



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/W/25/3375317

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 25/00767/FULL.
 - The development proposed is described as 'retrospective change of use of land for the stationing of a mobile home incidental to the enjoyment of the main dwelling'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The mobile home has already been stationed on the site which appears to be consistent with the plans. For the avoidance of doubt, I have determined the appeal based on the submitted drawings considered by the Council.
3. The block plan shows two outbuildings (F and G) and areas of gravel hardstanding. This appeal relates only to the mobile home and associated garden area and not to other development on the site.
4. 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 the change of use of the land for the stationing of a mobile home.
5. The description above refers to the proposed use being incidental to the enjoyment of the main dwelling. However, if it were truly incidental and the site formed part of the lawful curtilage of Key Cottage, then planning permission would not be required. As a planning application has been submitted, I have considered the scheme on the basis that the mobile home is occupied as a separate unit of accommodation unrelated to the main dwelling. This is the same basis on which the Council considered the proposal.

Main Issues

6. The main issues in this appeal are:

- 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 proposal on the openness of the Green Belt;
- 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 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.
8. Paragraphs 154 and 155 of the Framework list the types of development that are not inappropriate in the Green Belt, subject to certain conditions. The appellant considers that the site is previously developed land and does not strongly contribute to the purposes of the Green Belt. However, no case is advanced that the proposal meets the types of development allowed in the Green Belt by the Framework. The Council finds that the proposed scheme does not meet any of the exceptions in paragraph 154, nor meet the requirements outlined in paragraph 155 of the Framework.

Effect of the proposal on openness

9. 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.
10. From the information before me, it appears that the part of the site on which the mobile home and related garden lie was previously largely grassland with some tree cover. The introduction of a mobile home, enclosure of the land by fencing and creation of a separate garden with its associated domestic paraphernalia, including a washing line and outdoor furniture, has reduced the spatial openness compared to the previous use of this part of the site.
11. The mobile home and related enclosed garden lie some distance from Oak Road, behind Key Cottage, The Old Workshop and their associated outbuildings. Due to roadside boundary fences, walls and hedgerows, they are not readily visible from nearby roads. However, as the use is visible from neighbouring land, there is harm to visual openness. Therefore, there is a demonstrable loss of openness, in both visual and spatial terms.

Character and appearance

12. 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. There

is a sizeable lawful traveller site containing many caravans a short distance away to the south east, but it is separated from the appeal site by a field and planting and is accessed from Oak Lane.

13. The siting of the mobile home, introduction of fenced boundaries and the domestic paraphernalia associated with the separate garden on previously grassed and landscaped land harms the semi-rural character of the wider area.
14. There are numerous caravans on the nearby traveller site. Nonetheless, the introduction of a residential unit significantly to the rear of existing houses is in stark contrast to the existing pattern of residential development fronting Oak Road.
15. Further, due to its position and substantial size, the proposed mobile home appears at odds with the smaller scale outbuildings located much closer to Key Cottage. Whilst the mobile home and associated land are largely screened in views from the public realm by hard and soft landscaping, existing planting could be removed or become damaged or diseased. In any event, the introduction of a separate unit of accommodation in this location appears incongruous from neighbouring properties.
16. Therefore, 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

17. The Framework seeks to significantly boost the housing supply. The Council can only demonstrate 1.88 years housing land supply when the requirement in the Framework is for five years. The proposed unit of residential accommodation provides living quarters for a member of the appellant's family, making some difference to addressing the substantial housing shortfall in Basildon. Therefore, I attribute significant weight to this benefit in this instance.

Other Matters

18. The appellant refers to the fall back position of moving the mobile home to within the original curtilage of Key Cottage. This is a possibility and, depending on its use, may not require planning permission, but its location would not be comparable to the scheme currently before me. There is also reference to possibly replacing the dwelling The Old Workshop with a house in the current position of the mobile home. However, there are no drawings or other evidence to indicate that there is a greater than theoretical possibility that this proposal would be brought forward. Thus, I accord limited weight to these possible fallback positions.
19. The Council did not find harm or development plan conflict in relation to several other matters, including neighbouring living conditions and highway safety. 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 proposal.
20. The proposed development is likely to have a significant effect, either alone or in combination, on one or more European habitats sites due to its location within the Zone of Influence set out in the Essex Coastal Recreational Avoidance and Mitigation Strategy. Given my conclusion below, there is no need to consider the implications of the proposal on the protected sites because the scheme is unacceptable for other reasons.

Whether there are Very Special Circumstances

21. 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.
22. I give significant weight to the provision of an additional unit of residential accommodation. 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.

Planning Balance and Conclusion

23. Paragraph 11(d) of the Framework is engaged as the Council is currently unable to demonstrate a five-year housing land supply. In such circumstances, this states that development should be approved unless the application of policies in the Framework that protect areas of particular importance provides a strong reason for refusing the development. In this appeal, the application of the Framework's Green Belt policies provides a strong reason to refuse the development. The proposal also conflicts with the Framework where it requires development to be sympathetic to local character. It is also contrary to saved Policy BAS BE12 of the LPSP.
24. Consequently, 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. Therefore, the appeal should be dismissed.

A Wright

INSPECTOR