



Appeal Decision

Site visit made on 2 February 2026

by **T Bennett BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 February 2026

Appeal Ref: APP/V1505/C/24/3340954

Willows Farm, Orchard Avenue, Ramsden Bellhouse, Essex CM11 1PH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Michael Janaway against an enforcement notice issued by Basildon Borough Council.
- The notice was issued on 23 February 2024.
- The breach of planning control as alleged in the notice is, without planning permission, the erection of a building shown approximately as shaded blue on the attached notice plan.
- The requirements of the notice are to:
 - (i) Demolish the building as shown approximately shaded blue on the attached notice plan.
 - (ii) Break up the concrete base beneath the building shown approximately shaded blue on the attached notice plan.
 - (iii) Permanently removed from the land all resultant construction waste and debris from works done in compliance with the requirements (i) and (ii) and return the land to its former condition.
- The period for compliance with the requirement is 4 months.
- The appeal is proceeding on the ground set out in section 174(2)(a) 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.

Summary Decision: The appeal is dismissed and the enforcement notice is upheld in the terms set out below in the Formal Decision.

Preliminary Matters

1. During the course of the appeal a revised version of the National Planning Policy Framework (the Framework) was published in December 2024. Both parties have had the opportunity to comment on this and I have taken their comments into account in coming to my decision.
2. Additionally, on 16 December 2025, the Government commenced consultation on proposed reforms to the Framework. The proposed reforms are in draft form and therefore may be subject to change before the final document is published. Consequently, whilst I have had regard to the proposed Framework, it carries limited weight and I therefore consider it has not been necessary to consult the parties on the proposed changes. Notwithstanding this, the appellant has made comments on the proposed changes, which I have had regard to.

The Appeal on Ground (a) and the Deemed Planning Application

Main issues

3. The main issues are:
 - whether the development constitutes inappropriate development in the Green Belt;
 - its effect on the openness of the Green Belt; and

- if it is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

4. Willows Farm is a detached dwelling located in the Green Belt in a semi-rural location on the edge of the village of Ramsden Bellhouse. The Council have not referred to any specific development plan policies relating to development within the Green Belt. However, Paragraph 154 of the Framework outlines that development in the Green Belt is inappropriate unless it falls within specified exceptions. In paragraph 1.5 of their appeal statement, the appellant accepts that the outbuilding, used for the storage of equipment related to garden maintenance, does not fall under any of the exceptions listed in Paragraph 154 of the Framework, thereby agreeing with the Council's position in this regard.
5. Consequently, as the outbuilding does not fall under any of the exceptions, I conclude that the outbuilding is inappropriate development in the Green Belt, in conflict with the Framework.

Openness

6. Openness is an essential characteristic of the Green Belt. It is epitomised by the lack of buildings or development and has both a visual and spatial aspect.
7. The outbuilding is modest in scale, with a footprint of approximately 46m², a shallow mono-pitched roof, and is clad in black weatherboarding. It is located to the rear of the property, positioned behind another outbuilding that sits closer to the main dwelling. While glimpsed views of the outbuilding are possible from public vantage points and the neighbouring property, these views are limited by the distance from the road and the shared boundary, respectively. Therefore, although the outbuilding has eroded the visual openness of the site, I find that it has a limited adverse visual impact on the Green Belt.
8. However, given the size of the outbuilding and its location beyond existing built form, there is a clear reduction in the spatial openness of the Green Belt, establishing development in what would otherwise have been an open and undeveloped part of the appeal site. Given the modest overall scale of the outbuilding, it has a moderate adverse spatial impact on the openness of the Green Belt.
9. Considering the above, the degree of harm to the openness of the Green Belt would be modest. Nevertheless, the development overall fails to preserve the openness of the Green Belt, thereby conflicting with the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. This harm would be in addition to the inappropriateness of the scheme.

Other considerations

10. The Council refused to grant planning permission for the outbuilding, and a subsequent appeal¹ against that decision was dismissed on 01 August 2024. The

¹ Ref: APP/V1505/D/24/3339348

Inspector in that instance considered that the outbuilding constituted inappropriate development in the Green Belt, finding that it had an adverse impact on openness and that *other considerations* did not outweigh the harm to the Green Belt so as to amount to the very special circumstances necessary to justify the development.

11. That appeal decision is a significant material consideration. While I am not bound by that decision, there would have to be very clear and compelling reasons for me to reach a different conclusion to those of the previous Inspector. Having had regard to the *other considerations* that were assessed by the previous Inspector, the supporting evidence advanced by the appellant in this appeal appears very similar to the case that was put forward in respect of the previous appeal.
12. Aside from the changes to the Framework since the determination of the previous appeal, and the proposed changes currently under consultation, which I will turn to shortly, limited substantive reasons have been submitted to justify why I should depart from the previous Inspector's conclusions regarding the limited weight assigned to the other considerations.
13. The other considerations include the presence of other outbuildings behind dwellings facing Orchard Avenue. However, like the previous Inspector, I have very limited information relating to their existence or whether they benefit from planning permission. As such, they do not set a precedent for the construction of further outbuildings within the Green Belt. Each proposal is considered on its individual merits, the presence of these therefore carries limited weight.
14. The lack of objections from the Parish Council and neighbours are noted. However, I have assessed the proposal on its planning merits and the lack of objections does not mean that the development is acceptable in planning terms.
15. I am also mindful of the size and type of development that is available to residential properties, through permitted development allowances under Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the Order), as amended. However, the appeal property does not benefit from those rights as they were removed by a condition on a previous grant of planning permission. There is therefore no fallback position available to the appellant. Moreover, the appellant states that even if the appeal property had permitted development rights, the outbuilding would exceed the measurements permitted within the Order. I therefore give this consideration little weight.
16. The appellant argues that the limited visibility of the proposal due to its overall scale and location in the rear garden amount to very special circumstances. However, I have already assessed these factors and I have found harm, albeit modest. These factors in themselves would not amount to very special circumstances required to justify the development.
17. In support of the appeal, the appellant has drawn my attention to changes in the Framework since the determination of the previous appeal. The appellant contends that the definition of openness is now more nuanced, moving away from a strictly spatial interpretation to include visual impact and activity. However, the appellant provides limited further detail in this regard. Even if I were to agree, the previous Inspector assessed openness in both visual and spatial terms and also considered the outbuilding's use. I thus find no reason to come to a different view to the previous Inspector on these matters.

18. The appellant also notes that the concept of Grey Belt has been introduced since the previous appeal. However, they have not advanced this argument any further with regards to the appeal site. Paragraph 155 of the Framework sets out that other development in the Green Belt should also not be regarded as inappropriate, subject to complying with a list of criteria, one of which refers to the utilisation of Grey Belt land. Even if I were to consider it Grey Belt land, and that it would not undermine the purposes (taken together) of the remaining Green Belt across the area of the plan, no substantive evidence has been submitted to indicate there is a demonstrable unmet need for the type of development proposed as required at Paragraph 155 b). Therefore, the provisions of Paragraph 155 do not apply.
19. The appellant has also referred to the draft version of the Framework and to draft Policy GB7: Development which is not inappropriate in the Green Belt, specifically part (1f). This permits other forms of development provided the impact on the openness of the Green Belt is minimised, and there would not be significant conflict with the Green Belt purposes. It then provides a list of 'other forms of development.' However, very limited evidence has been submitted to indicate that the proposal constitutes one of these forms. I therefore afford this matter extremely limited weight.

Green Belt balance and conclusion

20. Paragraph 153 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances and that substantial weight should be attached to any harm to the Green Belt.
21. As I have set out, the development represents inappropriate development in the Green Belt to which I attach substantial weight. The development would also cause moderate harm to the openness of the Green Belt. The Framework states that 'very special circumstances' will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, is clearly outweighed by other considerations. This is a high hurdle for a development proposal to overcome. I have found that limited weight should be attached to the other considerations in this case.
22. In conclusion, the other considerations, even when taken together, do not clearly outweigh the substantial weight to be given to Green Belt harm by reason of inappropriateness and the modest harm to the openness of the Green Belt. Consequently, the very special circumstances needed to justify the development in the Green Belt do not exist. The development therefore conflicts with the Framework.
23. For the above reasons, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Formal Decision

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

T Bennett INSPECTOR