

# MEMBERS' BULLETIN



**Thursday, 21 March 2024/Issue No. 2024/12**

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 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			
Wed 03	Miscellaneous Licensing Sub-Committee	St. George's Suite	11.00am
Thur 04			
Fri 05			

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

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

## Week Commencing 15<sup>th</sup> April 2024

	COMMITTEE, CONFERENCE, ETC	VENUE	TIME
Mon 15	Labour Group Meeting*	Labour Group Room	7.30pm
	Conservative Group Meeting*	St. George's Suite	8.00pm
Tue 16	<b>CURRENTLY NO MEETINGS</b>		
Wed 17			
Thur 18			
Fri 19			

**(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 22 <sup>nd</sup> March	Rochford Civic Dinner	The Lawns, Rochford
Saturday 23 <sup>rd</sup> March	Castle Point Civic Charity Ball	Runnymede Hall, Benfleet
Sunday 24 <sup>th</sup> March	International Women's Day Celebration	WI Hall, Billericay
Wednesday 27 <sup>th</sup> March	EA Swim Teacher of the Year	Basildon Sporting Village

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**MEMBER EVENTS**

None

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**CABINET MEMBER DECISION RECORDS**

Below is a list of CMDRs published this week

<b>CMDR No.</b>	<b>CMDR Subject</b>	<b>Cabinet Member</b>	<b>Date Published</b>
	None		

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**GENERAL INFORMATION**

**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 (14/03/2023) an **application for a premises licence** regarding:

**Summer show & Car Show**  
**Barleylands Farm**  
**Barleylands Road**  
**Billericay**  
**Essex**

Ward: Burstead/Crouch

Application for a License to cover 2 annual shows. A spring country show to be held every year on the last Sunday and following Bank Holiday Monday in May. A Classic Car show to be held on the second Sunday in September.

The Application requests the sale of alcohol for consumption on the premises, boxing and wrestling, live and recorded Music and performance of dance.

Hours for licensable activities Sale of alcohol, Live music recorded music performance of dance.

10:00hrs -18:00hrs

Boxing and wrestling

10:00hrs -17:00hrs

Opening hours

09:00hrs -18:00hrs

Any representations must be received by the Licensing Authority by **11/4/2024**. If you have any questions, please contact Licensing Officer Roy Robinson on 01268-208260.

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The Licensing Authority have received (15/03/2024) an **application for a premises licence** regarding:

**Sainsburys**  
**Cricketers Way**  
**Basildon**

Ward: Pitsea South East

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

Any representations must be received by the Licensing Authority by 2/4/2024. 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
24/00289/TPOBAS	91 Western Road Billericay	T1 (Oak) of TPO/02/00 - Proposed crown reduction of up to 3m, crown thinning of 20% and crown lift of 3m above ground level
24/00300/TPOBAS	10 Broome Close Billericay	T1 - T5 (Oak) of TPO/12/95 Crown Reduce by 3 to 4 meters

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### Planning Applications Decided:

APPLICATION NO.	ADDRESS	DESCRIPTION	DECISION
23/00443/FULL	109 High Street Billericay	New timber painted lettered shop signage on new timber fascia board. (Retrospective)	Granted
23/00444/ABAS	109 High Street Billericay	Replacement timber fascia sign with timber lettering (non-illuminated) (Retrospective).	Granted
23/01425/FULL	120 Norsey Road Billericay	Proposed rear and side extension including remodelling of existing house to create additional first floor accommodation and the insertion of rooflights, and raised rear patio.	Granted
24/00040/TPOBAS	183 Norsey Road Billericay	Oak (T13 of TPO/06/73) - Remove dead wood with a diameter up to 25cm. Crown reduction of up to 1.5m. Crown thin of up to 10% of the residual crown.	Application Permitted

APPLICATION NO.	ADDRESS	DESCRIPTION	DECISION
24/00108/HEDGE	Anglian Water Authority Outwood Farm Road	To support a P-scheme (Phosphate Dosing) to allow a temporary access track to be made onto our WRC (waste recycling centre) site. A small (maximum 5m) section of hedgerow to be removed this has been found to be within a locally protected area.	No Objection

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## BILLERICAY WEST WARD

### Planning Applications Submitted:

APPLICATION NO.	ADDRESS	DESCRIPTION
24/00282/COND	85 Marlborough Way Billericay	Approval of details reserved by condition 4 (Desktop contamination study) of 23/00890/FULL
24/00295/FULL	11 Anvil Way Billericay	Proposed two front dormers and solar panels
24/00298/FULL	8 Lampern Crescent Billericay	First floor side extension and single storey rear extension

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### Planning Applications Decided:

APPLICATION NO.	ADDRESS	DESCRIPTION	DECISION
24/00094/TPOBAS	46 Porchester Road Billericay	T4 of TPO/21/94 (Oak) Crown reduction by 2 meters to previous pruning points	Application Permitted

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

APPLICATION NO.	ADDRESS	DESCRIPTION
24/00288/FULL	Jobbers Hatches Farm Road	Single storey rear and side extensions and first floor front extension
24/00292/VAR	Lyndhurst Broomhills Chase	Variation of Condition 2 (approved plans) of 23/00829/VAR
24/00301/FULL	Grimshill Farm House Southend Road	Development of 4 affordable dwellings

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**Planning Applications Decided:**

APPLICATION NO.	ADDRESS	DESCRIPTION	DECISION
24/00073/FULL	6 Charity Farm Chase Billericay	Proposed garage conversion into annex linked to main property and single storey side extension	Granted
24/00082/TPOBAS	24 The Rowans Billericay	T3 (Oak) of TPO/01/76 - Fell tree	Application Permitted

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**Licensing Matters:**

The Licensing Authority have received (14/03/2023) an ***application for a premises licence*** regarding,

***Summer show & Car Show  
Barleylands Farm  
Barleylands Road  
Billericay  
Essex***

Ward: Burstead/Crouch

Application for a License to cover 2 annual shows. A spring country show to be held every year on the last Sunday and following Bank Holiday Monday in May. A Classic Car show to be held on the second Sunday in September.

The Application requests the sale of alcohol for consumption on the premises, boxing and



wrestling, live and recorded Music and performance of dance.

Hours for licensable activities Sale of alcohol, Live music recorded music performance of dance. 10:00hrs -18:00hrs

Boxing and wrestling 10:00hrs -17:00hrs

Opening hours 09:00hrs -18:00hrs

Any representations must be received by the Licensing Authority by **11/4/2024**. If you have any questions, please contact Licensing Officer Roy Robinson on 01268-208260.

**CROUCH WARD**

**Planning Applications Submitted:**

APPLICATION NO.	ADDRESS	DESCRIPTION
24/00302/FULL	18 Tudor Court Noak Bridge	Demolish existing rear conservatory and replace with new single storey rear extension.
24/00304/FULL	Beccles Glebe Road	Front, side and rear extensions plus new first floor to form two storey dwellinghouse

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**Planning Applications Decided:**

APPLICATION NO.	ADDRESS	DESCRIPTION	DECISION
23/01478/FULL	5 Gate Lodge Way Noak Bridge	Replacement of windows with uPVC (Black Brown colour) casement windows and composite door to front and side elevations.	Granted
24/00055/FULL	20 Gate Lodge Way Noak Bridge	Demolition of existing conservatory and erection of part single storey/part two storey side extension and single storey rear extension	Granted
24/00071/FULL	Bell Farm 207 London Road	Removal of existing lean-to extension, pergola and walled garden and erection of a single storey side extension	Refused

APPLICATION NO.	ADDRESS	DESCRIPTION	DECISION
24/00072/LBBAS	Bell Farm 207 London Road	Removal of existing lean-to extension, pergola and walled garden and erection of a single storey side extension	Refused
24/00093/FULL	12 Thetford Place Noak Bridge	Demolish and construct new conservatory	Granted
24/00122/LDCP	The Ranch Church Lane	To establish the lawfulness of a proposed outbuilding (indoor swimming pool)	Granted
24/00219/AGBAS	Watch House Farm 1 Wash Road	Application to determine if prior approval is required for proposed: Excavations or Deposits of Waste Material reasonably necessary for the purposes of Agriculture Under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 6 1) Topsoil stripped 2) Subbase of 200mm of 6F5 recycled crushed hardcore 3) Surfaced with 6-20mm of road plainings	Permitted Development

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### Licensing Matters:

The Licensing Authority have received (14/03/2023) an **application for a premises licence** regarding:

**Summer show & Car Show**  
**Barleylands Farm**  
**Barleylands Road**  
**Billericay**  
**Essex**

Ward: Burstead/Crouch

Application for a License to cover 2 annual shows. A spring country show to be held every year on the last Sunday and following Bank Holiday Monday in May. A Classic Car show to be held on the second Sunday in September.

The Application requests the sale of alcohol for consumption on the premises, boxing and wrestling, live and recorded Music and performance of dance.

Hours for licensable activities Sale of alcohol, Live music recorded music performance of dance. 10:00hrs -18:00hrs  
 Boxing and wrestling 10:00hrs -17:00hrs  
 Opening hours 09:00hrs -18:00hrs

Any representations must be received by the Licensing Authority by **11/4/2024**. If you have any questions, please contact Licensing Officer Roy Robinson on 01268-208260.

**FRYERNS WARD**

**Planning Applications Submitted:**

APPLICATION NO.	ADDRESS	DESCRIPTION
24/00190/FULL	Heronsgate Trading Estate, Unit 25 Paycocke Road	New roller shutter gates and associated alterations to the roof
24/00286/NMABAS	32 Cheshire Walk Basildon	To establish whether not painting the frontage of property, to remain buff brick instead of being painted white can be considered as a non-material amendment to 16/00898/OUT

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**Planning Applications Decided:**

APPLICATION NO.	ADDRESS	DESCRIPTION	DECISION
24/00079/FULL	2 Honywood Road Basildon	Change of Use Class from E(a) (Cold Food Sandwich bar) to Mixed Used Sui Generis (Hot food takeaway) and E(a) Sandwich bar and the installation of high level ducting system at the rear elevation.	Granted
24/00254/CC	31 Battleswick Basildon	CC/BAS/10/24 - The Change of Use from Youth Justice Office (Use Class F1) to Children's Home (Use Class C2) to provide accommodation for children in care.	No Objection

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## LAINDON PARK WARD

### Planning Applications Submitted:

APPLICATION NO.	ADDRESS	DESCRIPTION
24/00297/TPOBAS	11 Basildon Road Basildon	T4 Oak Tree of TPO/07/01 - Crown reduction of 2 meters.

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### Planning Applications Decided:

None

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## LANGDON HILLS WARD

### Planning Applications Submitted:

APPLICATION NO.	ADDRESS	DESCRIPTION
24/00290/TPOBAS	Edgewood Stacey Drive	T1 (Oak) of TPO/16/87 proposed crown reduction of 2 meters and removal of epicormic growth

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### Planning Applications Decided:

APPLICATION NO.	ADDRESS	DESCRIPTION	DECISION
23/01590/FULL	174 Great Berry Lane Langdon Hills	Retrospective planning for a fence height extension of 12cm	Granted
24/00019/FULL	Foxboro Lodge Southway	Single storey rear extension.	Granted

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<b>LEE CHAPEL NORTH WARD</b>
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**Planning Applications Submitted:**

APPLICATION NO.	ADDRESS	DESCRIPTION
24/00280/COND	Car Park 14 Laindon Link	Application for approval of details reserved by condition 4 (Construction Environmental Management Plan (CEMP), Construction Logistics Plan (CLP) and Site Waste Management Plan (SWMP) ), of consent reference 22/01179/FULL.
24/00284/COND	Car Park 14 Laindon Link	Application for approval of details reserved by condition 6 (Geo environmental Report), of consent reference 22/01179/FULL.

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**Planning Applications Decided:**

None

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<b>NETHERMAYNE</b>
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**Planning Applications Submitted:**

APPLICATION NO.	ADDRESS	DESCRIPTION
24/00281/FULL	15 Osborne Road Basildon	Demolition of the existing side extension and erection of a detached dwellinghouse and associated parking on the land to the side of 15 Osborne Road. New vehicular crossing for the existing dwelling at land to the side of 15 Osborne Road, Basildon

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**Planning Applications Decided:**

APPLICATION NO.	ADDRESS	DESCRIPTION	DECISION
23/01044/FULL	8 Goldings Crescent Vange	Change of Use from single dwelling house (Class C3) to a five bedroom children's home (Class C2).	Refused

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**PITSEA NORTH WEST WARD**

**Planning Applications Submitted:**

APPLICATION NO.	ADDRESS	DESCRIPTION
24/00283/COND	Billet Autosales Archers Fields	Application for approval of details reserved by condition 5 (Fencing details) of 23/00447/FULL.

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**Planning Applications Decided:**

None

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**PITSEA SOUTH EAST WARD**

**Planning Applications Submitted:**

None

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**Planning Applications Decided:**

None

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**Licensing Matters:**

The Licensing Authority have received (15/03/2024) an *application for a premises licence* regarding:

Sainsburys  
 Cricketers Way  
 Basildon

Ward: Pitsea South East

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

Any representations must be received by the Licensing Authority by 2/4/2024. If you have any questions, please contact Licensing Officer Roy Robinson on 01268-208260.

**ST. MARTIN'S WARD**

**Planning Applications Submitted:**

<b>APPLICATION NO.</b>	<b>ADDRESS</b>	<b>DESCRIPTION</b>
24/00247/REM	Land Adjacent To 6 Southernhay	Application for the approval of reserved matters relating to 1) The siting, design and external appearance of the building, 2) Fencing, walling or other means of enclosure, 3) Details of all external materials including hard surfacing and 4) landscaping of consent reference 23/00203/OUT for part 3/part 4 storey building comprising 9 residential flats (5 x 1-bed and 4x2-bed) with ground floor commercial floor space.'

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**Planning Applications Decided:**

<b>APPLICATION NO.</b>	<b>ADDRESS</b>	<b>DESCRIPTION</b>	<b>DECISION</b>
24/00205/COND	Land At Market Square	Application for approval of details reserved by condition 7 (Construction Environmental Management Plan (CEMP) and Site Waste Management Plan (SWMP) of planning permission 20/00955/FULL	Granted
24/00206/COND	Land At Market Square	Application for approval of details reserved by condition 9 (Construction Logistics Plan) of planning permission 20/00955/FULL	Granted

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VANGE WARD

**Planning Applications Submitted:**

None

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**Planning Applications Decided:**

APPLICATION NO.	ADDRESS	DESCRIPTION	DECISION
23/00621/FULL	10 Feering Drive Basildon	Retrospective application for wooden garden annexe with two bedrooms and bathroom at end of garden.	Refused

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WICKFORD CASTLEDON WARD

**Planning Applications Submitted:**

APPLICATION NO.	ADDRESS	DESCRIPTION
24/00225/ABAS	Wych Elm House Nevendon Road	Non-illuminated fascia sign
24/00279/FULL	54 High Street Wickford	Change of use from Class E to include flexible provision for: commercial, business and service (Use Classes E) and / or hot food takeaway (Sui Generis).

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**Planning Applications Decided:**

APPLICATION NO.	ADDRESS	DESCRIPTION	DECISION
23/01512/FULL	21 Trinder Way Wickford	Two storey side extension and single storey rear extension.	Granted

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WICKFORD NORTH WARD
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**Planning Applications Submitted:**

None

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**Planning Applications Decided:**

APPLICATION NO.	ADDRESS	DESCRIPTION	DECISION
24/00067/FULL	57 Runwell Road Wickford	Proposed single storey rear extension	Granted
24/00115/LDCP	53 Mount Close Wickford	To establish the lawfulness of a proposed single storey rear extension and rear box dormer	Granted

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WICKFORD PARK WARD
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**Planning Applications Submitted:**

APPLICATION NO.	ADDRESS	DESCRIPTION
24/00287/FULL	Plot 2 Holly Tree Five Acres Farm	Erection of timber framed mobile shed and a timber framed greenhouse for agricultural business purposes,

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**Planning Applications Decided:**

None

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## **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)

### 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 February 2024

**by A Hickey MA MRTPI**

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

**Decision date: 15<sup>th</sup> March 2024**

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**Appeal Ref: APP/V1505/W/23/3326638**

**273 London Road, Wickford, Essex SS12 0LG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
  - The appeal is made by Mr & Mrs Young against the decision of Basildon Borough Council.
  - The application Ref is 22/01759/OUT.
  - The development proposed is described as demolition of existing dwelling, garages, commercial kennels, erection of 4 detached bungalows. (revised application following refusal 20/01180/OUT).
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. I have taken the address above from the application form albeit slightly amended to match the decision notice.
3. The description of development cited in the planning application form differs to that contained within the decision notice and appeal form. There is no evidence that this change was formally agreed. In the interests of clarity, I rely upon the description as included in the application form for the purposes of the heading above.
4. During the appeal, a revised National Planning Policy Framework (the Framework) and the 2022 Housing Delivery Test (HDT) results were published. Both main parties were given the opportunity to comment on any relevant implications for the appeal. I have had regard to any comments, the Framework and the HDT in reaching my decision.
5. The planning application which is the subject of this appeal was submitted in outline with all matters reserved. I have therefore determined the appeal on this basis and taken all plans submitted to be for illustrative purposes only.

## Main Issues

6. 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;
  - the effect of the development upon the character and appearance of the area;

- the effects of the proposal upon biodiversity with particular regard to bats; and;
- If the proposal is inappropriate development, whether or not there are any other considerations which clearly outweigh the harm by reason of inappropriateness, and any other harm, so as to amount to the very special circumstances required to allow the development.

## **Reasons**

### *Whether inappropriate development*

7. I have not been directed to any policies in the Basildon District Local Plan (LP) which address new dwellings in the Green Belt. I therefore have determined this issue with reference to the Framework.
8. The Framework identifies that 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. The Framework states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.
9. The construction of new buildings is inappropriate in the Green Belt unless it satisfies one of a number of exceptions listed in the Framework. This includes at paragraph 154 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 paragraph 154 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.
10. The appellant's statement states that the replacement of the existing dwelling would fall within exception 154 d) and I find no reason to disagree. However, the scheme must be considered as a whole. The development would result in buildings that are used in association with the established boarding and breeding Kennels business being demolished. This part of the proposal would not therefore, satisfy paragraph 154 d) of the Framework, as the other proposed dwellings would not be in the same use as the building it would replace.
11. Turning to paragraph 154 g) of the Framework. The development is not proposed to meet an identified affordable housing need and is therefore required not to have a greater impact on the openness of the Green Belt than the existing development, which excludes temporary buildings and the remains of the previous building that have blended into the landscape.
12. The existing buildings, including the host dwelling are single storey albeit at different heights and comprising different footprints. They are sited within a predominantly linear relationship to each other close to the edge of the settlement adjacent an existing dwelling and its garden.
13. The majority of the site which is bound by mature hedging and trees. A small band of trees are located within the site and there are a small number of dilapidated outbuildings. Notwithstanding various equipment associated with the kennels the remainder of the site is largely undeveloped and open. As a result of the location of the existing buildings, many of which are low level

- kennels, close to the edge of the built-up settlement, they are visually unintrusive in this part of the Green Belt.
14. Whether or not any change on the site will have an adverse impact and so cause harm to openness would depend on factors such as the scale of the development, its location on the site, and its spatial and/or visual implications. Due to the outline nature of the proposals, the effects of the change on the site between the existing development and that proposed are not clearly demonstrated. It is not therefore possible to firmly conclude that the proposed development would not lead to a greater impact on the openness of the Green Belt.
  15. As any outline permission is the planning permission, it would not be appropriate to assess the impact on openness, as a matter of principle, at the reserved matters stage. Nevertheless, the indicative plans give an indication that to accommodate the proposed dwellings, gardens, parking and related infrastructure there would be a need to extend outward into the appeal site.
  16. Although on the edge of a settlement with an established boundary, I observed the rear of the site is seen in the context of the adjoining fields and looser pattern of development as it transitions to the fields beyond. Any development would be visible from several properties on London Road and alongside some glimpsed views from London Road. It would also be visible from properties on Ramsden View Road and the adjacent fields.
  17. Notwithstanding the existing dwelling and garage, the proposed dwellings, as indicatively shown, would be significantly greater in bulk and height than many of the existing low-rise buildings on site. Some of the dwellings would also likely need to be accommodated in more undeveloped and open areas of the site. For these reasons, even if I were to agree the scheme would have an overall smaller footprint and not be substantially taller than some of the existing buildings, it would have a greater impact on the openness of the Green Belt in visual terms than the existing development.
  18. I therefore consider that in visual terms the proposal would cause significant harm to the openness of the Green Belt and thus have a greater impact on openness than the existing situation. For these reasons, the proposal would not constitute one of the exceptions outlined in the Framework and would therefore be inappropriate development in the Green Belt.

#### *Character and appearance*

19. The appeal site, which has an irregular shape, borders dwellings to the east and north beyond the road. There are open fields with boundary planting to the remaining sides. While there has been some historic backland development on the site, the current dwelling shares a more consistent building line with other dwellings found on this section of the road in keeping with the prevailing pattern of development in the area.
20. At the time of my visit, I observed how much of the built development was contained close to the existing built form on the northern and eastern boundaries, closer to the settlement edge, which was strongly defined by dwellings facing the road. Although sited behind hedging and trees, the remainder of the site was relatively open and spacious.

21. Notwithstanding all matters are reserved for later consideration, the scheme would result in the introduction of a number of dwellings and associated infrastructure across the site. The development of this site would fail to reflect the surrounding context and the prevalent pattern of development in that it would result in undesirable and inappropriate back-land development in an area where properties predominantly have strong road frontages.
22. The existing site boundaries would provide some screening and softening of the proposed development. However, it would unlikely be sufficient to prevent the scheme appearing as an incongruous addition within the surrounding area that would be out of keeping with the prevailing character of the area which is made up of dwellings fronting the road.
23. Consequently, the proposed development would have a detrimental effect on the character and appearance of the surrounding area. This would be contrary to Policy BAS BE12 of the LP. This seeks, among other matters, to ensure developments do not harm the character of the surrounding area. The proposal would also conflict with the provisions of the Framework, which seeks to ensure that development is sympathetic to local character.

#### *Biodiversity*

24. There is no dispute between the main parties that there are two trees within the appeal site that possess potential roosting features for bats. The appellant has stated a willingness to keep these trees, and therefore, the development would not affect the potential roosting for bats.
25. Circular 06/2005 referred to in paragraph 185 of the Framework, states that it is essential the presence or otherwise of protected species, and the extent that they may be affected is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances.
26. As noted above, the granting of outline permission is a planning permission. In the absence of substantive up-to-date evidence to the contrary, it would appear there is a reasonable likelihood protected species could be present. Additionally, given the scale of the development when taking into consideration the size of the appeal site works are likely to take place close to the identified potential roosting features for bats.
27. Therefore, I cannot be certain there would not be significant and direct adverse effects upon protected species, that it would be possible to adequately mitigate any adverse effects, or, that any necessary duties under the Conservation of Habitats and Species Regulations 2017 (as amended) can be discharged. There are no exceptional circumstances in this case to justify leaving the relevant surveys to condition.
28. For the reasons set out, I cannot be certain the proposed development would not result in significant harm to biodiversity. This would conflict with the aims of paragraph 186 of the Framework, which states that if significant harm to biodiversity resulting from a development cannot be avoided adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.



### *Other Considerations*

29. I note that letters of support have been received regarding housing replacing the kennels and boarding business, and the scheme has been revised following past submissions. I've also considered that the scheme is likely to generate less noise than the present situation. However, these factors do not lead me to a different conclusion on the main issues and receive little weight in favour of the appeal.
30. The appellant has stated no site visit was undertaken and following allocation to another officer was determined relatively quickly. Nonetheless, I have found harm for similar reasons as identified by the Council, and these matters do not alter my findings.
31. A lack of objection from the Council's highways, environmental and arboricultural officers is noted. However, the absence of harm in such terms is a neutral factor in my assessment, carrying neither positive nor negative weight.
32. My attention has been drawn to an allowed appeal<sup>1</sup> at the site. I acknowledge the Inspector's findings. However, that appeal was for a consideration of permitted development rights and is materially different to the appeal before me. Furthermore, no details to demonstrate what additional development could take place through permitted development are before me. I therefore give these matters limited weight in favour of the scheme.
33. My attention has also been drawn to an appeal<sup>2</sup> for development within the Green Belt. The full details are not before me, and whilst there are similarities in the proposal types, the Inspector noted that many of the buildings to be demolished were spread across the site alongside large expanses of hard surfacing. These characteristics do not match my observations of the appeal site. For this reason, the effect upon the openness of the Green Belt would likely be materially different. Moreover, harm to the character and appearance of the area was not considered a main issue in the appeal. Therefore, I give this appeal little weight in favour of the scheme.
34. Examples of backland developments, including in the Green Belt allowed by the Council<sup>3</sup> have also been put to me. I do not have the full details of these schemes. Nevertheless, the sites are located some distance from the appeal scheme and would not be seen alongside it. Where required, an assessment on impact on the openness of the Green Belt in the respective locations would also likely have taken place. Additionally, examples of development considered against other exceptions listed in the Framework are materially different. I have not been provided with any substantive evidence to demonstrate an inconsistent approach by the Council with regard to Green Belt assessment, and I give these examples little weight in favour of the scheme.
35. The proposal would result in short-term economic benefits arising from the construction process. Economic and social benefits are also likely to arise from the occupation of the new dwellings. However, given the quantum of development in this case, I give this matter limited weight in favour of the scheme.

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<sup>1</sup> Ref: APP/V1505/W/16/3163444

<sup>2</sup> Ref: APP/V1505/W/20/3247573

<sup>3</sup> Refs: 18/00169/FULL, 20/01162/FULL and 21/00016/FULL

36. Both the main parties agree the Council are unable to demonstrate a five year supply of housing. Nonetheless, the proposal would result in three additional units of accommodation, which would contribute to the Government's broader objective of significantly boosting the supply of homes in a location with good access to services and facilities on previously developed land, as supported by the Framework. As stated by the appellant, the dwellings could also be built using suitable methods and eco-technologies, which could be secured by condition. These benefits, in combination, have modest weight in favour of the appeal scheme.

### **Other Matters**

37. The site is within the Zone of Influence for the Essex Coastal Recreational Avoidance and Mitigation Strategy (RAMS). However, as the appeal is being dismissed on other grounds, an Appropriate Assessment under Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 is not required. In any event, this would have mitigated harm and would not have amounted to a benefit. For these reasons, I have not considered this matter further.

### **Balance and Conclusion**

38. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
39. 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 development do not exist.
40. 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.
41. For the reasons given, and having had regard to all other matters raised, the appeal is dismissed.

*A Hickey*

INSPECTOR

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# Appeal Decision

Site visit made on 5 February 2024

**by A Hickey MA MRTPI**

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

**Decision date: 18 March 2024**

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**Appeal Ref: APP/V1505/W/23/3323490**

**Land at Osborne Road, North Benfleet, Essex SS13 2LG**

- 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 Gavin Mayer against the decision of Basildon Borough Council.
  - The application Ref is 22/01748/FULL.
  - The development proposed is described as demolish the existing structures on the site and construct a 4 bedroomed half chalet bungalow with attached double garage and private driveway with 2 parking spaces.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. I've taken the site address above from the appeal form, albeit with a slight amendment to the order. Whilst different to the application form and decision notice it still accurately reflects the appeal site location.
3. In the banner above, I have referred to the description of the development from the application form, omitting that which is unnecessary to describe the appeal proposal accurately.
4. During the appeal, a revised National Planning Policy Framework (the Framework) and the 2022 Housing Delivery Test (HDT) results were published. Both main parties were given the opportunity to comment on any relevant implications for the appeal. I have had regard to any comments, the Framework and the HDT in reaching my decision.

## Main Issues

5. The main issues are:
  - Whether or not the proposal would be inappropriate development in the Green Belt, including the effect upon the openness of the Green Belt, and;
  - If the proposal is inappropriate development, whether or not there are any other considerations which clearly outweigh the harm by reason of inappropriateness, and any other harm, so as to amount to the very special circumstances required to allow the development.

## Reasons

### *Whether inappropriate development in the Green Belt*

6. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and their permanence.
7. The Framework states that the construction of new buildings within the Green Belt should be regarded as inappropriate, subject to exceptions. Such exceptions include, at Paragraph 154(e), limited infilling in villages, and at Paragraph 154(g), the limited infilling or the partial or complete redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt than the existing development.
8. The Framework does not define 'limited', 'infilling' or 'villages'. When considering whether a site is in a village, the decision maker should have regard to the situation on the ground, as well as any relevant policies including the Framework.
9. The development would involve the construction of a chalet-style dwelling with an attached garage within a largely vacant plot of land. That plot of land lies on the northern side of Osborne Road between vacant plots on either side. A property on Windsor Road, known as Kismarja, abuts the site to the north. To the south beyond Osborne Road, the appeal site fronts a large side/rear garden of a dwelling with fields beyond.
10. While noted by the appellant that Wikipedia describes North Benfleet as a village, during my site visit, I observed the surrounding area to be formed of a mix of plots. These sites included developed plots with dwellings and undeveloped plots along linear roads. The proposed development would be located close to and amongst other residential dwellings. However, based on my observations, it would not be situated within a village. Instead, it is located within its own distinct cluster of development, which does not amount to a village in its own right as it has no discernible centre or services and facilities that would be expected to be found within a village. In reaching this conclusion, I accept there are some sporadic services and businesses, but these, in my view, do not form a village.
11. My attention has been brought to the facilities and services available at Pitsea. However, these facilities and services cannot be reasonably described as being located within the surrounding cluster of development to be considered to be within a village. Accordingly, the proposal would not be infilling within a village and would not meet the exception for development set out at Paragraph 154(e).
12. With regard to Paragraph 154(g), even if I were to accept the site is previously developed, it is necessary to consider the effect on openness that would result from the proposed development in comparison to existing. Openness is both visual and spatial in nature.
13. Taking into consideration the existing built development on the site and the overall size and scale of the development proposed the appeal scheme would inevitably have a greater and harmful impact on the openness of the Green Belt. Therefore, on the basis of the evidence before me and my own observations, the proposed development would conflict with Paragraph 154(g).

14. In reaching the above conclusions, I note the appellant's position that the proposal would not conflict with the five purposes of the Green Belt identified by the Framework. However, the Framework also sets out that a fundamental aim of Green Belt policy is to keep land permanently open.
15. For the above reasons, the proposal would amount to inappropriate development in the Green Belt for the purposes of the Framework. The Framework advises that inappropriate development is harmful by definition and should only be approved in very special circumstances.

### **Other Considerations**

16. The absence of objections from neighbours is noted, as are the absence of objections from the Council with regard to the amenity of neighbouring occupiers and highway safety. However, the absence of harm in such terms is a neutral factor in my assessment, carrying neither positive nor negative weight.
17. I acknowledge the appellant is seeking to build a family home, having purchased the site with the knowledge a dwelling was approved to the north. However, personal circumstances will seldom outweigh more general planning concerns and there is no cogent evidence the appellant has been treated unfairly. Moreover, the dwelling to the north will have been considered on its own merits against the development plan in place at that time. As such, I afford these considerations only limited weight within the decision.
18. The appellant has stated that the surrounding area has changed in its appearance through development undertaken by permitted development, extensions to existing buildings and new dwellings. However, I have not been provided with the full details of these cases or the specific circumstances of their approval. In any case, from the limited information, many appear to be materially different from the proposed development and, accordingly, are not directly comparable to the proposal before me.
19. My attention has been drawn to an allowed appeal<sup>1</sup> for an infill scheme. The proposal shares some similarities in terms of plotland development for a dwelling. However, I note the Inspector found the surrounding area to be that of a well-ordered residential suburb. The appeal site is a considerable distance from the example given and does not have a suburban character. Therefore, I attach minimal weight to the appeal provided.
20. I acknowledge that planning permission and an extension were granted for the dwelling to the north. However, I have little evidence to draw a comparison with the appeal scheme, which I have considered on its own merits and found would result in Green Belt harm.
21. The development would allow for additional landscaping and biodiversity improvements on a plot similarly sized to others. It would also achieve compliance with outdoor amenity space standards. However, given the scale of the scheme these benefits would be small, and I attach minimal weight to these benefits.
22. The scale of the development would result in a limited number of additional users of nearby bus and rail services. Such that the weight I attach is limited.

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<sup>1</sup> Appeal Ref: APP/V1505/W/21/3278853

23. There would be economic benefits during the construction of the proposed development. I attach limited weight to the economic benefits given the small scale and temporary nature of these benefits.
24. The scheme would also boost the housing supply in an area with a shortfall and could be delivered relatively quickly. These benefits, in combination, have modest weight in favour of the appeal scheme.

### **Other Matters**

25. The site is within the Zone of Influence for the Essex Coastal Recreational Avoidance and Mitigation Strategy (RAMS) and Blackwater Estuary SPA and Ramsar SPA and Ramsar. However, as the appeal is being dismissed on grounds related to Green Belt harm, an Appropriate Assessment under Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 is not required. Details of a financial contribution were submitted in this regard, but this would have mitigated harm and would not have amounted to a benefit. For these reasons, I have not considered this matter further.
26. Positive correspondence with the Council, which does not result in planning permission being granted while disappointing, is not a reason to allow harmful development.
27. The Council not returning the plotland sites to agricultural use or the Council's financial situation are not a matter for consideration as part of the appeal.

### **Planning balance and conclusion**

28. It is noted the proposed new local plan was withdrawn, and the parties agree that Framework paragraph 11d) should be considered. This indicates that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless it would conflict with criterion i. or ii. As I have identified conflict with the Framework's policy relating to the Green Belt, this provides a clear reason for refusing the proposed development under paragraph 11d) i., I consider that the presumption in favour of permitting sustainable development does not apply in this instance.
29. The proposal would constitute inappropriate development in the Green Belt and would reduce openness in this location. The Framework states that substantial weight should be given to any harm to the Green Belt. Even when taken together, I conclude that the other considerations do not clearly outweigh the harm in this case. Consequently, the very special circumstances necessary to justify the development do not exist.
30. For the reasons set out above, the appeal is dismissed.

*A Hickey*

INSPECTOR



# Appeal Decision

Site visit made on 26 February 2024

**by E Grierson BSc (Hons) MSc MRTPI**

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

**Decision date: 19<sup>th</sup> March 2024**

**Appeal Ref: APP/V1505/W/23/3326748**

**Park Drive Street Works, Basildon SS12 0NL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by CK Hutchison Networks (UK) Limited against the decision of Basildon Borough Council.
- The application Ref is 23/00235/TEL.
- The development proposed is a 5G telecoms installation: H3G 15m street pole and additional equipment cabinets.

## Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of a 5G telecoms installation: H3G 15m street pole and additional equipment cabinets at Park Drive Street Works, Basildon, SS12 0NL in accordance with the terms of the application Ref 23/00235/TEL, and the plans submitted with it.

## Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
3. The Council has referred to a development plan policy in its decision notice. However, the principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have had regard to the policies of the development plan, any related guidance and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.
4. A revised National Planning Policy Framework was published on 19 December 2023 and updated on 20 December 2023. Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the

Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework.

### **Main Issue**

5. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the area and the outlook of occupiers of the neighbouring properties and, if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

### **Reasons**

6. The appeal site is part of a wide grass verge located between a footpath alongside Nevendon Road and the boundaries of several residential properties. The grass verge is open and largely unobstructed containing only a dustbin, a post box and several trees on the boundary. There is also a lamppost adjacent to the road which the appellant indicates is approximately 8 metres in height. The proposed mast, at a height of 15 metres, would be located adjacent to the existing trees, said to be between 10 and 15 metres in height. The equipment cabinets would be positioned adjacent to the mast in a single line near to the footpath.
7. Due to the location of the proposed mast, adjacent to a relatively busy road, it would be a highly visible addition within the streetscene and from surrounding viewpoints. It would also be considerably higher than the surrounding street furniture, including the lamppost and most of the trees, and more prominent due to its bulky and top-heavy design. Due to its significant height and prominent appearance, along with the relatively low height of the surrounding buildings, the proposed mast would be a visually dominant addition to the surrounding area.
8. Whilst the proposed cabinets have been set back from the pavement and positioned in a single line to avoid a cluttered appearance, their cumulative size and bulky design would make them a highly noticeable feature within the streetscene. Therefore, the presence of these large structures would be an incongruous addition to this residential area.
9. However, it is noted that telecommunications equipment of a similar scale and appearance is not uncommon within built-up areas such as this one and that the proposal has been designed to ensure that the colour matches the existing street furniture. Nevertheless, due to their dominant and incongruous nature, the proposed mast and cabinets would have a moderately harmful impact on the character and appearance of the area.
10. The Council indicate that the proposal would be in close proximity to an existing flat development at Wilson Court on Kershaws Close and the existing residential garden of 8 Park Close. The proposed cabinets would have limited visibility to the occupiers of the neighbouring buildings but the proposed mast would be a highly visible addition. Nevertheless, due to the slim line design of the mast, the proposal would not significantly impede the outlook from any of these surrounding properties or result in a loss of daylight to the neighbouring occupiers when in their gardens or dwellings.
11. Paragraph 117 of the Framework states that applications for electronic communications development (including applications for prior approval under



the GPDO 2015) should be supported by the necessary evidence to justify the proposed development. The appellant has identified a requirement to provide 5G network coverage in the area and has stated that the erection of a new ground-based mast in the street environment would be the only viable route to ensure the delivery of the necessary service, as opposed to site sharing or use of an existing building or tall structure. The Council do not contest this matter.

12. The appellant has stated that the intended target area around Park Drive and Nevendon Road has a radius of approximately 100 metres. As well as the appeal site, five other sites have been considered to accommodate the proposed development. However, these were discounted for various reasons relating to unsuitable pavements, the impact upon visibility splays and location in front of residential housing. Again, this analysis has not been disputed by the Council and I can see that there is clear and persuasive evidence for discounting these alternative sites. Therefore, it is unlikely that a more suitable site may reasonably be available to fulfil the identified need. As such proposals are permitted development and have been accepted in principle, this need is given significant weight.
13. For the reasons set out above, the proposed installation would have a moderately harmful impact on the character and appearance of the area. However, as it is unlikely that a more suitable site would be available to achieve the identified need of providing 5G network coverage in this area, the need for the installation would be given significant weight which, in this instance, outweighs the harm that I have found. Therefore, on balance, I find the siting and appearance of the proposed installation acceptable.

### **Other Matters**

14. Concerns have been raised by third parties about potential effects on health. However, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.
15. Concerns have also been raised in relation to the potential impacts on wildlife, anti-social behaviour in the area, the proximity of the proposal to the gas mains and the conduct of the appellant. However, these are not considerations under Schedule 2, Part 16, Class A of the GPDO 2015 and therefore I cannot consider these matters as part of this appeal.

### **Conditions**

16. The order does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators contained within it. These specify that the development must be carried out in accordance with the details submitted with the application, begin within 5 years of the date of the approval and be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

**Conclusion**

17. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

*E Grierson*

INSPECTOR