



Appeal Decision

Site visit made on 18 December 2025

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 January 2026

Appeal Ref: APP/V1505/C/24/3350726

The Crown Public House, High Street, Billericay CM12 9BG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Joshua Gibson against an enforcement notice issued by Basildon Borough Council.
 - The notice was issued on 5 August 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission:
 1. The erection of a marquee, shown approximately edged and hatched black on the attached notice plan, and;
 2. The erection of a fence in excess of 1m adjacent to a highway, shown approximately by the blue line on the attached notice plan.
 - The requirements of the notice are:
 1. Remove the marquee in its entirety as approximately shown edged and hatched black on the attached notice plan.
 2. Permanently remove the fence, which is adjacent to a highway, as shown approximately by the blue line on the attached notice plan.
 3. Permanently remove all resultant materials from works done in compliance with requirements i and ii.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed, and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal on ground (a), the deemed planning application (DPA)

Main Issues

2. The main issues are:
 - whether the development preserves or enhances the character or appearance of the Billericay Conservation Area ('CA'); and
 - the effect of the development on highway safety.

Reasons

Billericay Conservation Area ('CA')

3. The appeal site is a detached public house situated within Billericay High Street and the CA and is located opposite to the railway line on Crown Road and opposite The Railway Public House on the High Street. The appeal development

relates specifically to the Marquee used for additional seating and the installation of a fence, in excess of 1m in height, both are located to the rear of the site.

4. The appeal property is red brick public house which is characterised by a prominent two storey corner gable, bay windows at ground floor level on both street facing elevations, timber framed sliding sash windows, prominent chimney stacks, a slate clad roof with small dormer windows providing light into the attic space.
5. With regard to the effect on designated heritage assets, Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
6. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The Framework also states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
7. The significance of the CA largely derives from its rich architectural and historic interest. The Billericay Conservation Area Character Appraisal, (BCACA) highlights that the CA is characterised by a collection of buildings dating from the C15 to C19. Indeed, the CA has over 40 listed buildings. Buildings are predominantly modest in scale and rarely above two storeys in height, many of which have been used as High Street shops and businesses. Traditional buildings are small and low, contrasting sharply with C20 infilling steel framed buildings, which owing to their significantly larger scale and size, detracts from the CA.
8. The earlier buildings often are timber framed with cross wings, sometimes jettied, which are gable end on to the road, and most are listed buildings. C18 and C19 buildings are usually flat-fronted (without projections) and of red brick (and some grey brick) with plain tile roofs or natural slate. The brickwork is in Flemish bond and hung sash windows are set in reveals. Norsey Road, to the rear of the appeal site, has terraces of brick and weatherboard cottages on the roadside, many of which are listed buildings and form an attractive group. Overall, the variety of different types of architecture combine to make this an attractive bustling town centre area with high streetscape value.
9. The appeal building shares a number of these traditional features and materials and makes a positive contribution to the significance of the CA. This is highlighted within the BCACA, where the Crown is identified as a building with high townscape value. I also observed that the traditional qualities of the building including its materials were fundamental to preserving the special character and appearance of the CA. This view is supported in the Billericay Conservation Area Management Plan. 2011 (BCAMP) which states that the palette of materials to be used for all new developments should reflect the historic materials of the area.

Fence

10. The BCACA highlights that property boundaries within the CA do not form visually important features and states that there are no high walls and few fine railings. Generally, properties are situated on the road or pavement edge without enclosure. In contrast, the tall close boarded fence runs for a considerable length along both Crown Road and Norsey Road and appears more appropriate to a residential back garden setting rather than a traditional public house. Given its height, length and prominence, it forms a large, obtrusive and incongruous feature in the street scene which is at odds with the more open character of the CA.
11. I appreciate that there is high metal fence on the opposite side of Crown Road. However, this relates to the boundary of a railway line and is not a traditional brick built public house. In any case, the metal railings are not solid like the wooden fence. In addition, I also observed that the timber fence has deteriorated in a number of sections with the timber panels replaced with poorer quality plywood in parts and is generally in a poor condition.
12. Furthermore, a historic photograph of the site demonstrates the former brick-built boundary wall was more in keeping with the red brick public house building and the CA. Therefore, the fence fails to preserve or enhance the character or appearance of the CA.

Marquee

13. The Marquee extends over a significant portion of the pub garden and comprises poor quality materials consisting of a metal frame covered with white canvas, which is highly prominent in views from the High Street, Crown Road and Norsey Road. In particular, the white canvas material appears in stark contrast and obscures views of the more traditional public house and fails to respect the traditional palette of materials seen elsewhere within the CA.
14. The appellant highlights that another marquee has been installed at the Chequers Grade II listed public house. However, this was only mentioned briefly at final comments stage and therefore only limited details of this other development are before me. Indeed, no details of any planning permission of this other marquee has been provided, and the appellant states that this was permitted during the pandemic to support businesses. However, it has been several years since the pandemic, and I do not consider that the presence of this other marquee justifies further harm to the CA. Indeed, there are alternative measures which could be explored in consultation with the Council, which do not result in harm to the CA. I therefore find that this development also fails to preserve or enhance the character or appearance of the CA.
15. In the terms of the Framework, the harm that the development causes to the significance of the designated heritage asset, which is the CA, amounts to less than substantial harm. Accordingly, this should be weighed against the public benefits of the development. I acknowledge that the development benefits the viability of the business, and thus supports local jobs, by the provision of an additional weatherproof seating area for members of the public throughout the year. However, these benefits are insufficient, in my view, to outweigh the harm I have identified to the CA and to which I afford considerable importance and weight.

Conclusion on the CA

16. I therefore conclude that the development has a harmful effect on the character and appearance of the appeal property and fails to preserve or enhance the character or appearance of the CA, as a whole, contrary to Saved Policy BAS TC1 of the Local Plan. Amongst other things, this states In the case of Billericay Town Centre, regard will be given to the Conservation Area status of the town centre and the concentration of Listed Buildings.
17. The development also fails to preserve or enhance the character or appearance of the conservation area as required by Section 72(1) of the Act. This carries considerable weight and importance to my decision.

Highway safety

18. Essex County Council, as the Highway Authority, objected to the erection of the fence on the basis that a section of the fence nearest to the High Street, and the access gates installed open outwards onto the adopted highway, obstructing the highway, which is used by vehicular traffic thereby posing a highway safety risk.
19. The appellant confirms that the gates have been altered so that they all open inwards. The appellant also states that they are willing to remove parts of the fence so that they do not encroach onto the highway. Whilst I observed that some modifications have been carried out in an attempt to do this, there is no confirmation provided from the Highway Authority, that they are satisfied that the fence no longer projects onto the adopted highway. However, If the proposal were acceptable in other respects, a condition could be attached to the grant of permission requiring full details of the fence panels, including their location in relation to the adopted highway to be submitted for approval by the Council, in consultation with Essex County Council.
20. Subject to this condition, I am satisfied that the development would not pose a threat to highway safety in accordance with Policy DM1 of the Highway Authority Essex County Council's Development Management Policies, adopted as County Council Supplementary Guidance, 2011. Amongst other things, this states that the Highway Authority will protect the highway network for the safe and efficient movement of people and goods by all modes of travel by ensuring that: vii. proposals will not create a significant potential risk or be detrimental to the safety of the highway network.

Conclusion on Ground (a) and the Deemed Planning Application

21. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The development has a harmful effect on the character and appearance of the appeal property and fails to preserve or enhance the character or appearance of the CA, as a whole. None of the other matters raised by the appellant, including the additional social and economic benefits of the additional seating area for the public house outweigh the harms identified. Therefore, there are no material considerations that would lead me to a decision other than in accordance with the development plan in this case.

22. For the reasons given and with regard to all other matters raised, I conclude that the appeal on ground (a) should fail, and the deemed planning application should be refused.

The Appeal on Ground (f)

23. The appeal on this ground is "that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters (i.e. the matters alleged in the notice) or, as the case may be, to remedy any injury to amenity which has been caused by any such breach".
24. The enforcement notice requires the removal of the marquee and the fence. As such, the purpose of the notice is to remedy the breach of planning control rather than only remedy any injury to amenity.
25. The appellant states that fence line follows that of the previous brick wall and that the gates could be altered to open inwards rather than removed in their entirety. I have already considered both of these arguments under the ground (a) appeal, and I accept that the gates now open inwards and do not provide an obstruction. I have also found that the design and appearance of the fence fails to preserve or enhance the character or appearance of the CA, as a whole. The appellant has not suggested any alternative ways in which the steps required by the notice could be varied.
26. As the notice does no more than seek remedy of the breach, it is not excessive. There are no lesser steps drawn to my attention or any obvious alternatives that would remedy the breach of planning control which is the purpose of the notice.
27. On this basis, the Ground (f) appeal fails.

Conclusion

28. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

R Satheesan

INSPECTOR