



Appeal Decisions

Site visit made on 22 April 2026

by **Paul Dignan MSc PhD**

an Inspector appointed by the Secretary of State

Decision date: 18th May 2026

Appeal A Ref: APP/V1505/C/24/3338974

Appeal B Ref: APP/V1505/C/24/3338975

Land East of Allotment Gardens, London Road, Pitsea, Essex, SS13 2HE

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeals are made by Mr James Robert Harbour (Appeal A) and Mr Thomas Harbour (Appeal B) against an enforcement notice issued by Basildon Borough Council.
- The notice was issued on 17 January 2024.
- The breach of planning control as alleged in the notice is Without planning permission, the erection of a stable block shown approximately edged and hatched black on the attached notice plan.
- The requirements of the notice are: (i) Demolish the stable block as shown approximately edged and hatched black on the attached notice plan; (ii) Break up the concrete base beneath the stable block shown approximately edged and hatched black on the attached notice plan; and (iii) Permanently remove from the Land all resultant construction waste and debris from works done in compliance with requirements (i) and (ii).
- The period for compliance with the requirements is 4 months.
- The appeals are 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.

Decision

1. The appeals are allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the erection of a stable block at Land East of Allotment Gardens, London Road, Pitsea, Essex, SS13 2HE as shown on the plan attached to the notice and subject to the following conditions:
 - 1) The stable building hereby permitted shall be demolished to ground level and all materials resulting from the demolition shall be removed within 60 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 3 months of the date of this decision a scheme for landscaping shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - ii) If within 6 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

- iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained for the duration of the development.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 2) The stable building hereby permitted shall be demolished to ground level and all materials resulting from the demolition shall be removed within 60 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 3 months of the date of this decision a scheme for wash water drainage shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - ii) If within 6 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - iv) iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained for the duration of the development.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Preliminary Matters

- 2. The National Planning Policy Framework (NPPF) was revised in December 2024. Comments on its implications for the appeals have been provided by the main parties.

Main Issues

- 3. The site is in the Metropolitan Green Belt. Hence the main issues are whether the proposal would be inappropriate development in the Green Belt, the effect of the proposal on local character, and, if it is inappropriate, whether the 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.
- 4. The appeal site is approximately 0.4 hectares in size and is located to the east of allotment gardens and between London Road and the A130. The stable block consists of 9 stables, a washroom and a tack-room, all in linear form.

5. New buildings in the Green Belt are usually inappropriate, though there are exceptions. One of these is the provision of appropriate facilities for outdoor sport or outdoor recreation, so long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. There is no dispute that the land can lawfully be used for equestrian purposes, having been used as such for many years. The stable block accommodates the family's personal horses and ponies. There is a manege on the site alongside the stables, but given the limited size of the parcel the horses are generally exercised by riding out to the nearby marshes. The land used for equestrian purposes was much larger in the past, but the compulsory purchase of land for the A13 left the site isolated.
6. Stables are commonly considered to be appropriate facilities for outdoor sport and recreation. In this case however the exception is considered by the Council not to apply because of the impact of the building on openness. Any building will affect openness, but openness will be preserved if the facility supporting outdoor sport or recreation appears proportionate and visually appropriate to its purpose, having regard also to the contribution the land makes to Green Belt openness. In this case the locality is dominated by the road network, and the contribution the appeal site makes to openness is also affected by the presence of a large pylon centrally located. It is a site that only makes a limited contribution to Green Belt function and openness. The impact of the stables on the visual aspect of openness can only be appreciated when travelling eastwards on the elevated section of the A13, and then only for a relatively short stretch. From there, while the stables are noticeable, they do not appear discordant or disproportionate, the overall land having an equestrian use character and the building being clearly an equestrian related structure. Although appearing somewhat isolated within the site, it is not clearly out of character with the wider locality, the adjoining extensive allotments having a plethora of typical structures. There is however ample room to soften its appearance with appropriate landscaping, which can be secured by condition, and this would enable it to more effectively integrate with its surroundings and mitigate the perception of isolation. For these reasons I consider that the stable building preserves openness.
7. Overall I consider that the development falls within the NPPF paragraph 154(b) exception, causing no conflict with the purposes of including land within the Green Belt. It is not therefore inappropriate development in the Green Belt. Further, as noted above, I consider it is in keeping with local character. I shall therefore grant planning permission for the stable block, subject to a landscaping condition and a requirement to ensure that the site is adequately drained, given the introduction of horse washing facilities. Since the development has already been carried out I shall use a form of condition that requires the stables to be removed if these matters are not adequately addressed. A suggested condition preventing the erection of further buildings on the site is not necessary since these would require planning permission in any case.
8. The appeal succeeds accordingly and the enforcement notice will be quashed.

Paul Dignan

INSPECTOR