



Appeal Decision

Site visit made on 27 October 2020

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2020

Appeal Ref: APP/V1505/W/20/3247573

Land South of Adelaide Villas, Gardiners Lane North, Crays Hill, CM11 2XA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs P Lynch against the decision of Basildon Borough Council.
 - The application Ref 19/00474/OUT, dated 28 March 2019, was refused by notice dated 16 September 2019.
 - The development proposed is described as 'Outline application for demolition of existing buildings and areas of hardstanding and construction of 8 low profile dwellings, gardens and parking and improved access to Gardiners Lane. The matters of appearance, layout, scale and landscaping to be reserved for later determination.'
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Decision

1. The appeal is allowed and planning permission is granted for Outline application for demolition of existing buildings and areas of hardstanding and construction of 8 low profile dwellings, gardens and parking and improved access to Gardiners Lane. The matters of appearance, layout, scale and landscaping to be reserved for later determination at Land South of Adelaide Villas, Gardiners Lane North, Crays Hill, CM11 2XA in accordance with the terms of the application, Ref 19/00474/OUT, dated 28 March 2019, subject to the conditions in the attached Schedule.

Procedural Matters

2. Outline planning permission is sought, with access to be considered at this stage. I have determined the appeal on this basis.
3. I have determined the appeal on the basis of plan no. 1261/4 insofar as it provides details of the access, one of the matters to be considered at this stage. However other details on the plan have been treated as being for illustrative purposes only, as matters relating to layout, scale, appearance and landscaping are reserved.

Main Issues

4. The main issues in this appeal area:
 - Whether the proposed development constitutes inappropriate development in the Green Belt,
 - Its effect on the openness of the Green Belt,

- 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

5. The appeal concerns an area of land which includes 2 Adelaide Villas together with land to the south. 2 Adelaide Villas is a semi-detached dwelling. There is a mobile home stationed on the land to the south, together with a range of single storey buildings of varying height. Whilst some of the buildings are in a poor state of repair, the majority of them are of permanent construction. The site is also dominated by large areas of hardsurfacing. I therefore consider that the site constitutes previously developed land, as defined in Annex 2: Glossary of the National Planning Policy Framework (the Framework).
6. The proposal is to demolish all of the buildings on the site with the exception of the existing dwelling, 2 Adelaide Villas. The mobile home would also be removed. Eight low profile dwellings are proposed with associated parking and gardens together with improvements to the access onto Gardiners Lane North. Whilst the application is in outline, with only access to the determined at this stage, an indicative site layout and indicative massing of elevations have been provided.
7. The site is within the Green Belt. Paragraph 143 of the Framework states the inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework states that a local planning authority should regard construction of new buildings as inappropriate in the Green Belt. This is subject to the exceptions listed in the Framework at paragraph 145, which include at sub-paragraph (g) "limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development."
8. The Council also refer to Policy GB6 of the emerging Basildon Borough Revised Publication Local Plan 2014-2034 (the eLP). I understand that the eLP was submitted to the Secretary of State for examination in March 2019. It is therefore possible that the policy could be amended or deleted as a result of examination and accordingly, I am only able to attach limited weight to policies within it. In any event, emerging Policy GB6 relates to replacement buildings in the same use in the Green Belt, rather than more generally to the redevelopment of previously developed land. In the absence of any adopted local plan policy, the proposal falls to be assessed against the policies in the Framework.
9. Whilst single storey, the existing buildings are spread across much of the site, with several of them located close to external boundaries. The combined scale, bulk and mass of the buildings, together with the large expanses of hardsurfacing result in the site having a considerable impact on the open and undeveloped character of the Green Belt. In addition, the buildings are generally of a poor quality and are at odds with the character and appearance of the wider area.
10. The indicative site layout shows eight dwellings, each of around 70sqm floorspace which would represent a significant reduction in floorspace

compared to the existing buildings on the site. The indicative layout shows one way that the dwellings could be sited on the central part of the site whilst retaining a set back from external boundaries. Indicative massing elevations also show the dwellings to be single storey with an overall ridge height of less than 4 metres which would be reflective of the single storey nature of the existing buildings on the site. In addition to the removal of buildings, extensive areas of hardsurfacing would also be removed, albeit partly replaced by the access road, driveways and parking spaces.

11. I am satisfied that eight low profile dwellings with associated access and parking could be accommodated on the site without having a greater impact on the openness of the Green Belt than the existing development. As such, I find that the proposal would not be inappropriate development in the Green Belt and would comply with the Green Belt protection aims as set out in the Framework.

Other matters

12. Access is the only detailed matter to be determined at this stage. The proposal details an amended access with sightlines onto Gardiners Lane North. I note that the Highway Authority has raised no objection to the proposed access arrangement subject to conditions. I therefore conclude that the proposal is acceptable in this regard.

Conditions

13. I have had regard to the conditions suggested by the Council. In addition to the standard implementation conditions, the approved plans condition is imposed for clarity. I have imposed conditions relating to the provision of the access and visibility in the interest of highway safety. I have also imposed a condition removing permitted development rights for development falling within Classes A, B and E of Schedule 2, Part 1, of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) in order for the Council to retain control of further built form in the interests of protecting the openness of the Green Belt. I have imposed conditions relating to materials and landscaping in the interests of visual amenity of the site. Other necessary conditions are included to encourage sustainable travel and transport.

Conclusions

14. For the reasons given, and having regard to all other matters raised, I conclude that the appeal should be allowed.

J Davis

INSPECTOR

Schedule

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan: 1261/4 insofar as it relates to the access of the development hereby approved.
- 5) The landscaping scheme referred to in condition 1 above, shall include details of the measures to be taken for the protection, in the course of development, of the trees, shrubs and hedgerows to be retained (in accordance with BS5837:2012). All planting, seeding and turfing comprised in the approved details of landscaping, shall be carried out in the first planting season following occupation of the buildings or completion of the development, whichever is sooner, Any trees, shrubs or other elements of landscaping dying within five years of planting, shall be replaced by the developers or their successors in title.
- 6) No development above existing ground level shall commence until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), the new dwellings hereby permitted shall not be enlarged under the provisions of Schedule 2, Part 1, Class A or B of that Order, nor shall any building or enclosure be constructed within the curtilage of the dwellings hereby permitted under provisions of Schedule 2, Part 1, Class E of that Order.
- 8) Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 90 metres in both directions, as measured from and along the nearside edge of the carriageway, as shown in principle on planning application drawing number 1261/4. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
- 9) Prior to occupation of the development the existing vehicular access shall be reconstructed. The width of the access at its junction with the highway shall not be less than 6 metres and shall be provided with 2no. appropriate kerbed radii. In addition, the existing traffic calming build out sited to the north of the vehicular access shall be relocated in accordance with details to be submitted to and approved in writing by the local planning authority.
- 10) Prior to occupation of the development a section of footway, a minimum of 2 metres wide shall be provided on the northern side of the vehicular access only, extending round the bellmouth and shall tie in with the existing footway on the western side of Gardiners Lane North in

accordance with details to be submitted to and approved in writing by the local planning authority.

- 11) No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 12) There shall be no discharge of surface water onto the Highway.
- 13) Prior to first occupation of the proposed development, the developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by the Local Planning Authority to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) shall be provided to the first occupiers of each of the new dwellings free of charge.
- 14) Excluding works of demolition and site clearance, no development shall be undertaken the subject of this planning permission until a scheme for the installation of appropriate infrastructure for electric vehicle charging points within the site have been submitted to and approved by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and installed prior to the first occupation of the new dwellings.