to address the effects of recreational disturbance on the SPA. A tariff has been developed to fund the mitigation, which the Council and Natural England have confirmed would be payable in this case. This is not disputed by the appellant who has confirmed that a payment would be made in due course. However, there is no evidence before me to demonstrate that the payment has been made and there is no legal mechanism to secure it.
21. Had I been minded to allow this appeal on all other grounds, I would have considered further the matter of the RAMS financial contribution. However, other matters are determinative in this case, and I do not need to consider the matter of effect on the SPA any further.

Green Belt Balance and Conclusion

22. The proposal would constitute inappropriate development in the Green Belt and would harm its openness. As such, the Framework requires me to give this harm substantial negative weight. I have also found harm in relation to the effect on the character and appearance of the surrounding area, to which I give significant negative weight.
23. For the reasons set out above, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
24. For the reasons given, I have found conflict with the development plan as a whole. The material considerations in this case, including the Framework, and the weight I give to them, do not indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

L Fern

INSPECTOR