

# MEMBERS' BULLETIN



**Thursday, 14 March 2024/Issue No. 2024/11**

For enquiries regarding The Members Bulletin, please call 01268 207934  
The Basildon Centre, St Martin's Square, Basildon, Essex SS14 1DL

# MEETINGS LIST

**This is a list of meetings to be attended by Councillors.  
Please note that meetings marked with an asterisk are  
not open to the public.**

## Week Commencing 18<sup>th</sup> March 2024

	COMMITTEE, CONFERENCE, ETC	VENUE	TIME
Mon 18	Labour Group Meeting*	Labour Group Room	7.30pm
	Conservative Group Meeting*	St. George's Suite	8.00pm
Tue 19	Scrutiny Committee (Place)	St. George's Suite	7.00pm
Wed 20	Planning Committee *CANCELLED*	St. George's Suite	7.00pm
Thur 21	Council	St. George's Suite	7.00pm
Fri 22			

## Week Commencing 25<sup>th</sup> March 2024

	COMMITTEE, CONFERENCE, ETC	VENUE	TIME
Mon 25	Conservative Group Meeting*	St. George's Suite	8.00pm
Tue 26	Scrutiny Committee (People)	St. George's Suite	7.00pm
Wed 27	Miscellaneous Licensing Sub-Committee	St. George's Suite	11.00am
	Audit & Risk Committee	St. George's Suite	7.00pm
Thur 28			
Fri 29	<b>**BANK HOLIDAY**</b>		

## Week Commencing 1<sup>st</sup> April 2024

	COMMITTEE, CONFERENCE, ETC	VENUE	TIME
Mon 01	<b>**BANK HOLIDAY**</b>		
Tue 02	<b>CURRENTLY NO MEETINGS</b>		
Wed 03			
Thur 04			
Fri 05			

## Week Commencing 8<sup>th</sup> April 2024

	COMMITTEE, CONFERENCE, ETC	VENUE	TIME
Mon 08	Labour Group Meeting*	Labour Group Room	7.30pm
	Conservative Group Meeting*	St. George's Suite	8.00pm
Tue 09	<b>CURRENTLY NO MEETINGS</b>		
Wed 10			
Thur 11			
Fri 12			

**(Please note that these lists are correct at the time of  
being printed and do not take account of any**

subsequent changes to the diary.)

**LOCAL COUNCIL MEETINGS**

Here are the links to all local council meetings:

[https://www.billericaytowncouncil.gov.uk/Schedule\\_of\\_Meetings\\_9828.aspx](https://www.billericaytowncouncil.gov.uk/Schedule_of_Meetings_9828.aspx)

<https://e-voice.org.uk/bgnb-parishcouncil>

[http://www.greatbursteadsouthgreen-vc.gov.uk/Meetings\\_28861.aspx](http://www.greatbursteadsouthgreen-vc.gov.uk/Meetings_28861.aspx)

<https://e-voice.org.uk/lbpc/>

<https://e-voice.org.uk/noakbridgepc/meetings/>

<https://ramsdenbellhouseparishcouncil.co.uk>

<https://www.ramsdencrayspc.org.uk/>

[www.shotgatepc.org.uk](http://www.shotgatepc.org.uk)

[www.wickfordtowncouncil.gov.uk](http://www.wickfordtowncouncil.gov.uk)

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**CIVIC EVENTS**

Friday 15 <sup>th</sup> March	Mayor's Charity Dinner	Stock Brook Manor
Saturday 16 <sup>th</sup> March	Basildon & Pitsea Carnival Crowning Dance	Northlands Primary School, Pitsea
Wednesday 20 <sup>th</sup> March	BBWCVS THIRD SECTOR SUMMITT	New Life Church, Miracle House, Wickford
Wednesday 20 <sup>th</sup> March	East Essex Regional Speak Out Challenge Final	Woodlands School, Basildon

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<b>MEMBER EVENTS</b>
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Friday 15 <sup>th</sup> March	Mayor's Charity Dinner	Stock Brook Manor
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<b>CABINET MEMBER DECISION RECORDS</b>
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Below is a list of CMDRs published this week

CMDR No.	CMDR Subject	Cabinet Member	Date Published
	None		

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<b>GENERAL INFORMATION</b>
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**ROADWORKS**

For detailed information regarding Roadworks in your Ward, go to:-

[www.roadworks.org](http://www.roadworks.org)

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**BUS TIMETABLE CHANGES**

For up to date information on changes to bus timetables within the Essex area, go to the link below and sign up to the Essex County Council's Transport and Travel Update Electronic Newsletter, which includes the contents of Bus Passenger News, as well as Travel News, Offers and other information.

<http://www.essexhighways.org/Transport-and-Roads/Getting-Around/Bus/Bus-timetable-changes.aspx>

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## WARD RELATED INFORMATION

The following sections provide information on planning applications and other Ward specific information which will be of interest to Members in their community leadership role. Members are reminded that further details on planning applications can be viewed on the Public Access for Planning pages of the Council's web-site, <http://planning.basildon.gov.uk/PublicAccess>. This includes associated documents, case officer details and the expiry date for consultations. Any written comments submitted by Members in respect of specific applications will be taken into consideration as part of the decision making process.

All letters received in response to the Council's consultations on planning applications are available for viewing by Members by contacting the Planning Technical Support Team on 01268 207968 or 01268 208241.

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## LICENSING APPLICATIONS

The Licensing Authority have received (4/03/2024) an **application for a premises licence** regarding:

***Inn on the Green  
Mountnessing Road  
Billericay  
CM12 0EH***

Ward: Billericay West

The Application requests to amend the premises layout in accordance with the plan provided.

Any representations must be received by the Licensing Authority by 18/3/2024. If you have any questions, please contact Licensing Officer Roy Robinson on 01268-208260.

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## BILLERICAY EAST WARD

### **Planning Applications Submitted:**

APPLICATION NO.	ADDRESS	DESCRIPTION
24/00267/FULL	93 Western Road Billericay	Single storey side and rear extension with rooflights

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**Planning Applications Decided:**

APPLICATION NO.	ADDRESS	DESCRIPTION	DECISION
23/00517/FULL	97 Chapel Street Billericay	Demolition of existing dwelling house and construction of a pair of semi-detached houses	Granted
24/00045/FULL	11 Parklands Billericay	Single storey front extension	Granted
24/00171/NMABAS	29 Norsey Road Billericay	To establish whether the addition of a ground floor side window to the garage can be considered as a non-material amendment to granted consent 23/01185/VAR	Refused

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**BILLERICAY WEST WARD**

**Planning Applications Submitted:**

APPLICATION NO.	ADDRESS	DESCRIPTION
24/00246/FULL	21 Portman Drive Billericay	Two storey front extension
24/00255/FULL	3 Lakeside Billericay	Single storey rear extension
24/00257/COND	Inn On The Green Mountnessing Road	Application for approval of details reserved by condition 4 (Landscaping) of 23/00974/FULL.
24/00265/FULL	Finished By Hand Radford Way	Erection of an electrical substation and a 6 charger, high-powered, Electric Vehicle Charging hub

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**Planning Applications Decided:**

None

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## Licensing Matters:

The Licensing Authority have received (4/03/2024) an **application for a premises licence** regarding:

***Inn on the Green  
Mounnessing Road  
Billericay  
CM12 0EH***

Ward: Billericay West

The Application requests to amend the premises layout in accordance with the plan provided.

Any representations must be received by the Licensing Authority by 18/3/2024. If you have any questions, please contact Licensing Officer Roy Robinson on 01268-208260.

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<b>BURSTEAD WARD</b>
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### Planning Applications Submitted:

APPLICATION NO.	ADDRESS	DESCRIPTION
24/00252/COND	The Cottage Laindon Common Road	Application for approval of details reserved by condition 4 (Soft Landscaping Scheme), conditions 6 and 9 (Biodiversity Enhancement Strategy & Badger Protection), and condition 7 (Construction Environmental Management Plan) of consent reference 23/01378/FULL.
24/00262/FULL	18 Charity Farm Chase Billericay	Retrospective planning application for the installation of an external AC Unit
24/00266/FULL	23 Abbey Road Billericay	Extension to existing front dormer

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### Planning Applications Decided:

APPLICATION NO.	ADDRESS	DESCRIPTION	DECISION
23/00224/COND	Barleylands Farm Barleylands Road	Application for approval of details reserved by condition(s) 3 (Landscaping) & 5 (Biodiversity Enhancement Layout) of approved consent reference 22/01047/FULL.	Granted

APPLICATION NO.	ADDRESS	DESCRIPTION	DECISION
23/01554/FULL	7 Margeth Road Billericay	Front hip to gable roof alteration, conversion and alterations of existing garage to habitable space and erection of single storey side and rear extension	Granted
24/00038/FULL	13 Mill Road Billericay	Single storey rear extension	Granted
24/00104/FULL	15 West Park Avenue Billericay	Demolish existing detached garage and conservatory, construct roof alterations, pitched roof front dormers, single storey front/side (double garage), single storey rear extension and alterations to fenestration	Granted

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## CROUCH WARD

### Planning Applications Submitted:

APPLICATION NO.	ADDRESS	DESCRIPTION
24/00229/FULL	The Canopy Church Road	Proposed detached games room outbuilding at eastern end of rear garden
24/00258/FULL	Clayfields Pitsea View Road	Erection of single storey rear extension
24/00260/FULL	Avoca Church Road	Two storey side extension, rear dormer, front rooflights
24/00264/FULL	Elton Ramsden View Road	Demolish bungalow, garage and outbuildings and construct a replacement 4 bedroom detached bungalow style property with accommodation in roof space (Revised scheme)

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**Planning Applications Decided:**

APPLICATION NO.	ADDRESS	DESCRIPTION	DECISION
23/01139/FULL	Willow End Farm Approach Road	Proposed domestic use workshop and storage building.	Refused
24/00091/LDCP	The Ranch Church Lane	To establish the lawfulness of a proposed detached garage with garden storage.	Granted

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**FRYERNS WARD**

**Planning Applications Submitted:**

None

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**Planning Applications Decided:**

None

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**LAINDON PARK WARD**

**Planning Applications Submitted:**

None

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**Planning Applications Decided:**

APPLICATION NO.	ADDRESS	DESCRIPTION	DECISION
24/00212/NMABAS	Laindon Service Station Southend Arterial Road	To establish whether the electric vehicle (EV) charging bays retained in the present location as consented under Non Material Amendment planning application	Granted

APPLICATION NO.	ADDRESS	DESCRIPTION	DECISION
		23/00632/NMABAS, with principally only the jet wash bays being brought in front of the rear building with the associated equipment re-arranged and re-located to suit can be considered as non-material amendments to planning permission 22/01163/FULL.	

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**LANGDON HILLS WARD**

**Planning Applications Submitted:**

None

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**Planning Applications Decided:**

None

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**LEE CHAPEL NORTH WARD**

**Planning Applications Submitted:**

None

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**Planning Applications Decided:**

None

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**NETHERMAYNE**

**Planning Applications Submitted:**

None

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**Planning Applications Decided:**

APPLICATION NO.	ADDRESS	DESCRIPTION	DECISION
24/00032/FULL	1 Lee Woottens Lane Kingswood	Two storey side extension	Refused
24/00044/FULL	84 Clay Hill Road Basildon	Proposed dropped kerb to property.	Granted

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**PITSEA NORTH WEST WARD**

**Planning Applications Submitted:**

APPLICATION NO.	ADDRESS	DESCRIPTION
24/00248/FULL	19 Winifred Road Pitsea	Retrospective construction of part single/part two storey rear extension.

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**Planning Applications Decided:**

APPLICATION NO.	ADDRESS	DESCRIPTION	DECISION
24/00096/FULL	8 Swinborne Court Swinbourne Road	Merge two units into one to use as a wholesale bakery production place and opening of a ventilation louvre to the rear elevation at 8-10 Swinborne Court, Burnt Mills Industrial Estate.	Granted

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**PITSEA SOUTH EAST WARD**

**Planning Applications Submitted:**

APPLICATION NO.	ADDRESS	DESCRIPTION
24/00261/FULL	12 Northlands Pavement Pitsea	Change of use from Class E to include flexible provision for commercial, business and service (Use Classes E) and / or hot food

APPLICATION NO.	ADDRESS	DESCRIPTION
		takeaway (Sui Generis).
24/00263/COND	Land North Of Bowers Close London Road	Application for approval of details reserved by condition 22 (badger survey), condition 23 (badger protection measures), condition 26 (Land Contamination), condition 27 (Land Contamination (Site Investigation)), condition 28 (Land Contamination (Submission of Remediation Scheme)) and condition 29 (Land Contamination (Implementation of Approved Remediation Scheme)) of consent reference 22/01143/FULL
24/00268/FULL	Log Cabin 245 Pound Lane	Change of use of timber cabin from beauty salon (Sui Generis) to a flexible dual use of beauty salon (Sui Generis) and office (Class E)

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**Planning Applications Decided:**

None

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**ST. MARTIN'S WARD**

**Planning Applications Submitted:**

APPLICATION NO.	ADDRESS	DESCRIPTION
24/00251/FULL	18 Clickett Hill Basildon	Existing garage to be part converted into a W/C Shower room, with obscured window with brick wall to match existing.
24/00270/COND	Land Lying North West Of Napier Close And North West Of Fairlop Gardens Napier Close	Application for approval of details reserved by Condition 25 (CEMP and biodiversity site walk over) in relation of consent reference 21/00645/FULL
24/00274/COND	Land At Market Square	Application for approval of details reserved by condition 8 (Construction Noise) of 20/00955/FULL

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**Planning Applications Decided:**

APPLICATION NO.	ADDRESS	DESCRIPTION	DECISION
24/00080/ABAS	Empire Cinemas East Square	Item A1: 1 off built up internally illuminated fascia sign, Item A2: 1 off built up internally illuminated fascia sign, Item A3: 1 off built up internally illuminated fascia sign and Item B: 1 off built up internally illuminated fascia sign	Granted
24/00207/COND	Land Lying North West Of Napier Close And North West Of Fairlop Gardens Napier Close	Application for approval of details reserved by condition 29 (programme of archaeological investigation), condition 30 (Completion of archaeological fieldwork), condition 31 (Submission of post excavation assessment), of consent reference 21/00645/FULL	Granted

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**VANGE WARD**

**Planning Applications Submitted:**

APPLICATION NO.	ADDRESS	DESCRIPTION
24/00250/FULL	355 Clay Hill Road Basildon	Erection of front porch

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**Planning Applications Decided:**

APPLICATION NO.	ADDRESS	DESCRIPTION	DECISION
24/00069/OUT	208 Clay Hill Road Basildon	Outline application to construct one 3-bedroom residential dwelling (Revised scheme).	Refused

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## WICKFORD CASTLEDON WARD

### Planning Applications Submitted:

APPLICATION NO.	ADDRESS	DESCRIPTION
24/00243/FULL	13 Elder Way Wickford	Demolish existing single storey side extension and garage, rebuild single storey side extension and garage

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### Planning Applications Decided:

None

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## WICKFORD NORTH WARD

### Planning Applications Submitted:

None

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### Planning Applications Decided:

APPLICATION NO.	ADDRESS	DESCRIPTION	DECISION
24/00056/FULL	48 Glebe Road Wickford	Proposed hip to gable roof extension, with front and rear dormers and single storey rear extension	Granted

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## WICKFORD PARK WARD

### Planning Applications Submitted:

None

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### Planning Applications Decided:

None

**LOCAL GOVERNMENT ASSOCIATION WEBSITE**

Up to date information on Local Government issues can be found on the following websites:

Local Government Association - [www.lga.gov.uk](http://www.lga.gov.uk)  
Direct.gov.uk - what's new - [www.direct.gov.uk](http://www.direct.gov.uk)

**BASILDON BOROUGH COUNCIL WEBSITE**

The Council's website address is: [www.basildon.gov.uk](http://www.basildon.gov.uk)

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### Councillor Call in form – Planning Committee

All call ins must be made within **28 days** from the date of validation of a planning application (as set out in the Member Bulletin).

**I wish to call-in the following application for determination by the Planning Committee.**

<b>Application Number:</b>	
<b>Application Site Address:</b>	

My reasons for requesting call-in are as follows. Please tick appropriate box(es):

Impact on neighbouring properties	
Impact on character of the street scene	
Residential amenity	
Car parking	
Highway issues	
Impact on trees and landscaping	
Impact on Listed Building/Conservation Area	
Other reasons (please specify below):	

Name:

Date:

This form should be emailed to the Development Team Manager [charles.sweeny@basildon.gov.uk](mailto:charles.sweeny@basildon.gov.uk) and to the Technical Support Team [planning@basildon.gov.uk](mailto:planning@basildon.gov.uk)

If you have not received acknowledgement within 1 working day please contact the Technical Support Team at [planning@basildon.gov.uk](mailto:planning@basildon.gov.uk)

#### OFFICIAL USE ONLY

Authorised: Yes [ ] No [ ]

Signature of the Chairman of Committee.....

Date signed.....

In calling an application to the Planning Committee the Councillor is not pre-determining the planning application. Rather the Councillor is expressing a legitimate concern about an application and will reach a final conclusion, having considered all of the matters presented at the meeting and being genuinely open to persuasion on the merits of the application when a decision comes to be made by the Committee.

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## Appeal Decision

Site visit made on 5 March 2024

**by J Davis BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13<sup>th</sup> March 2024**

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**Appeal Ref: APP/V1505/D/23/3326687**

**9 Needham Close, Billericay, Essex, CM11 1LQ**

- 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 & Mrs C Ottley against the decision of Basildon Borough Council.
  - The application Ref 23/00544/FULL, dated 20 April 2023, was refused by notice dated 13 June 2023.
  - The development proposed is single side extension and replace existing first floor window with new french doors.
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### Decision

1. The appeal is allowed and planning permission is granted for single side extension and replace existing first floor window with new french doors at 9 Needham Close, Billericay, Essex, CM11 1LQ in accordance with the terms of the application, Ref 23/00544/FULL, dated 20 April 2023, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 4000-1; 4000-2B (Rev B); 4000-3B (Rev B); DRG 4 and DRG 5.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
  - 4) No development shall take place until all existing trees shall be protected by secure, stout exclusion fencing erected at a minimum distance equivalent to the branch spread of the trees and in accordance with BS5837:2012 – Trees in relation to design, demolition and construction – Recommendations. No materials, supplies, plant or machinery shall be stored, parked or allowed access beneath the branch spread or within the exclusion fencing.

## **Preliminary Matter**

2. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.

## **Main Issue**

3. The main issue is the effect of the proposal on the living conditions of the occupiers of 7 Needham Close with particular reference to privacy.

## **Reasons**

4. The appeal property is a detached two storey dwelling with a bedroom and ensuite within its original roofspace. It is located within a cul-de sac comprising of semi-detached and detached dwellings of a similar design and appearance.
5. The existing loft space is served by windows in each flank elevation, both measuring around 1m in height and 0.9m wide. The proposal is to replace the existing window on the south-western elevation with full length French doors, with an opening width of about 1.3m. A Juliet style balcony is also proposed.
6. The existing window is clear glazed. Whilst there is a double garage between the flank elevation of 9 Needham Close and the front elevation of 7 Needham Close, the ground and first floor habitable room windows on the front elevation of No 7 are within the line of sight from the window. Views across the adjacent car park serving the Billericay St Andrews Centre are also obtainable.
7. The proposed French doors would be approximately 0.4m wider than the existing window opening. Given that the windows on the front elevation of No 7 are already visible from the existing window, I am not convinced that the slightly wider opening would give rise to any additional material overlooking of the frontage of No 7.
8. The French doors would have a height of around 2.10m. The Juliet style balcony would be a safety feature and would be flush with the main wall of the dwelling such that it would not provide any external seating area. Views from the additional lower glazed section would be partly restricted by the roof of the double garage and I am satisfied that the deeper opening would not result in any material additional overlooking of No 7.
9. I concur with the Council that the proposed side infill extension is of a visually acceptable design and would not result in harm to the living conditions of any adjacent occupiers.
10. I therefore conclude that the proposal would not have a harmful effect on the living conditions of the occupiers of 7 Needham Close with particular reference to privacy. Thus, I find that the proposal complies with Policy BAS BE12 of the Basildon District Local Plan Saved Policies (2007) and paragraph 135(f) of the National Planning Policy Framework (2023) which together seek to ensure that development does not result in material overlooking and provides a high standard of amenity for existing and future users.

*Conditions*

11. In addition to the standard 3 year implementation condition, the approved plans condition is imposed for clarity. I have also imposed a condition requiring materials to match those of the existing dwelling to protect visual amenity. I shall also impose a condition as suggested by the Council requiring tree protection in the interests of the visual amenities of the area.

**Conclusion**

12. For the reasons given above I conclude that the appeal should be allowed.

*J Davis*

INSPECTOR

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## Appeal Decision

Site visit made on 2 February 2024

**by J Downs BA(Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 6<sup>th</sup> March 2024**

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**Appeal Ref: APP/V1505/W/23/3323463**

**Mascot, Windsor Road, Bowers Gifford, Basildon, Essex SS13 2LH**

- 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 Richard Scates against the decision of Basildon Borough Council.
  - The application Ref is 22/00848/FULL.
  - The development proposed is construction of 2no. affordable single storey dwellings inc driveways, parking and private amenity.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. On 19 December 2023, a revised National Planning Policy Framework (the Framework) was published. On the same day, updated Housing Delivery Test (HDT) results were also published. The main parties were given the opportunity to make further comments on the implications of these for this appeal. I have referred to the updated paragraph numbers in the Framework in my decision.
3. An unsigned and undated Unilateral Undertaking (UU) pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) has been submitted. This seeks to address affordable housing and ecological mitigation. I will return to this in due course.

### Main Issues

4. The main issues are:
  - whether the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the Framework including the effect upon the openness of the Green Belt; and
  - whether any 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.

### Reasons

#### *Green Belt*

5. I have not been directed to any policies in the Basildon District Local Plan 2007 (LP) which address new dwellings in the Green Belt. I therefore have

- determined this issue with reference to the Framework. Paragraph 152 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 of the Framework confirms that new buildings are inappropriate in the Green Belt unless it is one of the exceptions listed.
6. The exception set out in paragraph 154 f) of the Framework does not apply to the proposed development as it requires there to be policies in the development plan which refer to affordable housing or rural exceptions. I have not been directed to any such policies. The wording of the Framework does not allow for other considerations to be taken into account, so the age of the adopted plan and other evidence of the need for affordable housing would not justify allowing development under this exception.
  7. Paragraph 154 g) of the Framework, as it relates to this appeal, allows for the partial redevelopment of previously developed land provided it does not cause substantial harm to the openness of the Green Belt and would contribute to meeting an identified affordable housing need within the area of the local planning authority. The glossary to the Framework confirms that gardens can constitute previously developed land. It is not in dispute there is demand for affordable housing within the Council area.
  8. The appeal proposes the erection of two single storey dwellings to either side of the existing property. I observed caravans and a small structure on the site where one of the dwellings would be sited. However, the proposed dwellings would be considerably larger in scale than these. They would inevitably result in a loss of both visual and spatial openness to the Green Belt by introducing two further dwellings onto land where there is only one, and its associated paraphernalia, at present.
  9. There are dwellings and other structures to either side of where it is proposed to site the dwellings. At my site visit, I observed structures and items such as shipping containers on the adjacent land to the rear. I also observed the solid boundary fence to the front of the appeal site, the removal of which could be secured were permission to be granted. Consequently, I consider that the harm to the openness of the Green Belt would not be substantial due to the single storey nature of the development, its proposed position relative to the surrounding development and the limited vantage points from which the proposed dwellings would be visible.
  10. However, there is not a completed planning obligation before me to achieve this, nor any alternative mechanism. As a result, even if the proposed development met all other considerations, it would not comply with the requirements of paragraph 154 g) of the Framework.
  11. The Council also assessed the proposal against the exception set out in paragraph 154 e) of the Framework, and considered that the site would not constitute limited infilling in a village. The appellant has not disputed this, and I have no reason to find otherwise.
  12. Paragraph 143 of the Framework sets out the five purposes of the Green Belt. I consider the proposed development would not directly affect the purposes of the Green Belt. However, this would amount to a lack of harm and would therefore be a neutral factor in the determination of this appeal.



13. The appeal proposal would therefore constitute inappropriate development in the Green Belt and harm its openness, although this harm would not be substantial. It would be contrary to the advice regarding the protection of the Green Belt set out in Section 13 of the Framework. In accordance with the advice at paragraph 153, I attach substantial weight to this harm.

#### *Other Considerations*

14. Both parties are in agreement that the Council can only demonstrate a 2.32 year housing land supply. The emerging development plan has been withdrawn. The most recent HDT results show housing delivery is also falling short. While the proposed development would only make a limited contribution to that shortfall, it would nonetheless be a benefit and one to which I would attach moderate weight given the extent and duration of the housing land supply shortfall.
15. Biodiversity enhancements could be secured by condition. Further environmental benefits, from the improved energy efficiency and performance of the building proposed would also be a benefit of the proposed development.
16. An emerging Neighbourhood Development Order (NDO) has been brought to my attention. This would include the appeal site and proposes residential development in the Bowers Gifford area. However, this is at an early stage of preparation and there is no evidence of any consultation responses before me. As such, I attach no weight to the emerging NDO in this decision. There is also support for the development from surrounding occupiers, and I attach limited weight to this support which reflects the benefits to the community from additional development.
17. The appellant has provided other appeal decisions which they say weigh in favour of the proposal. While I acknowledge the similarities, one decision<sup>1</sup> related to a different exception in the Framework than those put forward in this case. The other<sup>2</sup> included a completed UU to secure the affordable housing which distinguishes it from this appeal.
18. The proposed development would not be isolated for the purposes of paragraph 84 of the Framework. No adverse effect on the safe and efficient operation of the highway has been identified. Refuse collection could be accommodated, and no adverse effects from contamination or on trees were identified. The design of the dwellings were considered to be acceptable and harm to character and appearance of the area did not form part of the Council's reason for refusal. I have no reason to find otherwise. Acceptable living conditions would be provided for future occupiers and there would not be an adverse effect on the living conditions of neighbouring occupiers. However these would be expected of any well-designed development and would be neutral factors.

#### **Other Matters**

19. The site is located within the Zone of Influence for the Essex Coastal Recreational Avoidance and Mitigation Strategy where it has been identified that new residential development is likely to have a significant effect on the features of interest of habitats sites through increased recreational pressure. The potential for the site to form offsite habitat for lapwing has also been

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<sup>1</sup> APP/V1505/W/21/3283720 allowed 28 March 2022

<sup>2</sup> APP/V1505/W/21/3286455 allowed 25 March 2022

identified as a consideration. Had I been minded to allow the appeal, it would have been necessary to establish whether the proposal on its own or in combination with other projects would likely have significant environmental effects on the integrity of the Habitats Sites. However, given my findings above, it has not been necessary for me to pursue this issue further. A finding that the proposal would not have an adverse effect on integrity, with or without any mitigation, would be at best a neutral matter.

### **Balance and Conclusion**

20. I have found that the proposal would constitute inappropriate development in the Green Belt and would result in a loss of openness. The Framework confirms that inappropriate development should only be permitted in very special circumstances. Such circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. For the reasons given above, I find that the other considerations in this case do not clearly outweigh the harms that I have identified. Consequently, the very special circumstances necessary to justify the proposed development do not exist.
21. This finding also means that there are policies in the Framework that provide a clear reason for refusing the development proposed. Therefore, under Paragraph 11d)i of the Framework, the proposal does not benefit from the presumption in favour of sustainable development.
22. Therefore, for the reasons given, and having had regard to all other matters raised, the appeal is dismissed.

*J Downs*

INSPECTOR