



Planning, Design and Access Statement

Demolition of the existing dwelling, permeant mobile home and outbuildings and the erection of 2 no. dwellings

Meadway Farm, Rectory Road, Little Burstead, Essex, CM12 9TR



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1. Introduction

- 1.1. This Planning, Design and Access Statement has been prepared in support of a full planning application for the replacement of an existing dwelling, permanent mobile home and outbuildings, with 2 no. dwellings at Meadway Farm, Rectory Road, Little Burstead, CM12 9TR.

- 1.2. The detailed planning considerations are set out within this statement, taking into account the planning requirements in the National Planning Policy Framework and the adopted Basildon Local Plan (1998/99).

2. Site Context

Planning History

- 2.1. 20/00180/FULL – Planning permission was sought for the demolition of an existing dwelling and other buildings, removal of structures and erection of three dwellings including a new internal road access, infrastructure and associated works. This application was refused on 7th October 2020 as it was not considered an appropriate development in the Green Belt.
- 2.2. This decision was subsequently appealed (Ref: APP/V1505/W/20/3261768). The appeal was dismissed, but in making a decision, the Planning Inspector accepted that the site comprises previously developed land and that Paragraph 145(g) of the NPPF applies in the consideration of the case. The appeal was dismissed on character and appearance.
- 2.3. 21/01349/FULL – A revised application was submitted following the appeal decision. This application was refused on 24th January 2022 as it was considered that the development would result in an increase in built form across the site that would lead to both a spatial and visual reduction in the openness of this Green Belt site.
- 2.4. 22/00281/FULL – A further application was submitted that reduced the amount of built form being proposed. This application was approved on 25th April 2022.

The Site and Surroundings

- 2.5. The site comprises a plot of land to the east side of Rectory Road with a width at its frontage of 30 metres and overall depth of approximately 200 metres.



2.6. The plot currently contains:

- A central access track
- An existing dwelling
- 2 no. mobile homes
- Several single storey outbuildings

2.7. Planning application 22/00281/FULL sought the removal of one mobile home and outbuildings towards the rear of the site and their replacement with one chalet at the front of the site. It also included a realigned access track.

2.8. Planning application 22/00281/FULL also sought the retention of the existing dwelling, one mobile home, and 2 no. utility buildings. A large storage building at the rear of the site was not included in that application. It is these buildings that are subject to this current application.



Image 1: Google Earth image facing north, showing the property in its context.



Image 2: The existing dwelling – Front Elevation. Retained under planning application 22/00281/FULL



Image 3: The existing dwelling – Side Elevation. Retained under planning application 22/00281/FULL



Image 4: The existing dwelling – Side Elevation. Retained under planning application 22/00281/FULL



Image 5: Existing mobile home in permanent residential use – retained under planning application 22/00281/FULL



Image 6: Large storage building. This building is actively used for storage purposes. This building did not form part of planning application 22/00281/FULL. As such, it is a retained building.

The Mobile Home

- 2.9. The existing mobile home, see image 5, that is subject to this application has been permanently occupied by the applicant since 2002.
- 2.10. The existing residential unit contains living accommodation, a bedroom, kitchen and bathrooms facilities, and has been used as an independent dwelling since it has been in place.
- 2.11. As will be explained below, for the purposes of this application, the mobile home can be considered a building for planning purposes.

- 2.12. A building is defined by s336 of the Town and Country Planning Act 1990 as including any structure or erection and any part of a building.
- 2.13. In *Cardiff Rating Authority v Guest Keen Baldwin's Iron and Steel Co Ltd [1949]*, it was held that there three primary factors to determine what constitutes a building (a) size (b) permanence, and (c) physical attachment.
- 2.14. As this case involves a mobile home, the situation is more nuanced and requires a fact and degree assessment.
- 2.15. **Size** – The residential unit has an internal floor area of approximately 66 sqm. This floor area exceeds the minimum space standards for a 1-bed dwelling as set out in the Nationally Described Space Standards.
- 2.16. **Permanence** - With regard to permanence, a number of legal cases are relevant.
- In *R v Swansea CC ex parte Elitestone*, it was held that wooden chalets supported by pillars which had been in position as permanent holiday homes for more than 40 years were held to be buildings.
 - In *Skerritts of Nottingham Ltd v SSETR & Harrow LBC [2000]* it was held that a steel-framed marquee was sited in the grounds of a hotel for eight months each year was deemed 'Permanent' in the context of planning control.

The Skerritts of Nottingham case demonstrated that 'permanence' could be established by the presence of the object in question for only a few months. The fact that the mobile unit is theoretically capable of being moved will not prevent its being regarded as a structure, if in practice it

remains in one position for a significant length of time.

- In *R (oao Save Woolley Valley Action Group Ltd) v Bath and North East Somerset Council [2012]* the ‘static’ poultry units, despite not being firmly attached to the ground, but placed on metal skids, had become a permanent structure on site. It was held that the these units fell within the term “building” in section 336(1) of the 1990 Act, which has a wide definition which includes “any structure or erection”.

Where ‘statics’ are intended to be stationed permanently, those caravans, notwithstanding that they come within the definition of a ‘caravan’ within the 1960 and/or 1968 Act, could possibly, in light of the ‘Woolley Valley’ judgment, be seen as buildings.

- 2.17. The residential unit has been in position since 2002 and has been occupied as a residential dwelling since this time. Like the Swansea and Skerritts of Nottingham cases, the residential unit has been in place for a significant amount of time.
- 2.18. **Physical Attachment** – It is acknowledged that in the case of *Measor v SSETR & Tunbridge Wells Borough Council [1999]*, the Court held that generally a mobile home would not satisfy the definition of a building, due to its lack of permanence and attachment to the ground. However, the more recent judgements in *Skerritts of Nottingham* and *Woolley Valley* have superseded this interpretation and they provide a clarity in respect to permanence and attachment to the ground.
- 2.19. In any event, the residential unit is placed upon permanent hardstanding. It does not have any wheels or axles and cannot be moved on its own. The mobile unit is also attached to services.



- 2.20. It is unlikely that the residential unit could now be moved off site without suffering substantial damage.

- 2.21. Furthermore, the presence of this mobile home, which has been in place for over 20 years and been used as a self-contained residential home has resulted in physical changes in the characteristics of the land, giving it a residential character.

3. Planning Considerations

- 3.1. The proposed scheme seeks the demolition of the existing dwelling, mobile home, outbuildings and large storage building. All of these buildings were either retained or excluded from planning application 22/00281/FULL. The proposed scheme seeks their replacement with 2 no. single storey dwellings.
- 3.2. The following paragraphs will demonstrate how the proposed dwellings respond to the planning policy requirements set out in the National Planning Policy Framework, and the adopted Basildon Local Plan (1998/99).

Principle of Development

- 3.3. The site is identified as falling within the Green Belt on the adopted Proposals Map.
- 3.4. Paragraph 149 of the NPPF states that new buildings in the Green Belt are considered inappropriate, however, a number of exceptions are cited, one of which applies in this case, under Paragraph 145(g).
- 3.5. Paragraph 145(g) states:

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

(g) 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;*

3.6. As demonstrated under Appeal Ref: APP/V1505/W/20/3261768, the planning application site can be considered previously developed land. Therefore, subject to meeting the openness test under Paragraph 145(g), the proposed dwellings can be considered acceptable in principle. This test will be discussed further in the following paragraphs.

Size and Amount

3.7. The proposed development would not have a greater impact on the openness of the Green Belt than the existing development.

3.8. The following tables compare the scale and amount of existing development with the proposed development to demonstrate that the replacement will not be materially larger.

	Footprint	Height
Existing Dwelling	100 sqm	3.2 m to 4.3m
Mobile Home	66 sqm	3.05 m
Outbuilding 1	10 sqm	2.7 m
Outbuilding 2	9 sqm	2.7 m
Storage Building	115 sqm	3.25 m
Total	300 sqm	-



3.9. The justification for including the mobile home within this calculation is set out in Section 2 of this statement.

3.10. The proposed floorspace is as follows:

	Footprint	Height
Dwelling 1	155 sqm	4.4 m
Dwelling 2	108 sqm	4.4 m
Total	263 sqm	-

3.11. The proposed development would result in a 12% reduction of built development compared with the existing buildings.

3.12. The proposed height for the dwellings is comparable to the existing dwelling and is significantly lower than the suggested 5.5m height given in Policy BAS GB3, which relates to replacement dwellings.

3.13. Consequently, and in line with Paragraph 145(g) of the NPPF, the proposed development would not have a greater impact on the openness of the Green Belt than the existing development.

Character and Appearance

3.14. Section 12 of the NPPF relates to the goal of achieving well-designed places and states that planning decisions should ensure that developments will function well and add to the overall quality of the area and are visually attractive as a result of good architecture

and layout.

3.15. Policy BAS GB3 of the Local Plan sets out criteria for assessing replacement dwellings. It is noted that the 'Compliance Review of the Saved 1998 Local Plan Policies with the Revised National Planning Policy Framework (NPPF) (July 2018)' document states that only limited weight can be applied to this policy, given recent appeal decisions and consistency with the NPPF. The following criteria have been used as a guide during the design process.

- In the Plotland areas, replacement of bungalow dwellings will be limited to a maximum height of 5.5 metres.
- No part of the dwelling, including attached or detached garages and out buildings, should be less than 2.5 metres from any boundary.

3.16. Policy BAS BE12 of the local plan states that planning permission for new residential development will be refused if it causes material harm to the character of the surrounding area, or has an impact upon residential amenity, such as overlooking, noise, overshadowing or causes congestion.

3.17. These policy requirements have been met by the proposed design as:

Siting

3.18. The siting of the two dwellings has been carefully considered to ensure that substantial improvements to the openness of the Green Belt can be achieved, namely:

3.19. **Dwelling 1** – This dwelling will be located in the approximate position of the existing dwelling and permanent mobile home. The residential character of this part of the site



will be retained. The proposal will reduce the number of buildings at this location, creating a more spacious feel within this part of the site.

- 3.20. **Dwelling 2** – The storage building at the rear of the site will be removed, with a new dwelling sited opposite Dwelling 1 in a comparable position to where an existing mobile home is located.
- 3.21. By removing the storage building from the rear of the site, that part of the site can be returned to grass, substantially improving the sense of openness in the Green Belt in that location - returning this land to open countryside.

Built Form

- 3.22. The two dwellings have been designed to be single-storey buildings with a narrow rectangular form. This narrow rectangular plan form is reminiscent of the rural and agricultural buildings found within the wider rural area. By following this approach, the proposed scheme ensures that the dwellings would not have an overly domestic appearance.
- 3.23. Indeed, they would be viewed as subservient buildings to the residential dwelling approved under planning application 22/00281/FULL.

Appearance and Materials

- 3.24. The proposed dwellings will have a more subordinate appearance to reflect their position within the wider plot.
- 3.25. The key features being proposed include:

- **Appearance** — The dwellings are design as single-storey buildings with a narrow rectangular plan form to reflect rural buildings found within the area.
- **Materials** — The buildings will be clad in timber on the walls, with the use of slate for the roof. This will ensure that the buildings have a soft appearance and retain the look of a rural building.
- **Openings** — The detailing of the windows and doors has been kept simple to draw upon the characteristics found within rural buildings within the wider landscape.
- **Height** — The buildings will be single storey, with a height of 4.4m. This height is deliberately lower than the dwellings found along Rectory Road, and instead draws reference to the heights of the outbuildings found to the rear of these neighbouring dwellings. This lower height ensures that these proposed buildings would have a subservient appearance.

Residential Amenity

- 3.26. The proposal is sufficiently distant from any neighbouring property to ensure that there would be no significant harm to the residential amenity of neighbouring occupiers as a result of the proposed development.
- 3.27. Given that these buildings will be single storey, there will be no overlooking. The windows in each building will look on to their own curtilage only.
- 3.28. Each of the dwellings will also exceed the internal space standards set out in the National Described Space Standards, see below:

- Dwelling 1 – 4-bed dwelling with 137.5 sqm of floorspace
- Dwelling 2 – 3-bed dwelling with 95.5 sqm of floorspace

3.29. Each dwelling will also have their own very large private garden area, with a private sitting out area.

Parking

3.30. In line with the EPOA Parking Standards (2009), each dwelling will contain 2 no. parking spaces and an additional visitor space.

Transport and Highways

3.31. Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

3.32. The proposed scheme would utilise the access approved under planning application 22/00281/FULL.

3.33. The internal road will have a width in excess of 3.7m, which will allow access by refuse and fire tender vehicles.

Flooding

3.34. The site is located in flood zone 1 and therefore has a very low probability of flooding.

4. Planning Balance

4.1 This Planning, Design and Access Statement has demonstrated that the proposed dwellings are compliant with the NPPF, and the Council's adopted Local Plan as:

- The site constitutes previously developed land. The redevelopment of this site will not have a greater impact on the openness of the Green Belt than the existing development and therefore meets the requirements of Paragraph 149 of the NPPF.
- The existing dwelling, mobile home, outbuildings and storage buildings sprawl across the site, whilst the proposed scheme would deliver a more consolidated form of development, thereby increasing the sense of openness within the Green Belt at this location.
- The reduction in built form across the site will open views and enhance the sense of openness of the Green Belt at this location.
- The new buildings have drawn upon the characteristic of rural buildings in the area.

4.2. Therefore, in accordance with the presumption in favour of sustainable development in the NPPF, it is requested that planning permission is granted.