



Appeal Decision

Site visit made on 20 March 2018

by **Chris Forrett BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1st June 2018

Appeal Ref: APP/V1505/W/17/3177993

Land Rear of The Hyde, Glebe Road, Ramsden Bellhouse, Billericay, Essex CM11 1RL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Dennis Webb of Essex Home Improvements against the decision of Basildon Borough Council.
 - The application Ref 16/01436/FULL, dated 11 November 2016, was refused by notice dated 29 March 2017.
 - The development proposed is the construction of twelve dwellings with access from Orchard Avenue and Glebe Road, on land east of Orchard Avenue, Ramsden Bellhouse.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. My attention has been drawn to the emerging Basildon Borough Publication Draft Local Plan. However, from the information before me the examination of the emerging plan has yet to be completed, and policies within it could be subject to change. At this stage, I can therefore afford very limited weight to these policies.

Main Issues

3. The main issues are:
 - (i) whether the proposal is inappropriate development in the Green Belt;
 - (ii) the effect on the openness of the Green Belt;
 - (iii) the provision of affordable housing;
 - (iv) flood risk
 - (v) other considerations; and
 - (vi) if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal is inappropriate development in the Green Belt

4. The National Planning Policy Framework (the Framework), at paragraphs 89 and 90, set out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. The development

would not fit into any of the exemptions outlined in paragraphs 89 or 90 and it is noted that the Appellant has not sought to advance a case that it would fall within any of these criterion.

5. The Appellant has indicated that the site should not be Green Belt as it has been classified as an 'amber' site in the Council's Strategic Housing Land Availability Study and that it is not considered to be protected Green Belt.
6. Notwithstanding that, the Framework, at paragraph 83, outlines that local planning authorities should establish Green Belt boundaries in their Local Plans. Once established, Green Belt boundaries should only be altered in exceptional circumstances through the preparation or review of the Local Plan.
7. As noted above, the Council is in the process of making a new Local Plan. However, from the evidence before me, there are no changes proposed to the Green Belt boundary in relation to the appeal site. Even if there were proposed changes, given the status of the emerging Local Plan this would not change the Green Belt status of the land at the present time.
8. Given the above, the proposal would be inappropriate development in the Green Belt.

Effect on the openness of the Green Belt

9. Paragraph 79 of the Framework outlines a fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.
10. The appeal site appears as an integral part of the countryside as opposed to being part of the village of Ramsden Bellhouse particularly given its location and its current use. One of the five purposes of a Green Belt, outlined at paragraph 80 of the Framework, is that it should assist in safeguarding the countryside from encroachment.
11. The construction of new dwellings would result in a built development where there is not presently any buildings. The development of new buildings (and associated paraphernalia) would inevitably lead to the loss of openness. This is particularly the case as the site has no other buildings or development on it. Whilst the site is not readily visible from the existing road network owing to its location, the existing housing on Orchard Avenue and Glebe Road the relatively dense area of trees to the west, this does not overcome the loss of openness.
12. I therefore conclude that the development would lead to a significant loss of Green Belt openness and would impact on the Green Belt purpose of safeguarding the countryside from encroachment contrary to the Framework.

Affordable housing

13. Policy BAS S5 of the Basildon District Local Plan (2007) (LP) outlines that for residential sites of one hectare or more the Council will expect an appropriate provision of affordable housing. From the application forms the appeal site is 1.07 hectares in size and therefore the provisions of Policy BAS S5 apply. As I understand it, further guidance on this is set out in the interim Planning Obligations Strategy which was adopted by the Council in 2015.

14. The Appellant has stated that provision for affordable housing is contained within the proposals. However, no such mechanism (such as a legal agreement) has been presented to me to deliver such affordable housing. Taking this into account, I can only conclude that the development would not provide affordable housing.
15. For the above reasons, in the absence of a legal agreement to secure the provision of affordable housing the proposals would be in conflict with Policy BAS S5 of the LP which seeks to ensure that new development makes an appropriate provision towards much needed affordable housing. It would also conflict with the affordable housing aims of the Framework.

Flood risk

16. The appeal site is located within Flood Zone 1 as defined by the Environment Agency, which means the site has a low probability of flooding. However, the Framework¹ outlines that a site specific flood risk assessment is required for proposals of one hectare or greater in Flood Zone 1. From the evidence before me, no such flood risk assessment has been carried out.
17. From the very limited information before me, and particularly in the absence of such a flood risk assessment, I am unable to conclude that the development would not have an adverse impact on flood risk, either for the future occupiers of the development or in relation to increased flood risk elsewhere. As such, the proposal would conflict with the aims of the Framework in this respect.

Other considerations

18. It is common ground between the main parties that the Council does not have a five year housing land supply. It follows that, in accordance with paragraph 49 of the Framework, the housing supply policies in the LP are out of date.
19. Turning to paragraph 14 of the Framework, this indicates that permission should be granted unless there are specific policies (in the Framework) that indicate development should be restricted² (such as land designated as Green Belt). Given this, I consider that the proposal cannot be considered to be sustainable development.
20. Notwithstanding that, the development would also assist in providing much needed housing and I therefore consider that it would make a positive contribution to housing provision and the viability of local services.
21. I have also had regard to the effect of the development on the highway network and the effect on the living conditions of the occupiers of neighbouring properties. In these respects I agree with the Council that the development does not have an adverse impact on any of these matters.
22. The Appellant has also stated that the dwellings would be built to lifetime homes standards and that there would be improvements to wildlife in the area. These are also factors in favour of the development.
23. I have also had regard to the concerns raised over the Councils handling of the appeal proposal, and previous planning proposals. However, these are matters

¹ At footnote 20 relating to paragraph 103

² Footnote 9 to paragraph 14

away from the planning merits of the appeal and I give these matters very little weight.

Green Belt balance

24. Paragraph 87 of the Framework sets out the general presumption against inappropriate development within the Green Belt. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
25. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
26. I have concluded that the proposal would be inappropriate development and would have an adverse effect on openness. It would therefore be, by definition, harmful to the Green Belt.
27. The Appellant has not explicitly put forward any very special circumstances why planning permission should be granted. However I acknowledge that the development would bring some social and economic benefits to the area through the provision of new housing and during the construction phase of the development. These factors are in favour of the development.
28. However, the Planning Practice Guidance says that *'unmet housing need (including for traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the Green Belt'*³.
29. In addition to the above, I have also found that the development would not make suitable provision for affordable housing and in the absence of a flood risk assessment may have an adverse impact on flood risk. The lack of harm in relation to the character of the area, highway, and neighbour amenity matters are neutral factors.
30. In considering the substantial weight given to Green Belt, to my mind, the benefits outlined above do not clearly outweigh the harm to the Green Belt. Therefore, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist and the development would conflict with the Framework.

Conclusion

31. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR

³ Paragraph: 034 Reference ID: 3-034-20141006