



Appeal Decision

Site visit made on 31 March 2025

by **P Terceiro BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17th April 2025

Appeal Ref: APP/M1520/W/24/3353856

124 Benfleet Road, Thundersley, Benfleet, Essex SS7 1QH

- 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 Robert Bishop (In Property Ltd) against the decision of Castle Point Borough Council.
 - The application Ref is 24/0152/FUL.
 - The development proposed is a residential 4bedroom dwelling with driveway, parking and amenity garden.
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Decision

1. The appeal is allowed and planning permission is granted for a residential 4bedroom dwelling with driveway, parking and amenity garden at 124 Benfleet Road, Thundersley, Benfleet, Essex SS7 1QH in accordance with the terms of the application, Ref 24/0152/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The revised National Planning Policy Framework (the Framework) was published on 12 December 2024. The main parties were invited to provide comments on this matter and the comments received have been taken into account in my determination of the appeal.

Main Issue

3. The main issue is whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies.

Reasons

4. The appeal site is located within the Green Belt. The Government attaches great importance to Green Belts. 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.
5. Paragraph 155 of the Framework includes that the development of homes in the Green Belt should not be regarded as inappropriate where all the following apply: a) the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan; b) there is a demonstrable unmet need for the type of development proposed; c) the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework; and d)

where applicable the development proposed meets the 'Golden Rules' requirements. I will consider each point in turn.

6. The Framework defines grey belt as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes a), b), or d) in paragraph 143.
7. I observed in my site visit that the appeal site is not separated from 124 Benfleet Road (No 124). As such, in the absence of compelling evidence demonstrating otherwise, I find that the site is part of the garden of this property. The appeal scheme therefore seeks to construct a new dwelling within the garden of No 124. As the site falls outside of a defined built-up area boundary, the development of garden land in this case would meet the definition of previously developed land (PDL).
8. Even if the site is not PDL, the appeal site is located between the pair of semi-detached properties (No 124 and No 126 Benfleet Road) and the school's entrance and car park. The site and the pair of semis are surrounded by the school grounds. The characteristics and location of the site therefore dictate that the land in question does not strongly contribute to any of the Green Belt purposes a), b) or d), as set out at paragraph 143 of the Framework. Consequently, as grey belt land would be utilised and the purposes (taken together) of the remaining Green Belt would not be fundamentally undermined, the proposal would satisfy criterion a).
9. The Council cannot currently demonstrate a five-year supply of deliverable housing sites, which identifies a demonstrable unmet need for housing. As such, criterion b) would be met in this case.
10. The appeal site lies in proximity to Thundersley, and the evidence indicates that there is a range of service and facilities near the site. On this basis, the development would be in a sustainable location having particular regard to paragraphs 110 and 115 of the Framework and the proposal would therefore accord with criterion c).
11. For completeness, the proposed development is not major development, and therefore the requirement of criterion d) of the Framework, to satisfy the 'Golden Rules', is not applicable to the appeal proposal.
12. The proposed development would satisfy all the relevant criteria of paragraph 155 of the Framework. For this reason, the proposal would not be inappropriate development in the Green Belt. On this basis, there is no need for me to consider other possible exceptions under paragraph 154 of the Framework. Further, the exception at paragraph 155 does not expressly state a need to assess the development's effect on Green Belt openness. Thus, consistent with footnote 55 of the Framework, the proposal should not be regarded as harmful to the openness of the Green Belt.

Conditions

13. I have considered the Council's suggested conditions in light of the advice contained within the Framework and the Planning Practice Guidance. I have undertaken some minor editing, in the interests of precision and clarity.

14. In addition to the standard time limit for implementation of the planning permission, it is necessary to impose a condition specifying the approved plans to provide certainty.
15. In the interests of the character and appearance of the area it is necessary to secure details of external facing materials. To protect the privacy of the adjoining premises, I have imposed a condition requiring the side windows to be obscure glazed and fix shut below an internal height of 1.7m. To limit the potential for increased surface water runoff from the site a condition requiring any hardstanding to be designed, installed and maintained in line with the Sustainable Drainage System (SuDS) principles is necessary.
16. A condition requiring the submission of a Construction Management Plan is necessary in order to protect highway safety. It is a pre-commencement condition because details of the statement need to be agreed before the start of work on site.
17. Conditions related to the vehicle access arrangements, surfacing of the access to the site, parking spaces, cycle storage and Residential Travel Information Pack are necessary in the interests of highway safety and to promote use of sustainable transport modes.

Conclusion

18. For the reasons given above the appeal should be allowed.

P Terceiro

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: BA031.001.02; BA0031.300.02; BA031.305.02; BA031.304.02; BA031.301.02; BA031.302.02; BA031.303.02; 2024_19/RevA.
- 3) The external surfaces of the development hereby approved shall be treated in accordance with the details specified on the submitted application form.
- 4) No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 5) No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The Plan shall provide for:
 - (i) the parking of vehicles of site operatives and visitors,
 - (ii) loading and unloading of plant and materials,
 - (iii) storage of plant and materials used in constructing the development,
 - (iv) wheel and underbody washing facilities.

The approved plan shall be adhered to throughout the construction period.

- 6) The development hereby permitted shall not be occupied until the vehicle access as shown in principle on planning drawing BA031.301.02 has been constructed at right angles to the highway boundary and to the existing carriageway and has been provided at a width of no more than 4.5 metres at its junction with the highway. The access shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge and footway. The full layout details shall be agreed with the Highway Authority prior to any development above ground level.
- 7) The development hereby permitted shall not be occupied until the upper-floor windows, including rooflights and those serving dormers in the north-east and south-west elevations of the dwelling have been fitted with obscured glazing, to at least level 3 on the Pilkington Scale (or such equivalent as may be agreed in writing with the local planning authority) and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. The obscured glazing shall be retained thereafter.
- 8) The development hereby permitted shall not be occupied until all additional, replacement and/or extensions of any hardstanding has been designed, installed and maintained in perpetuity in line with the Sustainable Drainage System (SuDS) principles.
- 9) The development hereby permitted shall not be occupied until the vehicle parking spaces have been provided in accordance with plan no BA031.301.02. Thereafter those spaces shall be retained for the parking of vehicles only.
- 10) The development hereby permitted shall not be occupied until cycle parking has been provided in accordance with the EPOA Parking Standards. The

facility shall be secure, convenient and covered. Thereafter, the cycle parking shall be retained for the life of the development.

- 11) The development hereby permitted shall not be occupied until details of the content and distribution of a Residential Travel Information Pack for the development have been submitted to and approved in writing by the Local Planning Authority. Residential Travel Information Packs shall thereafter be provided to the occupiers of dwellings in accordance with the approved details.