



Appeal Decision

Site visit made on 31 March 2026

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th April 2026

Appeal Ref: APP/V1505/D/25/3375316

Key Cottage, Oak Road, Crays Hill, Billericay CM11 2YQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Gary Sands against the decision of Basildon Borough Council.
 - The application Ref is 25/00751/FULL.
 - The development proposed is described as 'retention of outbuilding for purposes that are incidental to the enjoyment of the dwellinghouse'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development set out in the banner heading above is taken from the application form. However, the Council's decision notice describes the development proposed as 'retention of outbuilding (G) for domestic purposes incidental to the enjoyment of the dwellinghouse'. As this more clearly identifies the building to which the appeal relates, I have determined the appeal on this basis.
3. The outbuilding has already been erected on the site which appears to be consistent with the plans. The Council queries whether it is being used incidental to the dwellinghouse and the appellant indicates a willingness to accept a condition in this respect. For the avoidance of doubt, I have determined the appeal based on the submitted drawings considered by the Council and in accordance with the description in paragraph 2 above.
4. The block plan shows other another outbuilding (F), a mobile home and areas of gravel hardstanding. This appeal relates only to outbuilding (G) and not to other development on the site.
5. There are references to enforcement notices and appeals concerning this site, and to whether the use of the site as part of the curtilage for Key Cottage is lawful. Within the context of this appeal under section 78 of the Act, it is not my remit to formally determine whether the use of the site is lawful. If the appellant wishes to ascertain whether it is lawful, an application can be made under section 191 of the Act. This decision relates only to the Council's refusal to grant planning permission for this outbuilding.

Main Issues

6. The main issues in this appeal are:

- whether the appeal site is grey belt land and whether the proposal is inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies;
- the effect of the proposed development on the character and appearance of the area; and
- whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether the site is grey belt and the proposal is inappropriate development

7. The appeal site lies within the Green Belt under saved Policy BAS GB1 of the Basildon District Local Plan Saved Policies 2007 (LPSP), in an area of designated plotlands on the Council's Proposals Map. Paragraphs 154 and 155 of the Framework list the types of development that are not inappropriate in the Green Belt, subject to certain conditions. This includes development utilising grey belt land where it meets several criteria (paragraph 155). It also includes the extension of a building provided that it does not result in disproportionate additions over and above the size of the original building (paragraph 154(c)). In addition, it allows for the limited infilling of previously developed land which would not cause substantial harm to the openness of the Green Belt (paragraph 154(g)).
8. Grey belt is defined in the Framework as land in the Green Belt comprising previously developed land or any other land that, in either case, does not strongly contribute to any of purposes (a), (b) or (d) in paragraph 143 of the Framework. The Council contends that the site strongly contributes to the purposes of checking the unrestricted sprawl of large built-up areas and preventing neighbouring towns merging into one another (purposes (a) and (b)) and thus does not meet the definition of grey belt land.
9. The appellant states that the site should be treated as grey belt land, indicating that it does not strongly contribute to the purposes of the Green Belt. However, no case is advanced that the proposal meets the other criteria for development on grey belt land under paragraph 155 of the Framework. Thus, regardless of whether the site is grey belt land, it has not been demonstrated that the proposed development meets all the relevant criteria and thus is not inappropriate under paragraph 155.
10. Given the information before me, I cannot be certain that the land on which the outbuilding is located forms a lawful part of the curtilage for Key Cottage. As such, irrespective of its size and any previous extensions to the property, it cannot be considered as an addition to the original building, disproportionate or otherwise, under paragraph 154(c) of the Framework.
11. The definition of previously developed land in the Framework includes land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it. This includes the curtilage of the developed land although the Framework indicates that it should not be assumed that the whole of the curtilage should be developed.

12. The appellant considers that the land is previously developed, referring to previous extensions to the house removed since 2013 and to an aerial photo from that year which appears to show some structures in the vicinity of the current outbuilding. The Council does not regard it as previously developed land as it states that this land has never been subject to any formal planning applications and has not been occupied by a permanent structure.
13. As set out in the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness is the counterpart of urban sprawl and often connotes the absence of development. It is an open textured term and can have both spatial and visual dimensions.
14. There is limited information on the size and position of any previous structures on the land now occupied by the proposed building or when they were removed. Being 4.31m high with a footprint over 46m², the proposed building is of a significant size. From the evidence before me, the introduction of a large permanent building onto this part of the site has led to a substantial loss of spatial openness.
15. The building lies some distance from Oak Road, behind Key Cottage, The Old Workshop and their associated outbuildings. Due to roadside boundary fences, walls and hedgerows, it is not readily visible from nearby roads. However, as the structure is visible from neighbouring land, there is harm to visual openness.
16. Thus, regardless of whether the land is within the curtilage of Key Cottage and previously developed, the proposal substantially harms the openness of the Green Belt and does not fall within the exception in paragraph 154(g) of the Framework.

Character and appearance

17. The site is within a semi-rural area with dwellings close to Oak Road and mainly low key, domestic scale outbuildings close to the houses and fields behind. Some planting separates the site from the field to the east, and there is a sizeable lawful traveller site a short distance away to the south east. There are some hedgerows on either side of the access road leading to the proposed structure.
18. The building has grey profiled metal sheets with a large metal roller door. The appellant indicates that the substantial height is necessary to accommodate the automotive vehicle lift for safety reasons. However, the materials, height and scale of the outbuilding give it a bulky, industrial appearance harmfully at odds with the domestic size and design of other buildings in the locality and the semi-rural character of the area.
19. The building is largely screened in views from the public realm by hard and soft landscaping, but existing planting could be removed or become damaged or diseased. In any event, its incongruous appearance is evident from neighbouring properties.
20. The appellant refers to the fall back position of erecting an outbuilding under permitted development (PD) rights¹. However, this relates to buildings within the curtilage of dwellinghouses and, as outlined above, it is unclear that the outbuilding is located on land which forms a lawful part of the curtilage for Key Cottage. In any event, PD rights only allow buildings upto 4m high depending on

¹ Under Schedule 2, Part 1, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015

their roof type and position relative to the curtilage boundary, but the eaves height must not exceed 2.5m. In this case, the ridge height of the building significantly exceeds 4m with the eaves being 4.08m high, so any building constructed under PD rights would appear significantly smaller and different to the scheme currently before me.

21. Consequently, the proposed development harms the character and appearance of the area. This is contrary to saved Policy BAS BE12 of the LPSP where it requires proposals to avoid harming the character of the surrounding area.

Other considerations

22. The appellant states that the building is needed so that the family can pursue their model aircraft and motor sport hobbies. This includes preparing their cars for racing, and repairing, maintaining and servicing them. This is a personal benefit and therefore I accord this matter limited weight.
23. It has been put to me that the location and use of the building for working on vehicles is less likely to cause a nuisance to the occupiers of adjacent dwellings than in a densely developed urban area. However, by their nature, buildings used incidental to dwellings should not create undue disturbance to neighbouring occupiers, so this is a neutral factor.

Other Matters

24. The Council did not find harm or development plan conflict in relation to several other matters, including neighbouring living conditions and highway safety. Further, a neighbouring occupier has not experienced noise nuisance from work being carried out in the building. Nonetheless, even if I were to agree with the Council on these points, the absence of harm is a neutral matter which does not carry weight in favour of the proposed scheme.

Whether there are Very Special Circumstances

25. The Framework indicates that inappropriate development in the Green Belt should not be approved except in very special circumstances. There are also adverse impacts on openness and harm to the character and appearance of the area. Substantial weight should be given to the harm caused to the Green Belt, and very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
26. I give limited weight to the personal benefit of the building providing space for the family to pursue their hobbies. However, the other considerations do not clearly outweigh the harm to the Green Belt by reason of inappropriateness and other harm. Consequently, the very special circumstances necessary to justify the proposed development do not exist. As such, it is contrary to the Framework.

Conclusion

27. For the above reasons, the proposal conflicts with the development plan and the material considerations, including the Framework and the very special circumstances test therein, do not indicate that the appeal should be decided other than in accordance with it. Accordingly, the appeal should be dismissed.

A Wright

INSPECTOR