
Appeal Decision

Site visit made on 12 January 2026

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th January 2026

Appeal Ref: APP/V1505/W/25/3373646

Land at Tibbs Porch, The Chase, Wickford SS12 9EX

- 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 & Mrs Mark & Alice Hicks against the decision of Basildon Borough Council.
 - The application Ref is 25/00004/OUT.
 - The development proposed is Demolition of existing outbuilding and construction of two new custom/self build dwellings and associated works including vehicle access, car parking, cycle storage and hard and soft landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was in outline, with all matters reserved. Details of access, layout, scale, appearance and landscaping are all for later consideration.
3. The drawings include proposed plans and elevations labelled as being illustrative and the appellant's statement confirms that the proposed block plan is also illustrative. I have treated these drawings as demonstrating how two dwellings could be accommodated on the site in principle, while keeping in mind that the detailed designs and layout indicated are not part of the formal proposal. I have, however, noted that the points of access to the highway are shown, as required, being from Meadow Way.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt,
 - the effect on the openness of the Green Belt,
 - the effect on the character and appearance of the area, and
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

5. The appeal concerns a plot of land fronting Meadow Way. It backs partly onto Tibbs Porch and partly onto outbuildings at the rear of a neighbouring dwelling.

The bungalow at Tibbs Porch stands in a plot fronting The Chase, which is edged in blue on the application drawings, indicating that both are in the same ownership. There is a fence between the appeal site and the blue edged land, with a gate connecting the two. Each plot has its own vehicular access.

6. At the time of my site visit, the appeal site included a fenced area where goats were being kept, with an outbuilding/animal shelter in one corner, a greenhouse frame with tarpaulin covering, and a dilapidated touring caravan. Just inside the close boarded fence to Meadow Way there was also an area of loose hardstanding, where a vehicle was parked, along with some stored items and what appeared to be a dog kennel.

Green Belt

7. In the Basildon Local Plan, saved Policy GB1 establishes the extent of the Green Belt, and is noted as relevant in the Officer Report. However, no policies describing the types of development which may take place in the Green Belt have been brought to my attention and none were cited in the relevant reason for refusal. Therefore, I have relied on the National Planning Policy Framework (the Framework) to determine whether the proposal would be inappropriate development in the Green Belt.
8. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate unless one of several specific exceptions apply. Paragraph 155 goes on to define circumstances in which development utilising green belt land would not be regarded as inappropriate. Several criteria in paragraphs 154 and 155 have been cited in favour of the appeal proposal, as follows.

Limited infilling in villages:

9. Paragraph 154e allows in principle for limited infilling in villages in the Green Belt. The appeal site is within a developed enclave which includes several dwellings, as well as static caravans, a limited amount of non-residential development and some empty plots. It is referred to in the Officer Report as a plotland area, which is reflected in the rather sporadic and varied form of the existing development.
10. There are no apparent services and facilities within the plotlands area. Nor does it have any clearly-identifiable focal point or identity as a village in its own right. Furthermore, both parties have mentioned previous appeal decisions¹ in which it was concluded that the area is not a village for purposes of paragraph 154e.
11. While I have had regard to the local services and facilities now brought to my attention, almost all of these are within the separate and significantly larger settlement of Wickford. Those services can be accessed fairly quickly along the rural lanes, but there is a very clear sense of separation between the built-up edge of Wickford and the plotlands area, which has a significantly more loose-knit character and lies beyond intervening parcels of open, undeveloped land. The pre-school and country park mentioned are also outside the plotlands development, in open countryside.
12. Consequently, notwithstanding the available services in the wider environs, I concur with my predecessors that the area where the appeal site is located is not a village and the proposal does not gain any support from paragraph 154e.

¹ Appeal Refs: APP/V1505/W/20/3262753 & APP/V1505/W/23/3327027

Previously developed land:

13. Paragraph 154g allows for limited infilling or the partial or complete redevelopment of previously developed land in the Green Belt, where that would not cause substantial harm to openness. Previously developed land is defined in Annex 2 of the Framework and includes land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land. Residential garden land is excluded, but only within built-up areas and for the reasons already given, the site is not in a built-up area.
14. The appellant describes the appeal site as previously developed garden land, whereas the Council describes it as vacant from development and does not consider paragraph 154g to be relevant.
15. As noted above, the plot is at the rear of an existing dwelling at Tibbs Porch. The layout suggests they may have been historically separate, since the boundaries only tangentially adjoin and the two plots each have their own vehicular access, to different roads. However, according to the plans they are now in the same ownership. I saw during my site visit that there is a gate providing convenient access between the two plots, with every indication that the appeal site is actively used by the occupiers of Tibbs Porch.
16. However, the gate is within a continuous post and rail fence, so the two areas form separate enclosures. Furthermore, the way in which the land is used to either side of the fence differs. While the appeal site is mainly being used to keep animals, along with some parking and storage, the plot more immediately around Tibbs Porch, edged in blue, is laid out with lawns, children's play equipment and garden furniture. The latter area also includes several outbuildings, some of which are of a clearly domestic character.
17. Not all land owned or associated with a dwelling is necessarily garden land. Much depends on the layout and how it is used. Taking account of the much more clearly identifiable garden land around Tibbs Porch, the intervening fence, and the current use of the appeal site for keeping animals, the evidence does not clearly establish that the appeal site is lawfully used as residential garden land benefitting from the definition in Annex 2.
18. The caravan and greenhouse frame on the site both appear readily movable, so would not be classed as buildings for purposes of the Annex 2 definition. The only existing building is a single storey outbuilding of rather rudimentary construction. This is of a much less obviously domestic character than other outbuildings in the garden and was being used as an animal shelter and for storage of feed/bedding at the time of my site visit. The Officer Report records no relevant planning history for the appeal site, and neither party has provided any details of when the building was erected, whether it was lawfully constructed, for what purpose, or whether it is of a permanent or temporary nature. The limited available evidence does not adequately demonstrate that it is a permanent, lawful structure within the scope of the Framework definition of previously developed land.
19. For the above reasons, I am not persuaded that the appeal site is previously developed land as defined in the Framework. Consequently, based on the evidence before me, the proposed development does not benefit from the exception in paragraph 154g.

Affordable housing:

20. In the later of the Patricia House appeal decisions², the site was described by the Inspector as previously developed land, being a residential garden. That was pertinent to the Inspector's decision to allow two affordable homes which, unlike this proposal, were judged to fall within the parameters in paragraph 154g.
21. Furthermore, while I accept that custom/self-build housing can also be affordable housing, it is not defined as such in every case. No mechanism is proposed to ensure that these dwellings would provide a route to home ownership for those who could not otherwise achieve it, or that the cost of each property would be at least 20% below local market value. Therefore, while I have noted the reasons why the appellant considers that the dwellings would be low cost, that cannot be guaranteed. The proposal does not fall within the definition of affordable housing in Annex 2 of the Framework and none of the exceptions relating to affordable housing in paragraph 154 are applicable.

Grey belt:

22. There is no dispute that the appeal site is grey belt land, as defined in the Framework. The Council also accepts that the development would not fundamentally undermine the purposes (taken together) of the remaining Green Belt in the District and that there is a demonstrable unmet need for housing, so the requirements in paragraphs 155a and 155b of the Framework would be met. However, the parties disagree as to whether the appeal site is in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework, as required in paragraph 155c.
23. Amongst other things, Paragraphs 110 and 115 prioritise sustainable transport modes. Patterns of growth are to be actively managed in support of objectives which include identifying and pursuing opportunities to promote walking, cycling and public transport. While it is recognised in paragraph 110 that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, it does not follow that all development in rural areas should be regarded as sustainably located.
24. As noted above, the majority of local services and facilities are in Wickford. Many of those mentioned are clustered along Salcott Crescent, near the edge of the settlement, where there is, amongst other things, a primary school, medical centre, parade of shops and community hall. Therefore, future occupiers would be able to access a range of services to support day to living.
25. However, most of these services are around one mile away, which is far enough to discourage many people from walking on a regular or routine basis, particularly if they are less mobile or accompanying young children. Furthermore, access is along narrow, unlit rural lanes without pavements or dedicated cycling facilities. That would be a further deterrent to walking or cycling, even for those most committed to using sustainable modes of transport, particularly in the dark, or inclement weather. The bus stops are slightly closer but they can also only be accessed along the same rural lanes.

² Appeal Ref: APP/V1505/W/21/3286455

26. Consequently, travelling by car would be the most realistic and convenient option for most future occupiers and that is most likely to be the mode of transport used. That being the case, the appeal site is not in a sustainable location with reference to the requirements in paragraphs 110 and 115 of the Framework and the proposal does not find support from paragraph 155.
27. For the reasons given above, I conclude that the proposed development would not benefit from any of the potentially relevant exceptions in paragraphs 154 and 155 of the Framework. Therefore, it would be inappropriate development in the Green Belt, as defined in the Framework.

Openness of Green Belt

28. The introduction of two dwellings, even if modest in scale, would be a significant increase in built development on the site. The amount of space around the dwellings would inevitably be limited, given the modest proportions of the plot. That area could be expected to include parked cars and domestic storage, as is indicated on the plans, as well as other domestic paraphernalia, all concentrated into a relatively limited space. Collectively, the dwellings and residential use of the land would have a materially harmful effect on openness.
29. A more continuous built-up frontage would be established along Meadow Way and the development would eradicate one of the few remaining open plots. That would further consolidate the effect of the plotlands development as a whole on the openness of the Green Belt. However, this particular plot does not provide any visual link with the wider countryside, being surrounded by existing dwellings. Therefore, the harm to openness would be at a very localised level and largely confined to the plot and its immediate surroundings. There would be no encroachment into open tracts of countryside.
30. Taking those factors into account, there would be no more than a moderately harmful effect on the openness of the Green Belt. Nevertheless, paragraph 153 of the Framework requires that any harm to the Green Belt, including harm to its openness, should be given substantial weight.

Character and appearance

31. The locality is characterised by varied dwelling types, although the majority are bungalows and chalet bungalows. Plot widths vary quite considerably and include some with a narrow frontage to the street. There are several examples around the appeal site, including some on the opposite side of Meadow Way and the plot immediately to the west. Therefore subdivision of the site into two narrow plots would not be inherently inappropriate.
32. Neighbouring dwellings of identical design, as implied on the illustrative drawings, would not be typical. However, a more varied approach, drawing on characteristics of the existing bungalows and chalet bungalows, could be devised at reserved matters stage. If so, the introduction of two additional dwellings would not be at odds with the varied dwelling types and plot layouts in the locality and could be satisfactorily accommodated within the street scene.
33. The occasional open plots contribute to the sporadic and informal character of the plotlands development and in some areas, particularly around the outer fringes, they provide a strong sense of connection with the surrounding countryside.

However, since this particular plot is enclosed by neighbouring dwellings on all four sides, it does not open up any visual connection with the wider rural surroundings. Therefore, while the proposal would further consolidate the pattern of built development, that would have only a limited effect on the rural character of the wider area.

34. With the benefit of a detailed design, the Inspector considering the Patricia House appeal concluded that two dwellings could be accommodated on that plot, which is not dissimilar in size, without harm to the street scene.
35. For the above reasons, I conclude that the proposed development would not, in principle, have a harmful effect on the character and appearance of the area subject to consideration of the reserved matters. There would be no conflict with relevant requirements in Policy BE12 of the Basildon District Local Plan Saved Policies 2007, which relates to new residential development and requires that material harm to the character of the surrounding area, including the street scene, is to be avoided.

Other considerations

36. The Council acknowledges that a five year supply of housing land is not in place. While different figures are given by the parties, it is agreed that the supply is under two years, which is a substantial shortfall. The proposed development would contribute two dwellings towards addressing that shortfall and would also contribute to the delivery of housing on small sites, which can generally be delivered quickly. Nevertheless, the positive effect on housing land supply would be small. Furthermore, the lack of realistic alternatives to travel by car moderates the benefit arising from additional housing in this particular location, having regard to policies in the Framework for directing development to sustainable locations.
37. The application specifies that custom/self-build dwellings are proposed, however there is no clear mechanism before me to secure that form of housing. The Officer Report mentions potential use of a planning condition to secure compliance with the legal definition of custom and self-build housing³, but no such condition has been proposed by either party to the appeal. Therefore, the wording is not before me and the extent to which such a condition would meet the tests in the Framework cannot readily be determined. Nor has any planning obligation to secure provision of custom and self-build housing been submitted.
38. Against that background, I can give very little weight to the potential contribution towards the supply of custom and self-build housing, as opposed to the general supply of housing. No weight can be attached to the delivery of affordable housing, for the reasons previously given.

Green Belt balance

39. The proposal would be inappropriate development in the Green Belt as defined in the Framework. There would be moderate harm to openness, in both spatial and visual terms. The Framework states that substantial weight should be given to any harm to the Green Belt including harm to its openness. Very special circumstances will not exist unless that harm, and any other harm resulting from the development, is clearly outweighed by other considerations.

³ Self-build and Custom Housebuilding Act 2015 (as amended)

40. Even in the context of the substantial shortfall in housing land supply, the benefits of the proposal carry no more than modest weight. Consequently, the other considerations fall well short of clearly outweighing the substantial weight which should be given to any harm to the Green Belt, including the harm to openness. I therefore conclude that the very special circumstances necessary to justify the development do not exist.
41. That being the case, there is a strong reason for refusing the development following the application of policies in the Framework to protect the Green Belt. Paragraph 11di of the Framework applies, and notwithstanding the housing land supply shortfall, the development does not benefit from the presumption in favour of sustainable development.

Other Matters

42. According to the appellant, a direct payment has been made to the Council, to mitigate the likely significant effect of two additional dwellings on Habitats Sites, as required in the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). A payment receipt has been provided, dated prior to the Council's decision. However, the Officer Report stated that the RAMS contribution had not been received.
43. The Council has not commented on whether this payment was in fact safely received, or whether it is adequately secured for mitigation of the effect of the development on Habitats Sites. Had I been otherwise minded to allow the appeal, these would have been considerations informing the appropriate assessment required under the Habitats Regulations. However, since I am dismissing the appeal for other reasons, there is no need for me to consider the matter any further.

Conclusion

44. Although I have not found any conflict with the single development plan policy cited in the reasons for refusal, the harm to the Green Belt is not overcome by very special circumstances and that weighs heavily against the proposal. Therefore, the appeal should be dismissed.

Jane Smith

INSPECTOR