



Appeal Decision

Site visit made on 21 July 2025

by **C Housden BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5th August 2025

Appeal Ref: APP/M1595/W/25/3361382

Greenwise Nurseries, Vange Park Road, Vange, Thurrock SS16 5LA

- 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 JP and MD Properties Ltd against the decision of Thurrock Council.
 - The application ref is 24/00193/FUL.
 - The development proposed is hard surfacing of existing gravel drive with permeable tarmac.
-

Decision

1. The appeal is allowed and planning permission is granted for hard surfacing of existing gravel drive with permeable tarmac at Greenwise Nurseries, Vange Park Road, Vange, Thurrock SS16 5LA in accordance with the terms of the application, ref 24/00193/FUL subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by JP and MD Properties Ltd against Thurrock Council. This application is the subject of a separate decision.

Preliminary Matters

3. The evidence before me shows that a Certificate of Lawful Use or Development (LDC) was granted by the Council in 2010¹. This LDC confirmed the lawful use of the site as:

The use of the land for growing plants and retail sale thereof together with importation of plants and retail sale of plants. The use of land for storage and display for sale of garden material and garden equipment predominantly in the open. Use of land for storage and display for sale of building materials and other general materials un-related to garden, predominantly in the open. Use of land for general storage of building and other materials predominantly in the open together with all associated buildings.

4. Whilst I understand from the evidence a variety of applications have been brought forward since the granting of the LDC, the use established by the LDC remains the lawful use of the site.
5. The Council have expressed concerns in their second reason for refusal regarding the consistency with, and departure from, the lawful use established by the LDC on the basis of how the site could be operated as a result of the development. There are also general concerns expressed about how the site is currently being operated.

¹ LPA ref 10/00470/LDC

6. However, these considerations would fall outside the scope of the development before me. It is clearly set out in the application documents that the development is for a tarmac road to replace an existing gravel road relating to the lawful use of the site. There is no development proposed relating to the wider use or operations of the site.
7. Concerns regarding operations or uses that fall outside the lawful use of the site, or development that could be undertaken at the site in the future, should be dealt with through other appropriate avenues, such as through the Council's various enforcement powers. These powers would not be prejudiced by the outcome of this appeal.
8. I understand the Inspector of the previous appeal² made an assessment as to how the site was being used as part of their reasoning in dismissing this previous appeal. However, the previous appeal related to the refusal of a proposed lawful development certificate and therefore the use of the site was directly relevant as a main issue for that specific appeal.
9. Each application is assessed on its own merits, and the appeal before me is an application for planning permission for a permeable tarmac road to replace a gravel road.
10. On this basis, I have no other option than to conclude that the Council's second reason for refusal, cannot form part of this appeal. My assessment will be made on the basis of the proposal the appellant applied for planning permission as set out above.

Main Issue

11. The main issues are:

- whether the proposal would be inappropriate development in the Green Belt, including the effect of the proposal on its openness;
- the effect on the character and appearance of the area; and
- if the proposal is inappropriate development in the Green Belt, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

12. The National Planning Policy Framework (the Framework) sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and their permanence. Paragraph 153 identifies that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
13. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate unless an exception applies. Exception (g) of paragraph 154 states

² PINS ref APP/M1595/X/22/3307308

the partial redevelopment of previously developed land (PDL), whether redundant or in continuing use, which would not cause substantial harm to the openness of the Green Belt would not be inappropriate Green Belt development.

14. Based on the characteristics and appearance of the appeal site as an established mixed commercial unit it would meet the definition of PDL as set out in Annex 2 of the Framework. The development would therefore comprise the partial re-development of an existing PDL site. The development would meet exception (g) provided it would not cause substantial harm to the openness of the Green Belt.
15. In relation to the spatial component of openness, the development being a flat hard surface situated on an existing PDL site would have no material effect on spatial openness. Regarding the visual component, again the development would create a tarmac road, replacing a gravel road. Given the development would retain a flat appearance the proposal would not result in a material effect on visual openness.
16. The development is proposed to be used in conjunction with the lawful use of the site and therefore the replacement of a gravel road with a tarmac road would not generate a degree of activity which would be materially harmful to openness compared to the lawful situation.
17. The development therefore would not cause substantial harm to the openness of the Green Belt and would meet exception (g) of paragraph 154. The development would therefore not be inappropriate development within the Green Belt.
18. Policy PMD6 of the Thurrock Core Strategy and Policies for Management of Development (2015) (CSPMD) sets out the Council will maintain, protect and enhance the open character of the Green Belt in accordance with the provisions of the NPPF. Alongside this, the policy also provides some additional criteria to apply to various types of development in the Green Belt.
19. Part 6(II) of Policy PMD6 addresses the re-development of PDL within the Green Belt. It sets out five separate criteria, however none of which correlate to exception 154(g) of the Framework.
20. In particular criteria i) of part 6(II) of Policy PMD6 sets out a much more stringent test in relation to openness. This is a test of “no greater impact” compared to “not cause substantial harm” contained within exception 154(g) of the Framework. Criteria i) also sets out a test relating to not having a greater impact on the purposes of including land within the Green Belt, which is also not present in exception 154(g) the Framework.
21. Furthermore, criteria ii) of Policy PMD6 states development should contribute to the achievement of the objectives for the use of land in the Green Belt. However, whilst the Framework refers to aims and purposes of the Green Belt, it does not refer to any objectives for the use of land within the Green Belt. I have not been presented with evidence which clarifies what these objectives are. Criteria v) states development should integrate into its landscape surroundings which relates to character and appearance, rather than Green Belt considerations.
22. The other criteria set out in iii) and iv) of part 6(II) of Policy PMD6 are not reflected by exception 154(g) of the Framework either, however they are factors which could be used in an assessment of openness.

23. Paragraph 232 of the Framework confirms due weight should be given to policies, according to their consistency with the Framework. Part 6(II) of Policy PMD6 is highly inconsistent with the Framework in relation to the partial re-development of PDL and would therefore only attract limited weight in this instance. Nevertheless, the policy forms part of the statutory development plan.
24. With reference to my prior assessment of the developments effect on openness, the appeal would meet the test of having no greater impact on the openness of the Green Belt. Furthermore, the installation of hard surfacing to an existing PDL site would not conflict with any of the purposes outlined in paragraph 143 of the Framework. Criteria i) of part 6(II) of Policy PMD6 would therefore be met.
25. I am not aware of any objectives for the use of land in the Green Belt and therefore criteria ii) would not be relevant to this appeal. The proposal would not exceed the height of any existing structure so would comply with criteria iii), and given no buildings are proposed criteria iv) is not relevant in this instance. Criteria v) of part 6(II) of Policy PMD6 relates to character and appearance which I address in the other main issue of my decision.
26. As such, whilst highly inconsistent with the Framework, the development would nevertheless comply with the relevant parts of Policy PMD6, including by not being inappropriate Green Belt development through exception 154(g).
27. The parties have also referred to exception (h) ii. of paragraph 154 the Framework and some comments have been made regarding the site's potential status as grey belt land. However, given I have found the proposal would not be inappropriate development within the Green Belt by virtue of exception 154(g) of the Framework and would comply with Policy PMD6, I do not need to consider these matters further.
28. The proposal would not be inappropriate development in the Green Belt and therefore would not be harmful to the openness of the Green Belt. As such, the proposal would accord with Policy PMD6 of the CSPMD. This policy seeks to maintain, protect and enhance the open character of the Green Belt in Thurrock.
29. The Council also refers to Policy CSSP4 in its associated reason for refusal. However, this is a strategic policy regarding a "Sustainable Green Belt" which is not directly relevant to this specific appeal proposal.

Character and appearance

30. The appeal site is situated outside of a defined settlement boundary along Vange Park Road which is set back from the A13. The site has a wooded backdrop and is set on a slope which declines from the rear of the site towards the entrance.
31. In the immediate area, the site of Greenwise Nurseries forms a prominent part of the streetscene and further development in the form of the residential properties situated along Vange Park Road also forms a prominent part of the character and appearance.
32. In longer range views, whilst the site has a pleasant wooded backdrop, the proposed development would be seen within the context of the wider Greenwise Nurseries, A13 and the established development along Vange Park Road. Therefore, in both the immediate streetscene and the wider landscape, the character and appearance of the area comprises a mix of commercial and

residential development situated within close proximity to the A13, rather than an unspoilt landscape.

33. As such, whilst the proposed tarmac road would create a more formalised appearance than the existing gravelled road, it would be in keeping with, and integrate into, the character and appearance of the wider mixed use commercial unit. The development would therefore not appear as a harmfully prominent feature within the landscape. The proposal would therefore be in-keeping with the character and appearance of the area, including the wider landscape.
34. Therefore, the appeal proposal would therefore accord with Policies PMD2, Policy PMD6, CSTP22 and CSTP23 of the CSPMD. These policies, amongst other matters seek to ensure development is of a high quality design that responds to the sensitivity of the site, character of the area and satisfactorily integrates with its landscape surroundings.

Other Matters

35. I have noted the representations from the County Highway Authority and Environmental Health officer which were received during the planning application. These representations respectively requested further information and suggested a condition relating to an acoustic assessment. However, both these comments refer to an intensification and increased use of the site which does not form part of this appeal for the reasons I have previously given.
36. Representations have also been received from interested parties raising concern over the wider site. This includes the erection of new buildings, earthworks, hard surfacing and subdivisions of the site into separate planning units, and matters regarding the access, traffic, surface water flooding, noise and dirt along with the removal of boundary vegetation and its replacement with metal fencing which has resulted in disturbance and safety risks.
37. However, as previously noted matters relating to whether the site is being used outside the scope of its lawful use and any potential development which has occurred without the benefit of planning permission would fall outside the scope of this appeal.
38. The potential of surface water flooding resulting from the proposed development before me, including the potential for the porous tarmac to become blocked from gravel and dust from the wider site has also been raised. It is confirmed in the appellants application documents that the permeable tarmac would have a porosity that would maintain existing run-off rates. The Council has not raised a concern regarding surface water flooding and I also see no reason to either. On this basis, I am satisfied an appropriately worded condition could be used to secure the details of the materials to be used in the road and ensure that the road would be appropriately maintained.

Conditions

39. I have considered the conditions suggested by the Council and appellant against the tests in the Framework and the advice in Planning Practice Guidance (PPG). In meeting the tests of the Framework, I have amended the wording of conditions where necessary.

40. The standard timescale condition for implementation and a plans compliance condition are imposed for the avoidance of doubt and in the interests of certainty.
41. I have imposed a condition requiring the submission and approval of the materials to be used in the external surfacing of the development, including details of the porosity of the materials. This would be reasonable and necessary to ensure the development would utilise materials of an appropriate character and appearance, and to ensure the development can be satisfactorily drained.

Conclusion

42. The proposal would accord with the development plan as a whole, and there are no material considerations that indicate a decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be allowed and planning permission be granted, subject to the conditions set out in the accompanying schedule.

C Housden

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 drawing nos 19.6069/M002 and 19.6069/P201.
- 3) Prior to the commencement of the development, details of the make-up and materials to be used in its construction, including details of porosity, shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the details approved prior to its first use and maintained in line with the agreed details.

-- End of schedule --