

# MEMBERS' BULLETIN



**Thursday, 28 March 2024/Issue No. 2024/13**

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 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			

### Week Commencing 22<sup>nd</sup> April 2024

	COMMITTEE, CONFERENCE, ETC	VENUE	TIME
Mon 22	Conservative Group Meeting*	St. George's Suite	8.00pm
Tue 23	<b>CURRENTLY NO MEETINGS</b>		
Wed 24			
Thur 25			
Fri 26			

**(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)

## CIVIC EVENTS

None

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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		

## 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>

## 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.

# 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
24/00285/FULL	160A Stock Road Billericay	New roof & first floor, single storey rear extension & storm porch
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
23/01425/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

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### Licensing Matters:

None

## BILLERICAY WEST WARD

### Planning Applications Submitted:

APPLICATION NO.	ADDRESS	DESCRIPTION
24/00295/FULL	11 Anvil Way Billericay	Proposed two front dormers and solar panels

APPLICATION NO.	ADDRESS	DESCRIPTION
24/00298/FULL	8 Lampern Crescent Billericay	First floor side extension and single storey rear extension

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**Planning Applications Decided:**

None

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**Licensing Matters:**

None

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BURSTEAD WARD

**Planning Applications Submitted:**

APPLICATION NO.	ADDRESS	DESCRIPTION
24/00301/FULL	Grimshill Farm House Southend Road	Development of 4 affordable dwellings

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**Planning Applications Decided:**

None

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**Licensing Matters:**

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***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
23/00685/COND	Ku Ming Church Road	Approval of details reserved by conditions 5 (Materials) and 6 (Landscaping) of planning permission ref. 18/01105/FULL	Granted
24/00060/FULL	4 Bromfelde Road Billericay	Proposed two storey side and front extensions, removal of front box dormer and insert 3no. pitched roof dormers, extend rear box dormer, single storey rear extension, convert garage/outbuilding to annex with new pitched roof over incorporating a pitched roof dormer and alterations to fenestration.	Refused

APPLICATION NO.	ADDRESS	DESCRIPTION	DECISION
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
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
24/00090/COND	Crays Hall Farm Church Lane	Application for approval of details reserved by Condition 11 (Archaeological Mitigation Strategy) of planning permission 22/00296/FULL (granted on appeal APP/V1505/W/23/3318171)	Part Approved / Part 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

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### **Licensing Matters:**

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***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.

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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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**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
24/00309/ABAS	Proposed Costa Drive Thru Festival Leisure Park	Inistallation of 4x illumuminated Fascia Sign, 1x Projecting Sign, 5x Hoarding signs.

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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

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**Licensing Matters:**

None

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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:**

APPLICATION NO.	ADDRESS	DESCRIPTION	DECISION
24/00017/TPOBAS	Ford Research And Engineering Centre West Mayne	Cut all encroachment and overhang back to the Public Affairs boundary of the site from TPOs T317, T316, T315 and T314, and strim all ground vegetation.	Application Permitted

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**Licensing Matters:**

None

**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
24/00327/FULL	Treetops High Road	Proposed single storey rear extension with lean to roof over.

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**Planning Applications Decided:**

APPLICATION NO.	ADDRESS	DESCRIPTION	DECISION
23/01359/FULL	The Squirrels Stacey Drive	Remove existing rear balcony and erect two storey front extension with a gabled roof and a single storey front	Granted

APPLICATION NO.	ADDRESS	DESCRIPTION	DECISION
		extension with a rooflight, raise and extend hipped roof to gable ends, alterations to fenestration, loft conversion with 1no front and 4no rear velux windows. Infill extension linking house to garage comprising of 3no front and 3no rear velux windows in the garage roof space.	
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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**Licensing Matters:**

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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**Licensing Matters:**

None

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**NETHERMAYNE**

**Planning Applications Submitted:**

None

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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 childrens home (Class C2).	Refused

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**Licensing Matters:**

None

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**PITSEA NORTH WEST WARD**

**Planning Applications Submitted:**

None

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**Planning Applications Decided:**

None

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**Licensing Matters:**

None

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**PITSEA SOUTH EAST WARD**

**Planning Applications Submitted:**

APPLICATION NO.	ADDRESS	DESCRIPTION
24/00312/COND	Land North Of Bowers Close London Road	Approval details reserved by condition(s) 18 (Construction Environmental Management Plan (CEMP) and Site Waste Management Plan (SWMP), 24 (Air Quality Assessment ) and 25 (Noise Assessment ) of 22/01143/FULL

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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.

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**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.'
24/00310/COND	Street Record Napier Close	Approval details reserved by condition 26 (Biodiversity enhancement strategy) of 21/00645/FULL

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**Planning Applications Decided:**

APPLICATION NO.	ADDRESS	DESCRIPTION	DECISION
24/00204/COND	Land At Market Square	Application for approval of details reserved by condition 3 (Desk Top Study) of planning permission 20/00955/FULL.	Part Approved / Part Refused
24/00273/COND	Land At Market Square	Application for approval of details reserved by condition 10(A) (historic building recording) of consent reference 20/00955/FULL.	Granted

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**Licensing Matters:**

None

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VANGE WARD

**Planning Applications Submitted:**

APPLICATION NO.	ADDRESS	DESCRIPTION
24/00307/FULL	61 Tilney Turn Basildon	Demolition of the existing porch and construction of new porch.

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**Planning Applications Decided:**

APPLICATION NO.	ADDRESS	DESCRIPTION	DECISION
23/01404/FULL	130 Redgrave Road Basildon	Single storey rear extension (retrospective)	Granted

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**Licensing Matters:**

None



**WICKFORD CASTLEDON WARD**

**Planning Applications Submitted:**

APPLICATION NO.	ADDRESS	DESCRIPTION
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).
24/00303/FULL	Willowdale Centre High Street	Installation of 4no. ultra rapid EV chargers for use across 6no. parking bays and installation of associated equipment including power units, floodlights, substations, bollards and signposts

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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
24/00058/LDCP	97 Oakhurst Drive Wickford	To establish the lawfulness of a proposed hip to gable loft conversion incorporating a flat roof rear dormer	Granted

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**Licensing Matters:**

None

**WICKFORD NORTH WARD**

**Planning Applications Submitted:**

None

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**Planning Applications Decided:**

APPLICATION NO.	ADDRESS	DESCRIPTION	DECISION
24/00064/LDCP	36 Fourth Avenue Wickford	To establish the lawfulness of a proposed loft conversion with hip to gable roof extension, rooflights & rear dormer	Granted
24/00067/FULL	57 Runwell Road Wickford	Proposed single storey rear extension	Granted

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**Licensing Matters:**

None

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<b>WICKFORD PARK WARD</b>
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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,
24/00291/PACU	Adjacent To Pantile Farm House Cranfield Park Road	Prior Approval sought under Schedule 2, Part 3, Class MA of the Town and Country Planning (GPDO) (England) Order 2015 for the change of use from Use Class E (Commercial, Business and Service) to Use Class C3 (Residential), for the proposed internal re-model to provide 1 x 3-bedroom dwelling.

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**Planning Applications Decided:**

None

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**Licensing Matters:**

None

## **LOCAL GOVERNMENT ASSOCIATION WEBSITE**

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

Local Government Association	-	<a href="http://www.lga.gov.uk">www.lga.gov.uk</a>
Direct.gov.uk - what's new	-	<a href="http://www.direct.gov.uk">www.direct.gov.uk</a>

## **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 20 February 2024

**by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI**

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

**Decision date: 21 March 2024**

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### **Appeal Ref: APP/V1505/W/23/3323706**

**Ramsden Park Farm, Ramsden Park Road, Ramsden Bellhouse, Billercay, Essex CM11 1NR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr John Gatrell against the decision of Basildon District Council.
  - The application Ref 22/00743/OUT, dated 18 May 2022, was refused by notice dated 27 January 2023.
  - The development proposed is outline application for the conversion of the three existing stables at Ramsden Park Farm into three residential dwellings with all matters reserved except access.
- 

### **Decision**

1. The appeal is dismissed.

### **Preliminary Matters**

2. A revised version of the National Planning Policy Framework (the Framework) has been published since the appeal was lodged. Both main parties have had the opportunity to comment on any relevant implications for the appeal. I have had regard to the Framework in reaching my decision.
3. The description of the development provided on the planning application form has been replaced by an amended version on the decision notice and in subsequent appeal documents. I consider that subsequent description to accurately represent the proposal, including in respect of the reserved matters, and I have therefore used it within this decision.
4. As set out in the description of development, the application was considered as being in outline with all matters except access reserved for future consideration. I have dealt with the appeal on that basis.
5. The appellant has submitted amended plans with the appeal which depict reduced garden areas and the relocation of proposed parking. The Council and third parties have had the opportunity to comment on the amended plans as part of the appeal process. On that basis, and due to the form of the amendment proposed, I do not consider that the interests of any party would be harmed if I proceed to determine this appeal on the basis of the amended plans.

## **Main Issues**

6. The main issues are:

- Whether the proposal would be inappropriate development in the Green Belt, with due regard to openness;
- The effect on the Essex Coastal Recreational Avoidance and Mitigation Strategy (RAMS) zone of influence; and
- If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

## **Reasons**

### *Whether Inappropriate Development*

7. The appeal site is in the Green Belt. Paragraph 155 of the Framework sets out that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes the re-use of buildings provided that the buildings are of permanent and substantial construction as referred to in paragraph 155(d).
8. The appeal proposal relates to three buildings described as stables, although the submitted evidence also refers to one of them being used for storage purposes. Based on the evidence before me and observations on my visit, the buildings appear to be of a permanent and substantial construction. However, to be considered not inappropriate development in the Green Belt then the proposal should preserve its openness and not conflict with the purposes of including land within it.
9. The proposal would introduce gardens to the rear of the buildings, parts of which would extend onto fields which are viewed as being part of the countryside. The design of the means of enclosure around these gardens would be addressed as part of the reserved matters, but although the appellant refers to post and rail fencing and the views enabled through it, the domestic curtilage proposed with the associated paraphernalia would represent the obvious enclosure of parts of the fields, with subsequent harm to the openness of this area of the Green Belt. This would be the case even allowing for the reduced area of garden shown on the amended plans.
10. The appellant refers to the number and form of traffic movements associated with the horse boarding stables. However, even if traffic movements associated with an appropriate use in the Green Belt can be considered to harm openness, these vehicle movements and associated parking would appear to be restricted to the extent of existing built development on the site. Furthermore, the evidence in respect of the form and nature of vehicle movements associated with the extant use is limited and anecdotal. I am also mindful that vehicles used in association with dwellings would be more likely to be parked on site for longer periods, compared to the more transient level of activity associated with the stables. Although the number of vehicle movements associated with the proposal may be lower than those associated



with the existing buildings, this would not be of a form or degree that would compensate for the projection of domestic curtilage into the Green Belt.

11. As well as openness, the Green Belt purposes should also be considered, including to safeguard the countryside from encroachment. The location and extent of residential curtilage and associated paraphernalia would lead to the domestication of parts of the fields and open land. This would represent encroachment into the countryside, and the proposal would therefore conflict with that Green Belt purpose.
12. The appellant refers to views of the development from various locations. However, even allowing for screening provided by landscaping and buildings, as well as the backdrop of existing built development, I saw that the extent and form of the proposal would be apparent in views from the surrounding area.
13. I therefore conclude that the proposal would not preserve the openness of the Green Belt and would conflict with a purpose of including land within it. The proposal would therefore not meet the requirements of the form of development set out in paragraph 155(d) of the Framework, nor any of the other exceptions and developments in paragraphs 154 and 155. The proposal would therefore be inappropriate development in the Green Belt.

#### *Essex Coastal Recreational Avoidance and Mitigation Strategy (RAMS)*

14. As set out in the Council's Officer Report, the aim of the RAMS is to secure financial contributions or other forms of mitigation to mitigate the likely impacts of development. The Officer Report indicates that this would normally be dealt with through securing the required contribution via a Unilateral Undertaking (UU).
15. The appellant has submitted a completed UU which reflects the contribution referred to in the Officer's Report. I therefore consider that this UU addresses the concerns in respect of the potential effect on the RAMS. Based on the UU, the proposal would therefore comply with the Conservation of Habitat and Species Regulations 2017 (as amended).

#### *Other Considerations*

16. The proposal would add to the supply and mix of housing in the area. The Officer Report specifies that the Council does not currently have a deliverable 5-year housing land supply, and I am mindful of the history of housing delivery in this area as set out in the Housing Delivery Test. Given these circumstances, the delivery of 3 dwellings carries moderate weight as a benefit in favour of the proposal.
17. The appellant refers to a lack of harm in respect of issues including character and appearance, residential amenity and highway safety. However, a lack of harm is not a benefit and these are neutral considerations in the planning balance.

## **Balance and Conclusion**

18. Notwithstanding my conclusions in respect of the effect on the RAMS, the proposal would be inappropriate development within the Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to any harm.
19. The Framework requires that inappropriate development should not be approved except in very special circumstances. Even given the Council's housing land supply position, the other considerations in respect of this appeal do not clearly outweigh the substantial harm that would arise from the development. Therefore, very special circumstances to justify the proposal do not exist.
20. The Council's decision refers to Saved Policy BAS GB1 of the Basildon District Local Plan which establishes the boundaries of the Green Belt as shown on the Proposals Map. The appellant considers that the policies of the Local Plan are out of date, but this does not negate the boundaries of the Green Belt as established in the development plan.
21. Reference has also been made to Saved Policy BAS GB7 of the Local Plan which relates to the reuse of buildings in the Green Belt. Due to the effect on openness the proposal would be contrary to this policy. Policy BAS GB7 reflects the wording of the Framework in respect of the form of development before me, and I therefore give the conflict with this policy significant weight.
22. In any event, for the reasons given, the proposal would be contrary to the Framework in respect of protecting Green Belt land, which provides a clear reason for refusing the development proposed.
23. I therefore conclude that the appeal should be dismissed.

*David Cross*

INSPECTOR

## Appeal Decisions

Hearing held on 6 February 2024

Site visit made on 6 February 2024

**by David Jones BSc (Hons) MPlan MRTPI**

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

**Decision date: 27 March 2024**

### **Appeal A Ref: APP/V1505/C/23/3328789**

#### **Vidor, Honiley Avenue, Wickford, Essex SS12 9JE**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr Ken Kent against an enforcement notice issued by Basildon Borough Council.
- The enforcement notice was issued on 31 July 2023.
- The breach of planning control as alleged in the notice is the unauthorised construction of a four (4) bedroom bungalow ("The Building" – shown approximately edged and hatched black on the attached notice plan) within the residential curtilage of Vidor, Honiley Avenue, Wickford ("The Land").
- The requirements of the notice are:
  - i. Demolish the building (as approximately shown outlined and hatched black on the attached notice plan) and remove all resultant building materials and construction debris from the land.
  - ii. Remove all internal fencing (as approximately shown outlined blue and marked A to B on the attached notice plan) and remove all resultant materials and debris from the land.
- The period for compliance with the requirements is Nine (9) months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

### **Appeal B Ref: APP/V1505/W/23/3328786**

#### **Land rear of Vidor, Honiley Avenue, Basildon SS12 9JE**

- 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 Ken Kent against the decision of Basildon Borough Council.
- The application Ref 23/00348/FULL, dated 6 March 2023, was refused by notice dated 31 July 2023.
- The development proposed is a retrospective application for retention of existing bungalow for use as 3 bedroom care home (C2).

## **Decisions**

### Appeal A

1. The appeal is dismissed and the enforcement notice is upheld.

### Appeal B

2. The appeal is dismissed.

## **Appeal A on ground (a) - the deemed planning application, and Appeal B Preliminary Matters**

3. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023. The main parties were given the opportunity to provide written comment over these changes. I have determined these appeals based on the current version of the Framework.
4. Appeal A on ground (a) is a deemed planning application for the development that is the subject of the enforcement notice, namely the construction of a four-bedroom bungalow. The application subject of Appeal B is for the retention of the existing bungalow for use as a three-bedroom care home (C2). Both appeals relate to the same building and a residential use. The only difference between the two appeals is that Appeal B relates to a proposed use falling under Use Class C2. The similarities between the two appeals are further demonstrated by the reasons for the issue of the enforcement notice, and the local and national planning policies that the development is said to be contrary to, being repeated in the reasons for the refusal of the planning application.
5. On this basis, and having regard to the evidence of the parties, the main issues that I will consider for these appeals are broadly the same. I am satisfied that the ground (a) appeal and Appeal B can be considered together, but I will distinguish between the two, where appropriate.

### **Main Issues**

6. The main issues are:
  - the effect of the development on the openness of the Green Belt;
  - the effect of the development on the character and appearance of the area;
  - whether the development provides satisfactory living conditions for future occupiers, with particular regard to outlook, light, and the suitability of outdoor amenity space;
  - the effect of the development on the living conditions of occupiers of Cymbeline, with particular regard to outlook and overlooking; and
  - would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

### **Reasons**

#### *Green Belt*

7. It is common ground that the appeal site lies within the Green Belt. Paragraph 154 of the Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate development except in certain circumstances. There is no dispute between the parties that the development is inappropriate development in the Green Belt within this context.
8. The Framework clearly sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It also outlines that very special circumstances will not

exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

### *Openness*

9. Paragraph 142 of the Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of Green Belts are their openness and their permanence. The Council considers that the development conflicts with this fundamental aim and erodes the openness of the Green Belt.
10. The appeal site encompasses the residential curtilage of Vidor, a detached dwelling located towards the western end of the site and fronting onto Honiley Avenue. The rear garden has been sub-divided with the bungalow subject of the appeals situated at the eastern end of the site.
11. The bungalow is a substantial structure which occupies a significant proportion of the site and extends virtually the full width of the plot. The rear garden of Vidor was previously largely free from development, except for the existence of modest domestic outbuildings. Therefore, given the scale of the development and the increase in both footprint and volume compared to what previously existed on the site, the development has the unavoidable consequence of resulting in a significant reduction in the spatial openness of the Green Belt.
12. Despite the spatial reduction in the openness of the Green Belt, there would be a much more limited visual reduction in openness. This is due to the bungalow being bound by existing development including to the west (Vidor), north (industrial yard), and south (Cymbeline). As a result, whilst views of the development are possible from Honiley Avenue, these views are intermittent with only partial glimpses possible. There are also no clear views of the appeal site from the Southend Arterial Road to the south. It is likely that views of the development are possible at short range from nearby residential properties, including Cymbeline.
13. Overall, given that there are only limited views available of the appeal site and development from public vantage points, it makes only a minimal contribution to the visual aspect of openness. The development therefore only has a minor harmful impact on this aspect of openness. Nevertheless, for the reasons set out above the development inevitably results in a significant reduction in the spatial openness of the Green Belt.

### *Green Belt Purposes*

14. Paragraph 143 of the Framework states that the Green Belt serves five purposes. One of those purposes is to assist in safeguarding the countryside from encroachment. Although the development is located within the curtilage of an existing residential dwelling, given the size and scale of the building along with its proposed use, I find that the development has an urbanising effect and would result in an intensified residential use. This runs contrary to the purpose of safeguarding the countryside from encroachment.
15. Consequently, whilst I concur with the appellant that the development does not conflict with the other four purposes listed under paragraph 143 of the Framework, the development fails to assist in safeguarding the countryside from encroachment. Whilst the harmful effect of the encroachment would be limited due to the existing development surrounding the site, there would

nevertheless be some limited harm arising to the purpose set out under paragraph 143 (c) of the Framework.

### *Character and Appearance*

16. The appeal site is located on Honiley Avenue, a small cul-de-sac characterised by a mix of residential and commercial properties of varying architectural style and design. Although there are exceptions, the residential properties generally front onto Honiley Avenue and sit within rectangular plots with external amenity space to the side and rear.
17. The bungalow is of simple design and is constructed in materials which are appropriate and in keeping with both Vidor and the surrounding residential properties. As such, the bungalow is not visually incongruous when viewed from Honiley Avenue or other nearby properties.
18. However, the achievement of good design is not limited to only the aesthetic appearance of the development, but also its integration into the character of an area. In this case, the rear garden of Vidor has been sub-divided with the bungalow constructed at the extreme rear of the plot. Access to the bungalow is provided via the existing driveway and through the remaining private rear garden area of Vidor. The appeal schemes therefore represent a back land plot, adding an additional tier of residential development to the locality which is at odds with the established grain and character of the area.
19. Although I saw during my site visit that some nearby properties included single storey detached outbuildings, I have no evidence to indicate that these are in use as separate self-contained residential accommodation. Furthermore, most of these outbuildings appeared subservient to the host dwelling with few appearing to be of the size and scale of the building subject of these appeals.
20. The inappropriateness of the development is further exacerbated by its cramped form. The development extends virtually the full width of the plot and is sited very close to the site's northern, eastern, and southern boundaries. Accordingly, there is very little external space to the side and rear of the bungalow, with a modest private garden area provided to the front. As a result, the development does not sit comfortably on the site and appears as a cramped and contrived form of development that is out of keeping with the overall character of the area.
21. The proposal is largely screened from the street scene by the existing built form and planting, which consequently limits its effect on the appearance of the area. However, its lack of obviousness in the public realm does not make up for the harmful effect it has on the character of the area for the reasons I have set out.
22. The development therefore conflicts with saved Policy BAS BE12 of the Basildon District Local Plan (BDLP) (September 2007) and guidance contained within paragraph 135 of the Framework. These seek, amongst other things, to ensure that developments do not cause harm to the character of the surrounding area.

### *Living Conditions of Future Occupiers*

23. The floor plans submitted as part of Appeal B show the internal layout of the property which broadly corresponded with what I saw during my site visit. A long living/dining area runs through the centre of the bungalow with patio

- doors at either end, with a bedroom (bedroom 1) and a kitchen located either side at the front of the property. To the rear left hand side of the building are an en-suite bedroom (bedroom 2) and a further bedroom (bedroom 3). To the rear right hand side of the building is another en-suite bedroom (bedroom 4).
24. In relation to the use of the property as a C2 Care Home (Appeal B), at the hearing Mr Smith stated that the property had been visited on more than one occasion by care professionals. These professionals all considered it ideal for its intended purpose of providing accommodation for persons with complex learning and behavioural difficulties. However, the main thrust of why the appeal property was considered appropriate was due to its size and location. It was explained in some depth at the hearing that certain individuals in need of such care are not best suited to the more larger care homes, and instead need smaller, more secluded properties in quieter locations.
  25. Whilst I have no reason to doubt that position, it nevertheless does not alter the fact that due to the close proximity of the site boundaries, outlook from a number of the windows is severely restricted. In particular, the outlook from the French doors in bedrooms 3 and 4 is dominated by the close boarded timber fence which is located at very close quarters and results in a sense of enclosure. The outlook from the rear facing patio doors in the living/dining area is equally as poor for the same reason.
  26. Bedroom 3 has an additional window on its northern elevation, along with bedrooms 1 and 2 which have similar north facing windows. The outlook from all three of these windows is poor, as the outlook is directly into the adjacent industrial yard. The high level obscure glazed window in bedroom 4 cannot be said to provide any positive benefit in terms of outlook from that room.
  27. The west facing windows located in the kitchen, bedroom 1, and the patio doors in the living/dining area all look out onto the enclosed amenity space to the front of the property. The outlook from these windows is dominated and restricted by the boundary fencing resulting in an oppressive environment. Overall, outlook from all windows in the property is poor and restricted in some way. Therefore, irrespective of whether occupied as a care home or a standard residential dwelling, the development provides an unacceptably poor standard of outlook for future occupants.
  28. Despite the close proximity of the site's boundaries and the poor outlook, at the time of my visit there was, in my view, adequate natural light entering the property. In the absence of any compelling evidence to the contrary, I am satisfied that the development would not have a harmful effect on the living conditions of future occupiers with particular regard to light.
  29. The bungalow includes an external private amenity space which the Council states measures around 130sqm. This space is predominantly located to the front of the property in the form of an enclosed yard which is hard surfaced. There is no dispute between the parties that the size of this space is adequate. However, the Council considers that users of this space would feel cramped and enclosed, and its appearance unduly harsh.
  30. As already stated above, it was made clear at the hearing that care professionals considered that the property was appropriate for the C2 use proposed under Appeal B, and furthermore that there was sufficient outdoor amenity space for occupants and their specific needs. I find no compelling

reason to disagree, particularly given the size of the amenity space to the front of the property which would result in users not feeling unduly cramped or enclosed. The use of hard surfacing also does not detract from the useability of this space. Similarly, I also find that the amenity area would provide sufficient outdoor space to accommodate occupants sitting out, hanging out washing, storage, and general recreational activities commonly associated with a residential dwelling.

31. Consequently, although I have not identified any specific harm with regard to light and the suitability of outdoor amenity space, the development would not provide satisfactory living conditions for future occupiers in relation to outlook.
32. Policy BAS BE12 of the BDLP resists new development that would, among other things, cause material harm in terms of overlooking or noise and disturbance to neighbouring properties. As such, there is no direct conflict with this Policy. Notwithstanding that there would not be conflict with the development plan in this particular respect, the development does conflict with paragraph 135 of the Framework which seeks new development with a high standard of amenity for existing and future users.

#### *Living Conditions of Occupiers of Cymbeline*

33. The bungalow has been erected immediately adjacent to the shared southern boundary with Cymbeline, a residential dwelling located towards the southern end of its rectangular plot. I saw during my site visit that the shared boundary between the two properties is made up of a wall and fence, with planting also provided on the southern side of that boundary. Although the bungalow protrudes above the height of the boundary treatment and planting, this nevertheless provides a healthy amount of screening.
34. Given the significant distance between the development and Cymbeline, along with the screening provided, I do not consider that the development unreasonably dominates the outlook from the neighbouring dwelling. Similarly, whilst it would be partially visible, given its single storey nature and the screening afforded, the bungalow does not have an imposing or intrusive impact on users of the rear garden of Cymbeline.
35. With regards to overlooking, there are windows along the southern elevation of the bungalow which face towards the rear garden of Cymbeline. However, these windows are all small, above eye level, and obscure glazed. Due to these factors, along with the screening provided by the existing planting along the southern boundary, the development does not result in an undue level of actual or perceived overlooking for occupiers of the neighbouring property.
36. Overall, the development does not harm the living conditions of occupiers of Cymbeline, with regard to outlook and overlooking. It therefore accords with Policy BAS BE12 of the BDLP and guidance contained within paragraph 135 of the Framework which seek, amongst other things, to ensure that new development provides a high standard of amenity, including not causing harm in terms of overlooking or over dominance.

#### *Other Considerations*

37. It is common ground that the Council can only demonstrate a housing land supply of 1.85 years. This represents a severe shortfall. The Housing Delivery Test results also show that housing delivery in the Borough is falling short.



Whilst the development in both Appeal A and Appeal B would only make a limited contribution to that shortfall, it would nonetheless be a benefit and one to which I would attach moderate positive weight given the extent of the housing land supply shortfall.

38. The appellant referred to a range of evidence asserting a need for care home provision within the Borough. This included the South Essex Housing Needs Assessment (SEHNA) (June 2022) which showed a need for 380 bed spaces across the period of 2020-2040, equating to an average of 19 per annum. The SEHNA also showed a need for an average of 112 bed spaces per annum across the whole of South Essex. The appellant considers that this figure fails to take into account the need for other forms of specialist housing as set out in tables 7.3 and 7.4 of the SEHNA, and therefore should be higher. At the hearing the appellant also highlighted a recent appeal decision<sup>1</sup> at Potash Road which indicated a current need of 970 bed spaces in Basildon, rising to 1,845 by 2043.
39. In terms of supply, reference has been made to permissions recently granted at Pipp's Hill Road and Coxes Farm Road which are to provide 80 and 76 beds respectively. It was confirmed at the hearing that work on these developments had not yet commenced. Both parties also made reference to a replacement care home at Ghyll Grove. It was accepted though that whilst construction works were well advanced, the replacement care home actually results in a net loss of beds.
40. Although it disputes some of the figures provided, the Council accepts that there is a substantial unmet demand for care beds within the Borough. Given the evidence before me, I am clear in my mind that there is indeed an acute and significant unmet need for care beds within the Borough. Although the proposal in Appeal B would only make a limited contribution to those unmet needs, it would also provide an alternative form of care accommodation to the larger care homes which, whilst providing a more significant number of beds, are not always best suited to the needs of all users. Therefore, I place significant positive weight on the proposed C2 Use Class accommodation.
41. There would also be 6-8 full time equivalent jobs created through the proposal under Appeal B, which would be an economic benefit to which I ascribe moderate positive weight. In relation to Appeal A, the use of the bungalow as a C3 dwelling would also result in economic and social benefits due to the contributions of future occupiers to the local economy. These benefits however would be more modest, and I therefore ascribe them limited weight.

#### *Planning Balance and Conclusion*

42. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be supported except in very special circumstances. It goes on to advise that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
43. In this case the Green Belt harm relates to the significant loss of openness in a spatial sense, along with limited harm to both openness in visual terms and

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<sup>1</sup> APP/V1505/W/23/3326612

Green Belt purpose c). Taken together this amounts to a matter of substantial weight, to which I must also add the harm to the character and appearance of the area and the living conditions of future occupiers that I have found.

44. The benefits of the care home under Appeal B attracts significant weight, particularly given the acute and significant unmet need for care beds within the Borough. However, even when adding to this the benefits arising from the development's contribution to the Council's housing shortfall, and the economic and social benefits, these other considerations do not clearly outweigh the substantial weight that I have given to the harm caused to the Green Belt and the additional harm identified. Consequently, the very special circumstances necessary to justify the development under Appeal A or Appeal B do not exist.
45. For the reasons set out above, the proposals would conflict with the development plan, when read as a whole and the Framework. Material considerations do not indicate that a decision should be taken other than in accordance with that plan. Having considered all other matters raised, I therefore conclude that the appeals should be dismissed.

#### *Other Matters*

46. The appeal site falls within the Zone of Influence for the Essex Coast Recreational Avoidance and Mitigation Strategy (RAMS). Natural England has identified that new residential development within this area is likely to have a significant effect on the features of interest of European Sites, due to increased recreational pressure.
47. In relation to Appeal B, the proposal seeks the use of the bungalow as a care home (Use Class C2) which would see its residents require a certain level of care. As a result, it is common ground between the parties that residents would be unlikely to use outdoor recreational facilities within the European Sites and would be far more likely to use facilities in a much closer geographical area. For this reason, the proposal would not lead to likely significant effects on the European Sites and an appropriate assessment is not required. I find no reason to disagree with this view.
48. However, the use of the bungalow as a standard residential dwelling (Use Class C3) would represent a different scenario, whereby occupants would be far more likely to use outdoor recreational facilities and therefore have a significant effect on the features of interest of European Sites. I note that the appellant has indicated a willingness to make a financial contribution towards the mitigation of these effects, however there is no planning obligation before me. In any event, as I have found against the appellant on other main issues, and therefore planning permission is to be refused, these matters need not be considered any further in this case.

#### **Appeal A on ground (g)**

49. The appeal on ground (g) is that the time given to comply with the requirements of the notice is too short. The notice specifies a period of nine months after the notice takes effect.
50. [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
51. There is no evidence before me to demonstrate that it would be difficult to find a suitable contractor to carry out the works, or for those works to be physically carried out within the period specified in the notice. I also have no evidence before me with regards to the cost of the demolition or why that may be prohibitive.
52. My task in relation to this ground of appeal is to balance the public interest in securing expeditious compliance with the enforcement notice against the personal and private interests of the appellant. Whilst I have the upmost sympathy with regards to the personal circumstances of the appellant, a period of eighteen months would be tantamount to a temporary planning permission. Such a lengthy period is not reasonable and, in my view, exceeds the length of time that would be required to carry out the works.
53. I therefore find that nine months is a sufficient and reasonable period of time to comply with the requirements of the notice. Accordingly, the appeal on ground (g) fails.

**Conclusion**

54. Having considered all of the matters raised, I conclude that Appeal A does not succeed. I have upheld the enforcement notice and refuse to grant planning permission on the deemed application.
55. For the reasons given above, I conclude that Appeal B should be dismissed.

*David Jones*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Richard Ground	Of Counsel, instructed by Peter Jeffrey of Sphere 25
Peter Jeffrey	Sphere 25
Declan Bristow	Sphere 25
Paul Smith	Eastern County Care
Ken Kent	Appellant

### FOR THE LOCAL PLANNING AUTHORITY:

Katie Ellis	Principal Planner
Joseph Finn	Senior Planner

## **DOCUMENTS SUBMITTED AT THE HEARING**

1. Appeal decision Ref: APP/V1505/W/23/3326612
2. Closing statement for the appellant