



Appeal Decision

Site visit made on 28 June 2019

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH

an Inspector appointed by the Secretary of State

Decision date: Friday, 26 July 2019

Appeal Ref: APP/M1595/W/19/3226476

Gunning Road, Grays RM17 6UQ

- 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 Gunning Road Thurrock Ltd against the decision of Thurrock Borough Council.
 - The application Ref 18/00811/OUT, dated 6 June 2018, was refused by notice dated 23 November 2018.
 - The development proposed is four houses, improved sports pitches and play equipment.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. This is an outline application with matters relating to appearance reserved. I have treated the plans as indicative as far as they relate to appearance.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the provision of open space.

Reasons

4. The appeal site is a parcel of land located at the northern end of Gunning Road, a residential road within Grays. The site is divided into two parts with the southern part comprising a fenced play area with a number of pieces of play equipment and a small open grassed area. The northern part of the site is a small football pitch. To the north and west of the appeal land is an industrial estate located on Towers Road. To its south and east is residential development, with dwellings to the east being located beyond a cliff area allocated as a Site of Special Scientific Interest (SSSI).
5. While I acknowledge that the land is allocated as a Secondary Industrial and Commercial Area in the Council's Local Plan Proposals Map, it is used as a recreational open space for nearby residential properties. This use is supported by a S106 agreement relating to planning permission 98/00349/FUL which preserved the land for open space (including landscaping and play equipment) in perpetuity for the existing residential development to the south. The National Planning Policy Framework (Framework) definition of open space includes all open space of public value which offer important opportunities for sport and recreation. For the above reasons, supported by considerable third-party representations and evidence from local residents as to the public value and

recreational use of the land, I find that the appeal site does constitute open space for the purposes of the Framework and Policy PMD5 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 (CS).

6. Policy PMD5 of the CS seeks to safeguard all existing open spaces, outdoor sports and recreational facilities. Development proposals that would result in their complete or partial loss are contrary to the policy. The appeal proposal would result in a partial loss of open space due to the construction of houses on part of the space. However, the policy makes an exception where improvements to remaining spaces or facilities are provided to a level sufficient to outweigh the loss.
7. Under the appeal scheme improvements would be made to the existing albeit reduced open space in the form of improved sports pitch provision, new play equipment and general maintenance. The replacement play area would provide a greater number of different play equipment pieces. The existing football goals on the pitch would be replaced with multi-sport goals. Currently, the open space includes some damage to fencing and surfacing along with a missing piece of play equipment. However, the remaining play equipment and playing area are usable. On my site visit the land was tidy and the grass had been cut showing a reasonable level of ongoing maintenance. Never the less, the proposed improvements would be of moderate benefit.
8. The proposal would result in a substantial loss of space. I have seen considerable evidence submitted by interested third parties to show that the local community uses the entirety of the space, or the bulk of it, for various recreations and events and that the reduction in open space as proposed would seriously diminish community opportunities in that respect. I place substantial weight on that evidence.
9. Therefore, taking all into account, the partial loss of the open space is not outweighed by the proposed improvements to the remaining space and facilities. The open space would not be safeguarded. As such the proposed development would be in conflict with Policy PMD5 of the CS. It would also be in conflict with the Framework which advises that existing open space, including recreational land and playing fields, should not be built on unless clearly surplus to requirements, or that replacement provision would be equivalent or better to existing in terms of quantity and quality.
10. I have carefully considered the fallback position that could exist by way of development pursuant to submitted planning application, Ref 19/00807/OUT, seeking outline approval for light industrial units on the site. However, that proposal is yet to be determined by the Council and I cannot with any reasonable level of certainty conclude that approval would likely to be forthcoming given the proposed introduction of industrial activity closer to residential receptors than currently exists. I therefore give the fallback position limited weight, and it does not alter my conclusions.
11. Under the appeal proposal there would be marginally more useable play space than there would have been if the previously consented road¹ through the site had been constructed. This is a consideration in favour of the appeal scheme of

¹ 99/00834/FUL, erection of 18 dwellings.

moderate weight. However, taking everything into account, it does not outweigh the harm I have identified that would result from the proposal.

Other Matters

12. The parties appear to agree that the Council cannot demonstrate a 5-year housing land supply, although have not indicated the extent of any shortfall. Were I to find that this was not demonstrated, the tilted balance in Paragraph 11d) of the Framework would be engaged. This states that planning permission should be granted unless the adverse impacts of the proposal would significantly and demonstrably outweigh its benefits when assessed against the policies in the Framework taken as a whole.
13. The delivery of 4 homes would be a benefit of the appeal scheme given the Framework's aim to make a more efficient use of land and significantly boost the supply of housing. This is tempered by the supply of housing under the appeal proposal which would be relatively modest. The proposal would create income for the local authority to spend on local services. There would be also be extra income from 4 new householders to contribute towards maintenance costs of the open space which, albeit reduced in size, would have improved facilities and equipment. The proposal would also support the local economy through construction jobs and from the potential of future residents to use local services and spend locally. Overall, the benefits of the proposal are matters of moderate weight in favour of the proposal.

Planning Balance and Conclusion

14. The appeal scheme would not safeguard a piece of open land which has high value to the local community. This adverse impact would conflict with the Framework which says that access to high quality open spaces is important for the health and well-being of communities. Overall, the adverse impact of the proposal is of a magnitude which weighs heavily against the grant of planning permission.
15. Consequently, even were I to find that the Council could not demonstrate a 5-year housing land supply, the adverse impact of the appeal scheme would significantly and demonstrably outweigh its benefits when assessed against the policies in the Framework taken as a whole. This does not indicate that the proposal should be permitted under Paragraph 11.
16. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Andrew Walker

INSPECTOR