



Appeal Decision

Site visit made on 3 June 2025

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th June 2025

Appeal Ref: APP/B1550/W/24/3357529

Marsh View, Lower Road, Hockley, Essex SS5 5LR

- 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 Rushton Homes Ltd against the decision of Rochford District Council.
 - The application Ref is 23/01064/FUL.
 - The development proposed is to demolish the existing chalet bungalow and buildings on site, sub-divide the plot and construct 5no. 5 bedroom detached new build half chalet style houses with 3 private parking spaces and a garage each.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Rochford District Council against Rushton Homes Ltd. This application is the subject of a separate decision.

Preliminary Matters

3. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. Comments have been sought from both parties in relation to the revised Framework and any comments received have been taken into consideration within my decision.

Main Issues

4. The main issues are:
 - whether the development would be inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies; the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed development on highway safety; and
 - would the harm by reason of inappropriateness and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether it is inappropriate development

5. The appeal site is occupied by a chalet bungalow to the front of the site with a number of outbuildings to the rear and side of this main building, including kennels, stables, a barn and a second residential building. There is a substantial level of hardstanding between these outbuildings on the western part of the site, however the eastern part of the site is occupied by paddocks and is largely undeveloped. The site is in a semi-rural location within the Green Belt and is located outside of any defined settlement boundaries. The proposed development includes the demolition of all buildings on the appeal site to be replaced with five detached dwellings with vehicular access and parking to the front and gardens to the rear.
6. Paragraph 154 of the Framework indicates that the construction of new buildings in the Green Belt is inappropriate subject to a number of exceptions. Under paragraph 154 (g), these exceptions include limited infilling or the partial of complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continued use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
7. Policy DM10 of the Rochford District Council Local Development Framework Development Management Plan 2014 (the LP) makes provision for the development of previously developed land within the Green Belt subject to various criteria. Therefore, the general aims are consistent with that of the Framework.
8. In considering the concept of openness, the courts have found that it broadly has two dimensions; spatial and visual. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result. Equally this does not mean that the openness of the Green Belt has no visual dimension.
9. The appellant states that the proposed development would result in a reduction in built form across the appeal site, with a small reduction in both footprint and volume. For this reason, the proposed development would not have a spatial impact on the openness of the Green Belt. However, they submit that there is an increase in the volume of development to the front of the appeal site, which is offset by a reduction in built form to the rear. The built form would also extend further east on the site where there is currently limited development at present and the proposed dwellings would be significantly greater in height than the existing buildings. The proposal would therefore be much more visible within the streetscene and this spread of development across the front of the site, where most visible, would result in substantial harm to the visual openness of the Green Belt, in that it would be reduced.
10. Previously developed land is defined within the Framework as land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land. Nevertheless, even if I were to conclude that the appeal site constitutes previously developed land, due to the harm to openness, it would not fall under the exception in paragraph 154 (g) of the Framework.

11. However, Paragraph 155 of the Framework goes on to states that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate subject to four criterions. The first (a) states that 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.
12. Grey belt land is defined within the Framework 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 the purposes (a), (b) or (d) in paragraph 143. These state that the purposes of the Green Belt are (a) to check the unrestricted sprawl of large built-up areas, (b) to prevent neighbouring towns merging into one another and (d) to preserve the setting and special character of historic towns. The definition also states that grey belt excludes land where the application of the policies relation to the areas or assets in footnote 7 (other than the Green Belt) would provide a strong reason for refusing or restricting the development.
13. Due to its relatively small scale and semi-rural location, the appeal site does not strongly contribute to the purposes of checking the unrestricted sprawl of large built-up areas or of preventing neighbouring towns merging into one another. The appeal site is also not in close proximity to any historic towns and therefore purpose (d) in paragraph 143 of the Framework is not relevant. The application of the policies in footnote 7 of the Framework, relating to areas or assets of particular importance (other than Green Belt) that provide a strong reason for refusing or restricting development, also do not apply in this instance. Therefore, I conclude that the appeal site would constitute grey belt land.
14. Furthermore, due to the limited scale of the appeal site and the presence of existing built form in this location, the development would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. Therefore, the proposed development would accord with criteria (a) of paragraph 155 of the Framework.
15. The second (b) states that there is a demonstrable unmet need for the type of development proposed. Footnote 56 indicates that for applications involving the provision of housing, this means the lack of a five year supply of deliverable housing sites, including the relevant buffer where applicable or where the Housing Delivery Test was below 75% of the housing requirement over the previous three years. The result of the Housing Delivery Test is unknown, however the appellant has stated that the council only has a 4.53 year supply of deliverable housing. Therefore, as the proposed development is for additional housing, in accordance with footnote 56, there is a demonstrable unmet need for the type of development proposed and therefore it would accord with criteria (b) of paragraph 155 of the Framework.
16. The third (c) states that the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework. Policies T1 and T6 of the Rochford District Council Local Development Framework Core Strategy Adopted Version 2011 (the CS) seek to ensure that developments will be required to be located and designed in such a way as to reduce the reliance on the private car with cycling and walking encouraged. Policy DM1 of the LP also requires accessibility, particularly promoting alternatives to the private car to have been carefully considered and addressed within proposals and Policy DM10 of the LP

states proposed residential development of previously developed land in the Green Belt will be permitted provided the proposal is well related to local services and facilities.

17. There appears to be no particular services or facilities in the area surrounding the appeal site, with the appellant highlighting that the site is situated approximately five minutes to local amenities, public open space and public transport links, presumably in the nearest town of Hockley. However, this is still some distance from the appeal site with no dedicated footpath access. The appellant highlights a bridlepath 300 metres east of the appeal site providing access to Hockley. However, this would still be difficult to access from the appeal site on foot due to the lack of a footpath. Therefore, due to the distance and lack of sufficient footpaths, the facilities and services within Hockley would be difficult to access by foot from the appeal site for most.
18. Furthermore, although the appellant indicates that the country lanes surrounding the site accommodate lots of cyclists on a daily basis, the surrounding roads are busy with relatively fast moving traffic and there is no evidence of any dedicated cycling lanes to the closest settlement, thereby making cycling an unattractive option for most of the day to day family needs. The appellants claims, that the Council do not adopt cycle lanes or paths for safe means of travel and therefore residents have no option but to use a car, are noted. However, although this may be the case, this does not mean that sustainable transport modes should not be available to future occupiers of the proposed dwellings. No public transport services have been brought to my attention which the future occupiers of the proposed dwellings could access from the appeal site.
19. Therefore, the necessary services and facilities which would be required by the future occupiers of the proposed dwellings would not be readily accessible. There are limited sustainable transport options and therefore the future occupiers would largely be reliant on the use of a car to serve their day to day needs on a regular basis, contrary to Policies T1 and T6 of the CS and Policies DM1 and DM10 of the LP.
20. Whilst paragraph 110 of the Framework states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, this does not negate the requirement to offer a genuine choice of transport modes and ensure that safe and suitable access to the site can be achieved for all users, as required by paragraph 115 of the Framework. Consequently, the proposed dwellings would not be in a sustainable location and would not accord with criteria (c) of paragraph 155 of the Framework.
21. The fourth criteria (d) is not relevant to the appeal proposal before me as it is not for major development. Nevertheless, as the proposed development would not accord with criteria (c) it would not fall under the exception within Paragraph 155 of the Framework.
22. The development would therefore be inappropriate development within the Green Belt. This is harmful to the Green Belt which, in accordance with paragraph 153 of the Framework, should be given substantial weight. Development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations, which will be considered below.

Character and Appearance

23. The appeal site has a considerable level of existing built form, however this is concentrated on the western part of the site, with the eastern part of the site more open and undeveloped. The surrounding area is semi-rural and verdant in nature with limited and sporadic residential and commercial development on Lower Road, interspersed with open fields and undeveloped parcels of land, which contribute positively to the character and appearance of the area.
24. The proposed development would result in less development to the rear of the site but would result in built form extending the full width of the appeal site, on land which currently provides a break in development along the streetscene. The proposed dwellings would also be significant in scale and height when compared to the relatively modest scale of buildings that front the appeal site at present, appearing more suburban in appearance.
25. It is noted that the proposal would remove large areas of hardstanding surrounding existing outbuildings. However, the proposed access and parking areas would still result in significant levels of hardstanding on the front portion of the site, albeit permeable paving. Whilst there may be hedging to the front of the appeal site, this would not screen all views of the proposed development and it would still be highly visible within the streetscene, particularly via the access. Therefore, the proposal would result in the urbanisation of the site which would have a detrimental impact on the established semi-rural character and appearance of the area.
26. Therefore, for the reasons above, the proposed development would result in harm to the character and appearance of the surrounding area and would conflict with Policy CP1 of the CS and Policies DM1 and DM3 of the LP. These policies collectively seek to ensure that good, high quality design is promoted, with a scale and form appropriate to the locality, the design of the proposed development in relation to the existing street patterns and density of the locality and the number and type of dwellings being proposed are appropriate to the locality having regard to the existing character.

Highway Safety

27. The existing site access onto Lower Road currently serves one dwelling along with a number of outbuildings. The proposed development would provide a larger area on the appeal site for vehicles to park and manoeuvre but would retain the two existing vehicular crossovers. The proposed development would result in an additional four separate dwellings on the appeal site and therefore an intensification in the use of these existing accesses onto Lower Road.
28. The Highways Authority state that the visibility splays for the site must comply with the Design Manual for Roads and Bridges (DMRB) which requires 215 metres in each direction, as measured from and along the nearside carriageway, from a setback of 2.4 metres from the carriageway edge. No evidence has been provided by the appellant to suggest that the access would achieve these visibility splays. I noted during my site visit that Lower Road was a busy thoroughfare with relatively fast moving traffic and that visibility when exiting the appeal site in a vehicle was limited.
29. Therefore, as the proposal would result in the intensification in the use of the access onto Lower Road and would not provide sufficient visibility splays when

exiting the appeal site onto a busy road, it would likely result in harm to highway safety for emerging and approaching vehicles along with other highway users.

30. The appellant states that there is 5.5 metres between the front boundary and the highway to allow a full car length to stop and look either way before exiting and that the site has two full highway standard width entrances. However, these factors do not negate the harm identified.
31. A site proposing four new detached dwellings opposite the appeal site has been brought to my attention by the appellant. The Highways Authority did not object to this proposal and the appellant considers that the visibility splays and entrance onto Lower Road is far more restricted and dangerous than the appeal site and the proposed development. However, the Council have outlined that this is because the proposal did not represent an intensification in the use of the site's access, due to the existing mixed use of this neighbouring site. Therefore, it is not directly comparable to the appeal before me and does not set a precedent for the proposed development.
32. As such, the proposed development would likely result in harm to highway safety and would conflict with Paragraph 115 of the Framework which states that safe and suitable access to the site should be achieved for all users.

Other Considerations

33. The appellant states that the local development plan is out of date and the Council cannot achieve a five year supply of deliverable housing and are only able to demonstrate a 4.53 year supply, a moderate shortfall. As such, due to the provisions of footnote 8, paragraph 11(d) of the Framework should be applied.
34. However, while the framework advocates granting planning permission where there are no relevant development plan policies, this is unless, in accordance with paragraph 11(d)(i), the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. The harm to the Green Belt identified is such that the policies in the Framework relating to the Green Belt provide that strong reason for refusing the development. As a result, the presumption in favour of sustainable development does not apply and does not weigh in favour of the proposal.

Green Belt Balance

35. The development would be inappropriate development in the Green Belt in that it would result in new buildings within the Green Belt which do not fall under any of the listed exceptions. It would also result in harm to the character and appearance of the surrounding area and highway safety. The Framework establishes that substantial weight should be given to any harm to the Green Belt and the development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
36. I find that the other considerations in this case do not clearly outweigh the harm to the Green Belt, in terms of a loss to openness and inappropriateness that I have identified, and the harm to the character and appearance of the surrounding area and highway safety. Consequently, the very special circumstances necessary to

justify the development in the Green Belt do not exist. Therefore, the proposal conflicts with paragraph 153, 154 and 155 of the Framework.

Other Matters

37. The Council identify that the appeal site falls within the Zone of Influence for one or more of the European Designated Sites outlined in the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). Therefore, residential development in this area could have a significant effect on the sensitive interest features of these sites through increased recreational pressures from future occupiers of the dwellings proposed. They state in their report that the appropriate RAMS payment for the four additional houses required has been made.
38. The Conservation of Habitats and Species Regulations 2017 (as amended) requires the decision maker to undertake an Appropriate Assessment (AA) where there are likely significant effects from the proposal, either alone or in combination with other plans or projects. However, regulation 63(1) indicates the requirement for an AA is only necessary where the competent authority is minded to give consent for the proposal. Therefore, in view of my overall conclusions resulting in my decision to dismiss the appeal, it has not been necessary to address this in any further detail.

Conclusion

39. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR