



Appeal Decision

Site visit made on 13 June 2024

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st July 2024

Appeal Ref: APP/M1595/W/23/3333648

Street Record, Gunning Road, Grays, Thurrock RM17 6UQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Gunning Road Thurrock Ltd against the decision of Thurrock Council.
 - The application reference is 23/00348/FUL.
 - The proposed development is for erection of single dwelling house with associated parking and private amenity space.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal decision is the impact of the development on the availability of employment land within the Borough.

Reasons

3. The appeal site is designated as Secondary Industrial and Commercial Land (SICL) as defined by policy CSTP6 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 (CS). This seeks to safeguard such land and premises, which are reserved for uses falling within Class B1, B2, B8 and sui generis uses. The appeal proposal would not fall within the use classes specified in the policy, including those classes that are still extant.
4. Nonetheless, Policy CSTP6.2(III) specifies that consideration will be given to non-B Class uses in SICL areas provided that they meet a number of criteria.
5. Criteria (i) is that the proposal is of a complementary and supporting use for the existing Class B uses. However, the use of the site for residential purposes would not support the existing businesses on the estate.
6. The proposed dwelling is not necessary for the day-to-day service requirements of the existing Class B uses and would therefore not meet the requirements of criteria (ii). With regard to criteria (iii), there may be a need for the proposed residential use in the Borough, but it has not been demonstrated that there are no other reasonable alternative sites.

7. The proposal would also remove the site from the supply of Class B land. Although the effect on supply may be limited due to the extent of the land, it would nevertheless have an adverse effect on the economic structure of the Borough, contrary to the requirement of criteria (iv). Consequently, the development would not meet any of the criteria of Policy CSTP6.2(III).
8. Policy CSTP6.4 relates to the redevelopment of genuinely redundant or underused employment land and buildings to non-employment uses. The appellant contends that the site is no longer feasible for an employment use by virtue of a previous scheme for a commercial building that was refused by the Council and subsequently dismissed at appeal.
9. I am told that the arguments behind this related to the associated traffic and parking for the commercial use, which would give rise to a conflict with residential surroundings and lead to overspill parking on the public highway. However, I am mindful of the Council's contention that this was just one application for the site, and that a number of other commercial schemes could be acceptable on the land that have not been explored.
10. At my site visit I saw that the adjacent industrial estate appeared to be busy with a high level of occupancy. I have no robust evidence to indicate that there is no interest in using the site for its permitted use, for example through active marketing. To my mind, it has not been demonstrated that the site is genuinely redundant or underused for employment land or that it is no longer feasible to use the site for employment purposes. I also have no compelling reasons to suggest that an application for an appropriate employment use would not be supported in the future.
11. I acknowledge that no statutory consultees raised any objection to the appeal proposal at the planning application stage, and that the appeal proposal is technically sound in all other respects, including the payment of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy. Yet these issues do not outweigh the harm I have identified previously.
12. I therefore conclude that the proposal would be detrimental to the availability of employment land within the Borough. This would conflict with Policy CSTP6 of the CS, which seeks to safeguard SICL. The scheme would also be contrary to the National Planning Policy Framework in respect of building a strong, competitive economy.

Conclusion

13. In respect of the foregoing and all other factors, the appeal is dismissed.

C Hall

INSPECTOR