



Appeal Decisions

Site visit made on 29 September 2026

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH JP

an Inspector appointed by the Secretary of State

Decision date: 15th October 2026

Appeal A: Ref APP/V1505/C/24/3341624

Appeal B: Ref APP/V1505/C/24/3341625

Land at Mae-Val, Green Lane, Little Burstead, Billericay, Essex

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - Appeal A is made by Mr William Bleach (deceased) and Appeal B is made by Mrs Jennifer Bleach against an enforcement notice issued by Basildon Borough Council.
 - The enforcement notice (Notice 1) was issued on 8 March 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of a building ("the Building" shown approximately edged and hatched black on the notice plan), on the Land.
 - The requirements of the notice are to: (i) Demolish the Building shown approximately edged and hatched black on the attached notice plan. (ii) Breakup the concrete base beneath the Building, shown approximately edged and hatched black on the attached notice plan, and remove all resultant waste material from the Land. (iii) Return the Land to its former condition by levelling and cultivating with grass seed.
 - The period for compliance with the requirements is 6 months.
 - The appeals are proceeding on the ground set out in section 174(2) (f) of the Town and Country Planning Act 1990 as amended (the Act).
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Appeal C: Ref APP/V1505/C/24/3341627

Appeal D: Ref APP/V1505/C/24/3341628

Land at Mae-Val, Green Lane, Little Burstead, Billericay, Essex

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- Appeal C is made by Mr William Bleach (deceased) and Appeal D is made by Mrs Jennifer Bleach against an enforcement notice issued by Basildon Borough Council.
- The enforcement notice (Notice 2) was issued on 8 March 2024.
- The breach of planning control as alleged in the notice is: Without planning permission, the use of the land as a mixed use for leisure and recreational uses, including the storage of a caravan, the storage of non-agricultural motor vehicles and trailers (one specifically used as a toilet and office), equipment and materials, the erection of structures (including a chicken coop, hatched green on the notice plan) and the laying of hardstanding shaded blue on the notice plan.
- The requirements of the notice are to: (i) Remove all items used ancillary to leisure and recreational use, including all caravans, non-agricultural motor vehicles and trailers from the Land (ii) Remove all building materials, and equipment including tools, bricks and stored timber from the Land (iii) Remove all structures placed on the Land in connection with the unauthorised mixed use including any sheds (iv) Remove the chicken coop, hatched green on the notice plan and permanently remove all materials resulting from demolition or dismantling, from the Land. (v) Break up the hardstanding, shown shaded blue on the notice plan, and permanently remove all resultant waste materials from the Land.
- The period for compliance with the requirements is 9 months.

- The appeals are proceeding on the grounds set out in section 174(2) (a) (b) (c) and (f) of the Town and Country Planning Act 1990 as amended (the Act). Since appeals on ground (a) have been made, the applications for planning permission deemed to have been made under section 177(5) of the Act as amended fall to be considered.
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Decisions

1. Appeals A and B are each dismissed and Notice 1 is upheld.
2. Appeals C and D are each dismissed and Notice 2 is upheld.
The applications deemed to have been made under section 177(5) of the 1990 Act as amended are refused.

Procedural Matters

3. The new National Planning Policy Framework (the Framework) was published on 17 August 2026. The parties were asked for any comments upon it as were relevant to their cases. I have taken the responses received into account.
4. I have not accepted Appendix 3, an appeal decision from 2021¹, attached to the appellants' final comments. It was new material, and there was no good reason why it could not have been submitted with the appellants' statement.

Appeals A and B

5. The appeals are made on ground (f) only. For success, I must be satisfied that the requirements of Notice 1 are excessive in achieving its purpose.
6. It seems to me from the way the notice has been drafted, as confirmed in the Council's submissions, that its purpose is to remedy the breach of planning control by restoring the land to its condition before the breach took place. The requirements of the notice do no more than that, and are not excessive.
7. The appellants argue that they should not be required to break up and remove the concrete base of the building, nor level and cultivate the land with grass seed. However, it is not in dispute that the land where the building now sits was a grassed field. Therefore, the requirements go no further than restoring the land to its former condition. Further, the concrete base forms the floor of the building constituting the breach of planning control; to leave it *in situ* would not remedy the breach.
8. The appellants say that a retained concrete base would not harm the openness or character of the Green Belt, and that they would need it for storing equipment upon the land. However, in the absence of a ground (a) appeal, I cannot consider the merits of the development and my power to vary the terms of the notice under ground (f) cannot be used to attack its substance.
9. The appellants further argue that the concrete base should be retained since permitted development (PD) rights exist for hardstanding under Part 6, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). However, I see no substantive evidence that the site is agricultural land in an agricultural unit – or that, if it were, that the hardstanding would be reasonably necessary for the purposes of agriculture.
10. Accordingly, ground (f) does not succeed and the appeals are dismissed.

¹ APP/R0660/W/21/3272922

Appeals C and D - Ground (b)

11. For success on this ground, I must be satisfied on the balance of probabilities that matters stated in Notice 2 said to constitute a breach of planning control have not in fact occurred. The burden of proof sits with the appellants.
12. The appellants say that, as a matter of fact, the land has not been used as a mixed use for leisure and recreational uses. Instead, they say that it is primarily used for agricultural use.
13. The response to the Planning Contravention Notice (PCN) confirmed that 3 alpacas and 12 chickens are kept on the land. Further, it stated that the building (targeted by Notice 1) provides internal shelter for the alpacas, and an area for the storage of food and equipment associated with the use of the land. The appeal documents refer to the storage of hay, and I saw a sack of 'Llama and Alpaca Mix' on my site visit.
14. As a matter of fact and degree, I do not find that the alpacas are kept as livestock for the purposes of the agricultural definition in section 336 of the Act. It is uncontroversial that they are not kept for the production of food, skins or fur. While the appellants say that wool from the annual (or biannual) shearing of the animals is used by the family, there is no evidence presented of that. Moreover, the mere act of shearing a woolly animal does not mean that such animals are being kept for the production of wool. Neither would it appear that the alpacas are being used for farming or that they have been brought on to graze the land; they appear to be kept on site with their feed supplemented. Indeed, the Council's statement said that it had been previously advised by the appellants that the keeping of the animals on the appeal site was solely for the appellants' mental wellbeing. The appellants had an opportunity at final comments stage to refute that the Council had been so advised, but did not.
15. Accordingly, taking all of the evidence into account, I find on the balance of probabilities that the keeping of the alpacas and chickens (a relatively modest number providing eggs for the family) results in a definable character of use associated with a leisure and recreational use of the land. The fact that the site, at the time of notice issue, was also being used to store Mr Bleach's touring caravan (and vehicles with no argued agricultural connection) further convinces me that the appellants' claim to a primary agricultural use of the land has not been demonstrated on the balance of probabilities. For these reasons, ground (b) does not succeed.

Appeals C and D - Ground (c)

16. For success on this ground, I must be satisfied on the balance of probabilities that matters stated in the notice do not constitute a breach of planning control.
17. The appellants' argument is that the hardstanding on the site benefits from PD rights under Article 3(1) and Schedule 2, Part 6, Class B of the GPDO. However, those provisions give general planning permission for certain forms of agricultural development reasonably necessary for the purposes of agriculture carried out on agricultural land in an agricultural unit. It is clear from my findings on Ground (b) that this is not the case here.
18. Therefore, ground (c) fails as I am not satisfied on the balance of probabilities that the hardstanding is not a breach of planning control.

Appeals C and D - Ground (a) and the deemed planning applications

Main Issues

19. The main issues are:

- whether the development is inappropriate development in the Green Belt (in which the appeal site is located, outside of a settlement);
- the effect of the development on the openness of the Green Belt;
- the effect of the development on the character and appearance of the site and wider location;
- would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations? If so, would this amount to the very special circumstances required to justify the proposal?

Reasons

Green Belt; Character and Appearance

20. The government attaches great importance to Green Belts, the essential features of which are their openness and permanence.
21. The purposes of the Green Belt are to: (a) Check the unrestricted sprawl of large built-up areas; (b) Prevent neighbouring towns merging into one another; (c) Assist in safeguarding the countryside from encroachment; (d) Preserve the setting and special character of historic towns; and (e) Assist urban regeneration by encouraging the recycling of derelict and other urban land.
22. The Framework says that development in the Green Belt is inappropriate, apart from certain categories identified in Policy GB7. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
23. The appellants say that the appeal development falls into Category 1.f.(iii) of Policy GB7 which includes a material change of use of land for outdoor recreation. Category 1.f.(iv) includes the provision of appropriate facilities in connection with that use. There is a proviso that the impact on the openness of the Green Belt is minimised, and that there would not be a significant conflict with the Green Belt purposes.
24. I accept that the fairly enclosed nature of the site, surrounded to a degree by mature vegetation, results in limited effects upon visual openness and appearance. However, the significant amount of hardstanding upon which was previously a grassed field – together with the clutter of structures, vehicles, trailers and caravan – creates a significant reduction in spatial openness where the impact is not minimised for the purpose of recreation. It also creates a significant adverse change to the character of the site from a former open field in a semi-rural area to an overly developed plot which represents countryside encroachment, in significant conflict with a purpose of the Green Belt.
25. The appellant suggests that planning permission might be granted in part for the chicken coop and the trailer identified in the notice used as a toilet and an office.

26. While the trailer was not present on my site visit, my assessment from looking at the photographs in the appeal papers is that it is quite a substantial unit. The chicken coop is also of a significant size. Together these structures unacceptably enclose an area of the previously open grassed field. There is no ground (b) case raised against the allegation in the notice that the trailer is in use as an office, and so I would not say (for the purposes of Category 1.f.(iv)) that it is an appropriate facility in connection with the outdoor recreational use. In any case, these structures do not minimise the impact on the openness of the Green Belt.
27. For the reasons given, the appeal development (and the parts of it for which planning permission is sought) constitutes inappropriate development in the Green Belt. It also causes significant harm to local character.

Other considerations

28. I accept that the keeping of such animals can enhance well-being, and there will be related benefits (such as eggs provided by the chickens). The land has also been put to use storing items for recreational and leisure pursuits, such as the caravan used for touring. These are benefits in total of moderate weight.

Planning Balance and Conclusions

29. Policy GB6 of the Framework indicates that in considering any planning application, substantial weight should be given to any harm to the Green Belt. Accordingly, as I have found harm to the Green Belt I apply substantial weight in respect to it. I have also found significant harm to local character. In totality, the harm is of a magnitude which weighs very heavily against the development.
30. Having considered all matters raised in support of the development I conclude that, collectively, they do not clearly outweigh the totality of the harm I have identified. Accordingly, very special circumstances do not exist and the development is contrary to National Decision-Making Policies of the Framework which seek to protect the Green Belt and achieve well-designed places.
31. Therefore, I will not grant planning permission (there being no conditions I could impose which would make the development acceptable). Ground (a) fails.

Appeals C and D - Ground (f)

32. For success on this ground, I must be satisfied that the requirements of Notice 2 are excessive in achieving its purpose. The Council has confirmed that its purpose is to remedy the breach of planning control by restoring the land to its condition (a grassed field) before the breach took place. The requirements of the notice do no more than that, and accordingly are not excessive.
33. Even were the purpose of the notice to remedy injury to amenity, the proposed lesser steps (to retain the hardstanding, coop and toilet/office trailer) would not achieve that. They would cause planning harm for the reasons given under ground (a). Accordingly, ground (f) does not succeed.

Andrew Walker

INSPECTOR