



Appeal Decisions

Site visit made on 4 June 2026

by **R Bartlett PGDip URP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 July 2026

Appeal A Ref: APP/V1505/W/24/3357389

The Hall, Church Road, Ramsden Bellhouse, Billericay, Essex, CM11 1RT

- 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 Shaun Hannibal against the decision of Basildon Borough Council.
- The application Ref is 24/00825/FULL.
- The development proposed is part retrospective for the partial retention of an outbuilding.

Appeal B Ref: APP/V1505/C/24/3357480

The Hall, Church Road, Ramsden Bellhouse, Billericay, Essex, CM11 1RT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Shaun Hannibal against an enforcement notice issued by Basildon Borough Council.
- The notice was issued on 15 November 2024.
- The breach of planning control as alleged in the notice is, without planning permission, the erection of a building shown approximately edged and hatched black on the attached notice plan.
- The requirements of the notice are to:
 - i) Demolish the building shown approximately edged and hatched black on the attached notice plan.
 - ii) Break up the concrete base beneath the building shown approximately edged and hatched black on the attached notice plan.
 - iii) Permanently remove from the land all resultant materials and debris from works completed in compliance with requirements i and ii.
- The period for compliance with the requirements is: Nine (9) months after the notice takes effect.
- The appeal is proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 (as amended).

Decisions

Appeal A

1. The appeal is allowed, and planning permission is granted for the partial retention of an outbuilding at The Hall, Church Road, Ramsden Bellhouse, Billericay, Essex, CM11 1RT, subject to the following conditions:
 - 1) The development hereby permitted is that shown on drawing number PO2.
 - 2) Within 2 months of the carport demolition works being completed, the upper part of the northern elevation of the remaining approved building shall be finished in black weatherboarding to match the rest of the building.

Appeal B

2. It is directed that the enforcement notice is varied by deleting the word permanently from paragraph 5(iii). Subject to this variation, the appeal is dismissed

and the notice is upheld. By virtue of section 180(1) of the Town and Country Planning Act 1990 Act (as amended) (the 1990 Act), the requirements of the notice shall cease to have effect in so far as they are inconsistent with the planning permission granted by Appeal A.

The Notice

3. The inclusion of the word “permanently” at paragraph 5(iii) of the notice is unnecessary having regard to the provisions of Section 181(1) of the 1990 Act, which states that compliance with an enforcement notice shall not discharge that notice. I shall therefore delete this word.

Preliminary Matters and Background

4. As the term retrospective is not an act of development, I have removed this from the description of development in my decision.
5. The building that currently exists on the site comprises a large games room, with a small bar, sitting area and WC, and an adjoining two bay, open fronted, carport. It is situated within the curtilage of the dwelling known as ‘The Hall’ and is incidental to the enjoyment of it. At the time of my visit there was no staircase or roof windows. Planning permission is sought to retain the building in a reduced form, following the demolition of the two carport bays, which equate to approximately a third of the building.

Appeal A

Main Issue

6. The main issue is whether the extent of the building for which planning permission is sought would constitute inappropriate development in the Green Belt.

Reasons

7. Paragraph 154 of the National Planning Policy Framework (the Framework) states that development in the Green Belt is inappropriate unless one of several exceptions applies. These exceptions include: d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; and g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
8. The evidence before me includes photographs of the former buildings on the site, together with statements of truth from the appellant, his neighbour and his architectural consultant. All of these indicate that the site was previously occupied by timber stables and a pole barn, which like the appeal building, were located within the domestic curtilage of the dwelling and were used for purposes incidental to the enjoyment of the dwelling. These buildings were evidently present for a substantial period of time and were not temporary structures.
9. Based upon the estimated figures provided, the part of the replacement outbuilding to be retained would have a similar footprint size to those that previously existed on the site. Moreover, the single replacement building would be more compact

than those previously spread across the site. However, due to its steep pitch roof, the new building is taller than, and would therefore be materially larger than, the buildings it replaced.

10. I agree with the main parties that the building is on previously developed land, and as such, would only be inappropriate development if it resulted in substantial harm to the openness of the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Openness in terms of the Green Belt has a spatial aspect as well as visual.
11. The part of the building to be retained is higher and therefore presumably greater in volume than those it replaced. Therefore, in spatial terms there would be more built development than previously. The increased height also increases visibility, and I noted that part of the roof is visible above the hedge line from the adjacent public right of way. Consequently, the building, even in its proposed reduced form, would result in some loss of openness.
12. However, the site forms part of the residential curtilage to the dwelling and is viewed in context with other buildings on the site. It is situated close to the built-up area of the village and is well screened by mature landscaping, with only glimpsed views of the roof above the landscaping and through the gates from the public footpath. The building is of high-quality design, and its steep roof reflects the character of its historic setting. According to the photographs submitted and supporting comments received by a neighbour, the replacement building enhances the appearance of the site.
13. For the above reasons, I conclude that although the new building is materially higher than those it replaced, the loss of openness resulting from this is modest and upon completion of the proposed reduction works, the development would not cause substantial harm to the openness of the Green Belt, or conflict with any other purposes for including land within it. The development would not therefore be inappropriate in the Green Belt and would accord with the Framework.

Other Matters

14. The development is within the curtilage of a grade II listed building and is close to a grade II* listed church. Section 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting.
15. I am advised that listed building consent has been granted and that the Council is satisfied the building, as proposed to be amended, would not result in any harm to any heritage assets or their setting. Having had regard to the list descriptions, the submitted heritage statement, the views of the Council and my own observations on the site, I have no reason to reach a different view on this matter.

Conditions

16. It is not necessary to condition the removal of the car port as the enforcement notice remains in force for the part of the building not granted planning permission. It is also unnecessary to condition the use of the building as any material change

of use would require planning permission. However, for the avoidance of doubt, I have conditioned the approved drawing number. It is also necessary to condition the cladding of the revised northern elevation in materials to match the remainder of the building to ensure a suitable end appearance that respects its rural and heritage surroundings.

Conclusion

17. For the reasons given above, I conclude that Appeal A should be allowed.

Appeal B

18. An appeal on ground (g) is made on the basis that the period for compliance specified in the notice falls short of what should reasonably be allowed. The period specified in the notice is nine months. The appellant has requested that this be increased to enable the linked section 78 appeal (Appeal A) to be determined.
19. As I am allowing the section 78 appeal and granting planning permission for two thirds of the building, I consider that nine months is a reasonable and proportionate period within which to remove the carport that remains unauthorised, to complete the timber cladding of the new north elevation required following the partial demolition and to remove any waste and materials resulting from those works from the land.
20. The appeal on ground (g) therefore fails. Appeal B is dismissed and the notice is upheld as varied.

R Bartlett

INSPECTOR