



Appeal Decision

Site visit made on 24 July 2025

by **C Carpenter BA MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 August 2025

Appeal Ref: APP/M1595/W/25/3359822

Former tennis court site, Tyelands Farm, South Hill, Langdon Hills SS16 6JD

- 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 Richard Whitehead against the decision of Thurrock Borough Council.
 - The application Ref is 24/00714/FUL.
 - The development proposed is described as “Proposed 3 bedroom chalet bungalow with cart lodge on a former tennis court site”.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a three-bedroom chalet-style dwelling, detached two-storey cart lodge, associated landscaping and boundary treatment including gated entrance at the former tennis court site, Tyelands Farm, South Hill, Langdon Hills SS16 6JD in accordance with the terms of the application, Ref 24/00714/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. Notwithstanding the description of development set out in the banner heading above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises a chalet-style dwelling, two-storey cart lodge, landscaping and boundary treatment including gated entrance. The Council dealt with the proposal on this basis and so shall I.
3. The National Planning Policy Framework (the Framework) was updated in December 2024, during this appeal. The Council’s appeal statement and the appellant’s final comments were submitted after that date. Therefore, I am satisfied both parties have had an opportunity to comment on the revised Framework.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to the Framework and any relevant development plan policies; and
 - the effect of the proposal on the integrity of protected European sites.

Reasons

Whether inappropriate development?

5. The Framework states development in the Green Belt is inappropriate, subject to several exceptions. One of these, at paragraph 154 g), includes redevelopment of previously developed land (PDL) which would not cause substantial harm to the openness of the Green Belt.
6. The parties agree the appeal site formerly contained a hard surface tennis court with surrounding land, which was part of the grounds of the dwelling known as Tyelands Farm House. I observed the site currently comprises hardstanding and some areas of soft landscaping and trees. The Council suggests the proportion of hardstanding has increased unlawfully from that previously occupied by the tennis court, but there is little before me to substantiate this. This would be a matter for the Council to pursue. The Council nevertheless accepts part of the site is PDL.
7. Whether or not the full extent of current hardstanding is lawful, the whole site was previously part of a residential garden and is still in the same ownership as the host dwelling. The surrounding area is semi-rural rather than built-up, notwithstanding the presence of nearby dwellings, and residential gardens outside built-up areas fall within the definition of PDL in Annex 2 of the Framework. I therefore find the whole site falls to be considered as PDL.
8. Read together, Policies CSSP1, CSSP4, CSTP1 and PMD6 of the Thurrock Core Strategy and Policies for Management of Development (as amended) 2015 (TCSPMD) allow for some development of PDL in the Green Belt. However, the detailed exception test for PDL in Policy PMD6 is materially different to that at Framework paragraph 154g), particularly in relation to the impact of development on Green Belt openness. For this reason, I give limited weight to these TCSPMD Policies for the purposes of this appeal and full weight to the Framework as a material consideration.
9. TCSPMD Policy PMD2 covers Design and Layout, so is not directly relevant to this main issue.
10. The appeal site is situated amongst a cluster of dwellings that share an access route off South Hill. These other houses are clearly visible on the borders of the site and from the site entrance. There is open agricultural countryside behind the group of dwellings and on the other side of South Hill. However, the appeal site contributes little to appreciation of this openness because of its close association with the existing developed cluster.
11. The proposed development would inevitably reduce spatial openness on the appeal site itself through the introduction of built form where there is none at present. However, the scale of the proposed dwelling and cart lodge and the size of the plot would be broadly comparable to those around it. The development would therefore integrate well into the existing cluster and would be seen as part of it. In addition, existing trees would be retained, and the soft landscaping proposed around the new buildings and associated hardstanding would soften their appearance. Consequently, the effect of the development on visual openness would be limited, even with a modest increase in activity associated with the new house. Overall, the level of harm to Green Belt openness would be considerably less than substantial.

12. For the above reasons, I conclude the exception at Framework paragraph 154g) is satisfied and the proposal would not be inappropriate development in the Green Belt. As such, it is not necessary for me separately to consider the effect of the proposal on each of the five Green Belt purposes.

Integrity of protected European sites

13. The appeal site is within the zone of influence of the Thames Estuary and Marshes Special Protection Area (SPA). The SPA is a European site protected under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). Under the Habitats Regulations, an appropriate assessment is required in relation to the effect of the development on the integrity of the site. This responsibility falls to me as competent authority in the context of this appeal.
14. The SPA is a wetland of international importance that supports significant populations of bird species, such as the Avocet, Hen Harrier, Ringed Plover and Redshank, and an assemblage of waterbirds. The conservation objectives of the SPA are to ensure its integrity, including the extent, distribution, structure, function and supporting processes of the habitats, and population and distribution within the site of each of the qualifying features, is maintained or restored.
15. There is a threat to the SPA and its qualifying features from recreational activity, such as walking, dog-walking and horse-riding. It is likely the occupants of the proposed dwelling would make use of the site for recreational activity, thereby increasing levels of recreational disturbance. Such an increase, alone or in combination with other plans and projects, would be likely to have a significant effect on the integrity and conservation objectives of the SPA.
16. The parties have agreed a financial contribution in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) and associated Essex Coast RAMS Supplementary Planning Document. The sum would be put towards an agreed programme of strategic mitigation measures. Natural England has been consulted as part of this appropriate assessment and has confirmed that the Essex Coast RAMS measures are sufficient to avoid an adverse impact on the integrity of the SPA. I am also satisfied in this respect.
17. On the evidence before me, the appropriate tariff has been received by the Council for the purposes of contributing to the strategic mitigation measures in the Essex Coast RAMS.
18. For the above reasons, I conclude the proposal would not have a significant effect on the integrity of the SPA. Accordingly, I find no conflict with TCSPMD Policy CSTP19, which safeguards the SPA from the effects of development. I also find no conflict with the Framework, which requires adequate mitigation if significant harm to sites protected under the Habitats Regulations cannot be avoided.

Conditions

19. I have considered the conditions put forward by the Council and have amended the wording where necessary in the interests of clarity and simplicity. I invited the main parties to comment on the amended conditions.
20. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty.

21. A condition requiring a Construction Environmental Management Plan is necessary to safeguard the living conditions of neighbouring occupiers during construction and for highway safety. A condition requiring approval and implementation of tree protection measures is necessary to safeguard retained trees during construction. These are pre-commencement conditions so that the required provisions are agreed and in place before works on site begin, to achieve effective mitigation. The appellant has given their agreement to these pre-commencement conditions.
22. Conditions seeking approval of external materials, boundary treatments and landscaping are necessary to integrate the appearance of the development into the surrounding area. A condition removing permitted development rights for extensions, alterations or outbuildings is necessary to ensure the effect of any such future proposals on the openness of the Green Belt is fully considered.
23. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:
- (a) a Biodiversity Gain Plan (BGP) has been submitted to the planning authority; and
 - (b) the planning authority has approved the plan.
- The planning authority, for the purposes of determining whether to approve a BGP if one is required, would be Thurrock Borough Council.
24. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024. Based on the information available this permission is considered to be one which will require the approval of a BGP before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Conclusion

25. For the above reasons the proposal accords with the development plan, read as a whole. Material considerations, including the Framework, do not indicate that a decision should be taken otherwise than in accordance with it. I therefore conclude the appeal should be allowed.

C Carpenter

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 2410-PL-01 A Existing Location and Site Plan; 2410-PL-02 B Proposed Site Plan and Street Scene; 2410-PL-03 B Proposed Site Plan; 2410-PL-04 B Proposed Site Plan (Coloured); 2410-PL-05 A Proposed Plans, Elevations and Section; 2410-PL-06 A Proposed Plans, Elevations and Section (Cart Lodge).
- 3) No development shall take place, including any works of demolition, until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for, but not be limited to:
 - 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) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii) delivery, demolition and construction working hours.

The approved CEMP shall be adhered to throughout the construction period for the development.
- 4) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.
- 5) Notwithstanding condition 2, no development above ground level shall take place until details / samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.
- 6) Notwithstanding condition 2, no development above ground level shall take place until details of the positions, height, design, materials and type of boundary treatment to be erected, including gates, fences, walls, railings and piers, have been submitted to and approved in writing by the local planning authority. The boundary treatments shall be completed in accordance with the approved details before the buildings are first occupied.

- 7) No development above ground shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include, but not be limited to:
- i) the overall landscaping scheme;
 - ii) hard surfacing and edging materials;
 - iii) schedules of trees and shrubs to be retained and planted;
 - iv) planting layouts with stock sizes and planting numbers/densities;
 - v) an implementation programme; and
 - vi) a scheme of aftercare and maintenance.

The landscaping works shall be carried out in accordance with the approved details and implementation programme. The completed scheme shall be managed and maintained in accordance with the approved scheme of aftercare and maintenance. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A, B or E of Part 1 of Schedule 2 to the Order shall be undertaken.

End of schedule