

Great Burstead & South Green Village

Date
Please ask for
Department
Tel. No
E-Mail
Appeal Ref

15 January 2019
Planning Administration
Planning Services
01268 533333 option 6
gordon.humphries@basildon.gov.uk
APP/V1505/W/18/3216123

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY: Messrs Carpenter and Thevenaz

LAND AT: Hygro Farm Kennel Lane Billericay Essex

PROPOSED DEVELOPMENT: Redevelopment of site currently occupied by commercial barns to create 3 dwellings, associated car parking, retained access to farm and rainwater storage area

COUNCIL REFERENCE: 18/00594/FULL

A written representation procedure appeal has been received by the Planning Inspectorate. The appeal follows the refusal of planning permission by the Council, for the following reason(s):

- 1 *The National Planning Policy Framework (NPPF) states 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.*

Paragraph 144 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 145 of the NPPF further states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include (amongst others) buildings for agriculture; the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces; or the 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.

Saved Policy BAS BE12 (Development Control) of the Basildon District Local Plan Saved Policies Document September 2007 further states that planning permission for new residential development, and for the alteration and extension of existing dwellings, will be refused if it causes material harm in

any of the following ways:- i. Harm to the character of the surrounding area, including the street scene; ii. Overlooking; iii. Noise or disturbance to the occupants of neighbouring dwellings; iv. Overshadowing or over-dominance; and v. Traffic danger or congestion.

The Basildon Borough Revised Publication Local plan 2014-2034 (October 2018) Policy GB6 (Replacement Buildings in the Green Belt) states that the replacement of a building in the same use, including those delivered through the redevelopment of previously developed land, will be permitted provided it is not materially larger than the building it replaces and it would not have a greater impact on the openness of the Green Belt than the existing development. Support will be given to proposals that meet the following criteria:

- a. The existing building is lawful and permanent in nature;*
- b. The proposed building does not materially harm the openness of the Green Belt through excessive scale, height, bulk or visual intrusion;*
- c. The total floor space of the replacement building would not result in a disproportionate increase above the floor space of the original building, excluding any alterations or extensions made under permitted development that do not alter size or shape of the building, unless it can be demonstrated that very special circumstances exist that require additional provision;*
- d. The design, siting and materials is sympathetic to the existing building and the character of its surroundings, unless its re-siting and design would be less obtrusive to the Green Belt;*
- e. There is sufficient space around the building, between neighbouring buildings and between boundaries;*
- f. It will not result in an intensification of the existing use of the site or the creation of an urbanised form of development; and*
- g. The site on which the building to be replaced sits has not returned to nature and developed greenfield characteristics.*

The Council will seek to remove relevant permitted development rights where it is likely that further development would cause harm to the openness of the Green Belt.

The proposals would entail the demolition of two former agricultural barns and their replacement with three two-storey dwelling houses, which by reason of their bulk and layout would reduce the openness that presently exists between the two barns and the views afforded through the site and therefore lead to an erosion of the character of the surrounding area. This would be harmful to the open semi-rural farmland setting of the green belt site in conflict with paragraphs 144 and 145 of the NPPF, Basildon Borough Revised Publication Local plan 2014-2034 (October 2018) Policy GB6 and Basildon Local Plan Saved Policy BAS BE12.

Any comments already made following the original application for planning permission (unless they are expressly confidential) will be forwarded to The Planning Inspectorate and copied to the appellant, and will be taken into account by the inspector in deciding the appeal. Should you wish to wish to make comments, or withdraw / modify your earlier comments in any way, you can do so online at <https://acp.planninginspectorate.gov.uk>. If you do not have access to the internet, you should write to The Planning Inspectorate, 3F Temple Quay House, 2 The Square, Bristol. BS1 6PN. All representations must be received by no later than **15th February 2019**, quoting the appeal reference number **APP/V1505/W/18/3216123**. Any representations submitted after the deadline will not usually be considered and will be returned. The Planning Inspectorate does not acknowledge representations.

Any views you express must be available to the appellant and the Council, and that if you submit representations it will be assumed that you have given permission for this to be done. Appeal documents can be viewed by prior arrangement with the Council's technical support team (01268 533333 Option 6).

A booklet entitled 'Guide to taking part in planning appeals' can be downloaded from GOV.UK at: <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal> or obtained from us free of charge. When made, the Appeal decision will be published online at <https://acp.planninginspectorate.gov.uk>.

Please refer to the Data Protection Act about how the council uses your data www.basildon.gov.uk/privacy.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Tomasz Kozlowski', with a long horizontal flourish extending to the right.

Tomasz Kozlowski BSc. MBA. MRICS.
Assistant Director – Growth