



Appeal Decision

Site visit made on 11 November 2025

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th December 2025

Appeal Ref: APP/V1505/W/25/3371933

Land at Church Street, Great Burstead

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant Permission in Principle.
 - The appeal is made by Mr and Mrs Soldani against the decision of Basildon Borough Council.
 - The application Ref is 25/00842/PIP.
 - The development proposed is described as Permission in Principle for up to 3 no. residential dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for Permission in Principle (PiP). The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The PiP consent route has two stages: the first stage (or PiP) establishes whether a site is suitable in-principle and the second, Technical Details Consent (TDC) stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for PiP is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent TDC application, if PiP is granted. I have determined the appeal accordingly.

Main Issues

4. The main issues are:
 - i) whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development, with particular reference to whether the proposal would be inappropriate development in the Green Belt, including its effect on openness;
 - ii) the effect of the proposal on the setting of the Great Burstead Conservation Area (CA); and
 - iii) if the development is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

5. The appeal site lies within the Green Belt. Paragraph 142 of the National Planning Policy Framework (the Framework) identifies that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. Paragraph 154 goes on to explain that development in the Green Belt is inappropriate unless it meets a list of exceptions.
6. The appellant submits that the appeal site forms part of the village and suggests that it represents an infill plot, which in their view establishes that the proposal would accord with exception e) of paragraph 154 of the Framework.
7. The Framework does not define “*village*”. However, case law¹ indicates that when considering whether a settlement is a village or whether a site is in a village, decision makers should have regard to the situation “*on the ground*” as well as any relevant policies. Furthermore, the term infilling is not defined within the Framework, and so whether a proposal meets this definition is a matter of planning judgment, with each scheme to be assessed on its site-specific merits.
8. The appeal site relates to part of a field on the south side of Church Street, set back behind a service road. The site is flanked by residential development, located between nos 143 and 179 Church Street. A public footpath runs along its western boundary.
9. Although not adopted policy, my attention has been drawn to the Basildon Borough Initial Settlement Hierarchy Review (April 2024) and the Urban Characterisation and Design Review (December 2015). Whilst they give an extensive analysis of settlements within the borough, given their status I have given them only limited weight in my consideration of this appeal.
10. Great Burstead is centred around the church and is characterised by a linear settlement pattern along Church Street. It is distinguished from South Green and Billericay by its semi-rural character and lower density development.
11. The indicative layout plan suggests that three dwellings could be accommodated along the frontage in a manner not too dissimilar to the layout and arrangement of existing residential properties which lie to the west of the site.
12. The extent of the gap between the existing dwellings and the wider built context of the site, all lead me to conclude that the development would constitute limited infill which the Framework considers to be not inappropriate development.
13. As the appeal scheme is not inappropriate development in the Green Belt, it is not necessary to undertake a separate consideration of its effect on Green Belt or evidence of very special circumstances.

Setting of the Conservation Area

14. The appeal site lies outside, but proximate to the boundary of the CA. The CA is small, centred on the Church, of Norman origin. The area is bound to the north by the backs of the gardens of the houses on Church Street, to the south by the cemetery, to the west by Well Farm and to the east by the vicarage.

¹ Julian Wood v SSCLG, Gravesham Borough Council [2015] EWCA Civ 195

15. There is no statutory duty under s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of the setting of a CA. However, paragraph 219 of the Framework refers to the preservation of those elements of the setting that make a positive contribution to, or better reveal the significance of, the asset. The Glossary to the Framework defines the setting of a heritage asset as the surroundings in which it is experienced.
16. The CA derives its special interest from a combination of elements that together form the village's well-established character and appearance. These elements include the topography, historical development, density, massing and built development, prevalent building materials, character and hierarchy of spaces, quality and relationship of buildings in the area, and trees, and other green features. Architectural features, such as distinctive windows, doors and fanlights are also very important to Great Burstead's distinctive historic character.
17. The appeal site comprises relatively flat land, forming part of a wider field that extends some distance back from Church Street. While existing houses flank the appeal site, the site itself is largely free from any built form and is predominantly open. The appeal site frontage is bound by mature vegetation which contributes positively to the verdant appearance of the street scene in the locality. Although the site frontage is lined by hedgerow and mature trees views are possible through this vegetation to the wider landscape, which connects the field to the surrounding countryside. Accordingly, the rurality of the appeal site can be readily appreciated from Church Street and the public footpath which contributes positively to the appreciation of the CA.
18. The appeal site's location is within one of the gaps between residential properties, and its open nature in combination with the public right of way enforces the countryside setting of the settlement. Although design and layout are not for consideration at this stage, even modest dwellings would require a significant proportion of the appeal site to be developed to accommodate access, parking and domestic gardens. This would permanently alter the overall character of the site, removing the rural, open aspect it creates within the wider streetscene.
19. Although the proposed quantity of development would likely reflect the density of development along this part of Church Street, the visual intrusion of the proposal within this existing open space would have an urbanising effect on the street scene. Even if the dwellings were of an acceptable design and with landscaping, secured at the TDC stage, the proposal would introduce built form into a largely open parcel of land thus reducing the openness around the settlement which is integral to its significance. Consequently, this would reduce the ability to appreciate the CA within its countryside setting.
20. The demolition of existing 20th century outbuildings, that are *in situ* on a small part of the appeal site, may afford some visual enhancement. However, owing to their limited height and footprint they do not have a particularly imposing presence.
21. Accordingly, having regard to location, land use and amount of development, I find the proposal would diminish the ability to appreciate the setting of the CA, which in turn would harm its significance. Conflict would therefore arise with the Framework insofar as it requires all development to conserve or enhance the quality of heritage assets.

Other Matters

22. My attention has been drawn to a planning decision² within the same Authority relating to a PiP application within the Green Belt. Whilst there may be some similarities in respect of Green Belt, the information before me indicates that the site context differs as it is not located adjacent to a CA. In any event, I have concluded that the proposal would not be inappropriate development in the Green Belt. In any event, I have determined the appeal on its own merits based on the evidence before me.

Heritage and Planning Balance

23. I have found less than substantial harm in respect of the CA and consider this to be at the midpoint of the spectrum. As required by paragraphs 212 and 215 of the Framework this harm must be given great weight that should be weighed against the public benefits of the proposal.
24. The evidence indicates that the Council has undelivered against its housing requirement, demonstrating a significant shortfall of 1.88-year supply. Therefore, taking account that even three dwellings can contribute to housing supply, and that the Framework seeks to boost significantly the supply of housing whilst recognising the importance small sites have in meeting house requirements, this would be a benefit which attracts moderate positive weight.
25. The appeal site is within a sustainable location with access to services and facilities. The proposed development would offer other benefits such as the contribution that its construction would make to the local economy and from future occupiers supporting shops, services and facilities. Be that as it may, the benefits are tempered by the limited scale of the development proposed.
26. Taking all the above into consideration, either individually, or cumulatively, I do not find that the public benefits of the proposal would outweigh the identified harm to the significance of the CA.

Conclusion

27. The proposal would not be inappropriate development in the Green Belt. However, I have concluded that the appeal scheme would result harm to the setting, and therefore the significance, of the CA. Although I attribute positive weight to the public benefits cited in support of the proposal, I am not persuaded that these clearly outweigh the less than substantial harm to the designated heritage asset.
28. Whilst the absence of a five-year supply of deliverable housing sites draws me to Paragraph 11 of the Framework the application of policies in relation to the protection of heritage assets³ provides a clear reason for refusing the development.
29. For the reasons stated above, having considered the development plan as a whole along with all other relevant material considerations including the approach in the Framework, I conclude that the appeal should be dismissed.

R. Gee

INSPECTOR

² APP/V1505/W/3249059 - Land between The Willows (aka Crystal Cottage) and Cranbourne, Broomhills Chase, Billericay

³ Footnote 7 of paragraph 11 d i) of the Framework