
Appeal Decision

Site visit made on 18 March 2025

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2025

Appeal Ref: APP/M1595/W/24/3350995

**Land Adjacent Aquatic Lodge, Robinson Road, Horndon On The Hill, Thurrock
SS17 8PU**

- 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 Greg Ford (Calahans Services UK Limited) against the decision of Thurrock Borough Council.
 - The application Ref is 24/00284/FUL.
 - The development is described as 'Proposed brickwork pillars and wall with new gated site access'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development has been carried out, so the appeal has been considered retrospectively. As far as could be determined from observation on site, the completed works correspond with the details provided. In any case, I have determined the appeal based on the application drawings.
3. A Lawful Development Certificate (LDC) was granted in May 2024 in relation to a new fence at the appeal site¹, however full details of the fencing detailed in that application have not been provided. I am also aware from the evidence that a planning application for the erection of two dwellings was refused by the Council in February 2024², and an appeal was lodged, but neither party has brought any further detail to my attention. For the avoidance of doubt, this decision relates only to the erection of the brick pillars, wall and gates detailed in the application and not to any other existing or proposed development within the site.
4. A revised National Planning Policy Framework (the Framework) was published in December 2024 and is applicable to this appeal. Both parties have had the opportunity to comment on changes relevant to their cases and I have taken comments received into account.

Main Issues

5. The main issues are:
 - whether the development is inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies,

¹ Application ref 24/00285/CLOPUD

² Application ref 23/01503/OUT

- the effect on the openness of the Green Belt,
- the effect on the character and appearance of the area, and
- whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the development.

Reasons

Inappropriate Development in the Green Belt

6. The appeal site is within the Green Belt, where Paragraph 154 of the Framework states that development is inappropriate unless one of a number of exceptions apply. Those exceptions are detailed in the same paragraph and do not list walls, gates or other similar means of enclosure. Nor has either party suggested that any of the other exceptions are applicable.
7. In the Thurrock Core Strategy and Policies for Management of Development adopted 2015 (CSPMD), Policy PMD6 states that the Council will maintain, protect and enhance the open character of the Green Belt and that development will only be approved where it meets as appropriate the requirements of the Framework and other development plan policies. Policy CSSP4 states that the Council will maintain the purpose, function and open character of the Green Belt.
8. Having had regard to the Framework and development plan, as above, I conclude that the pillars, gates and wall are, by definition, inappropriate development in the Green Belt. The development therefore conflicts with Policy PMD6, since it involves development defined in the Framework as inappropriate.

Effect on Openness

9. The appeal site is a plot of land near one end of Robinson Road. It is described in the application as having been used for open storage associated with major roadworks nearby. However, the Council describes its use for storage of building materials as being unauthorised and no evidence has been provided to the contrary. At the time of my site visit, there was a metal container on the site and a few other stored items, along with a mobile home, touring caravan and parked vehicles. However, most of the site was open, with a tidy hardcore surface. Apart from the pillars, gates and wall, the front boundary was enclosed by close boarded fencing, set back behind a hedge, and there was similar fencing around the perimeter of the site. The evidence does not confirm whether this fencing corresponds with the LDC mentioned above.
10. The brick pillars at the entrance are of substantial and solid proportions and they are linked by impermeable boundary features, namely a panelled double gate across the access and a brick wall to one side. Although the brick wall is a similar height to the adjacent close boarded fence, the pillars are taller. The vertical panels on the gate are continuous, preventing any view into the site. The structure as a whole has a substantial and solid physical presence. It is a prominent and distinctive feature on the front boundary, which introduces a strong sense of enclosure, firmly separating the site from the road outside.
11. The site itself is within the Green Belt, and not just the adjacent fields to the north and west. The development introduces additional built form in a location which is

highly conspicuous from Robinson Road. As such, the development reduces the openness of the Green Belt, in both spatial and visual terms.

12. Previously, there was a metal security fence and gate, which would also have provided a sense of enclosure. However, by reference to the photographs provided, it is apparent that the vertical metal bars were more visually permeable and less imposing, as well as lacking such substantial supporting pillars. Although the adjacent entrance gates at Aquatic Lodge include solid brick elements, the pillars are more slender, the side walls slope downwards and the metal gates are not panelled, allowing for some degree of visibility across the boundary. Taking these factors into account, the development has a greater effect on openness than either of these pre-existing features.
13. For the above reasons, I conclude that the development is harmful to the openness of the Green Belt. It conflicts with the Council's policy to maintain, protect and enhance the open character of the Green Belt, as set out in Policies PMD6 and CSSP4 of the CSPMD and with the importance of openness as an essential characteristic of Green Belts, as described in the Framework.

Character and Appearance

14. There is intermittent development strung out along Robinson Road, which includes several dwellings, interspersed with other uses including stables, small business premises and parcels of open land such as paddocks. There is a more coherent built-up area focussed on the High Road and adjacent streets, to the southeast. Otherwise, Robinson Road is surrounded by open countryside, characterised by arable fields enclosed by hedgerows. Although there are a few dwellings near the site, it is also close to the wider open fields to the north and west.
15. Some of the other plots along Robinson Road are enclosed by built boundary features which include brick walls and pillars, decorative ironwork and closeboarded panels. To that extent, the design of the development has reference to its surroundings. However, while I have noted the specific examples given of other boundary treatments, in most cases they include metal railings, sometimes on low walls and/or including more slender brick pillars. As a result, they generally present a less substantial and solid frontage than the development at the appeal site. That applies to the gates and walls at Aquatic Lodge, as described above, as well as those at Crystalvale House, The Elm and The Meadows.
16. Softer boundary treatments are also prevalent, including hedgerows, trees and garden planting. Immediately to the west of the appeal site, the road is lined on both sides by hedgerows, connecting with those around the fields beyond. As such, the appeal site has a more clearly rural context than some of the nearby dwellings. Furthermore, unlike many of the other plots, the appeal site does not currently contain a dwelling or other built development. Consequently, the development appears more incongruous than many of the other boundary treatments, which echo the characteristics of the building or dwelling to which they are related. While the previous metal fence was not of any visual merit, its utilitarian appearance, with a backdrop of vegetation, was not so incongruous.
17. I therefore conclude that the development is harmful to the character and appearance of the area, albeit to a modest extent, taking account of the other boundary treatments nearby. As such, it conflicts with relevant requirements in Policies CSTP22, CSTP23 and PMD2 of the CSPMD which require, amongst

other things, that development responds positively to its local context, including the distinct positive characteristics of the area, whether urban or rural.

Other Considerations

18. Security considerations are highlighted, with reference to several break ins and advice from the police and insurers that security should be improved. The timber fence which has been erected appears to be a response to that advice, with the appellant's statement of case commenting that it provides additional security and encloses the site. However, little detail has been provided about how the particular form of the entrance gates and walls is essential for security purposes, or whether an alternative and less harmful design approach could be suitably effective.
19. Furthermore, use of the site for open storage, with the associated security considerations, is described by the Council as unauthorised. As such, based on the evidence before me, the security requirements have not been clearly justified and carry limited weight.

Green Belt Balance and Conclusion

20. The pillars, wall and gates are inappropriate development in the Green Belt as defined in the Framework and development plan. The development is harmful to the openness of the Green Belt and, to a more modest extent, to the character and appearance of the area. The Framework states that substantial weight should be given to any harm to the Green Belt including harm to its openness. Very special circumstances will not exist unless that harm, and any other harm resulting from the development, is clearly outweighed by other considerations.
21. The security benefits carry limited weight, taking account of the planning history of the site and the absence of clear justification for the specific design approach adopted. Consequently, the harm to the Green Belt, and the other harm, is not clearly outweighed by other considerations and the very special circumstances necessary to justify the development do not exist.
22. The development conflicts with the development plan and no other material considerations indicate that a decision should be made otherwise than in accordance with the development plan. Therefore, for the reasons given above, the appeal should be dismissed.

Jane Smith

INSPECTOR