



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: 1st September 2025

Appeal Ref: APP/M1595/W/25/3361805

Eastdene, South Hill, Langdon Hills, Thurrock 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 Luke Farrugia against the decision of Thurrock Council.
 - The application ref is 24/01351/FUL.
 - The development proposed is sub-divide existing curtilage into two. Erection of 2 bed, 3 person single storey bungalow with private amenity and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The parties were asked to provide comments on the effect of the proposal on the character and appearance of the area, which I considered to be a main issue of the appeal following my site visit. I have taken these comments into account in the determination of the appeal.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether the proposal would be inappropriate development in the Green Belt; 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

Character and appearance

4. The appeal site comprises a single storey detached property, Eastdene, which is set back into its plot from South Hill providing a specious frontage. The property features two accesses situated either side of a frontage boundary hedge which provides views into the plot from South Hill.
5. The area is well vegetated with verges, mature hedges and trees. South Hill has a loose ribbon pattern of development, with properties primarily situated on the same side of the road as the appeal site, nestled within the vegetation. Whilst the nearby

Sutton Hall Farm provides some depth to the development in the area, primarily the area is characterised by single storey and two storey detached properties fronting onto South Hill. There is an overall sense of spaciousness of the residential plots achieved through the low density and irregular pattern of development, which the appeal site positively contributes towards.

6. The proposal would sub-divide the existing plot, creating a new residential curtilage and dwelling in the narrow gap between Eastdene and its side boundary. The restricted width of the proposed plot and dwelling along with its proximity to Eastdene would be significantly out of character with the low density and spacious pattern of development. Furthermore, the proposal would result in an incongruent addition to the views within the immediate landscape of South Hill owing to the cramped and overdeveloped appearance of the site.
7. There are residential plots near the appeal site which contain single storey detached garages situated to the side of the properties. However, these structures appear as part of a single residential plot and are subordinate in appearance to the host dwellings. In contrast, the proposed dwelling whilst smaller in stature than Eastdene, would clearly appear as a separate property with its own distinct curtilage compressed into a narrow and cramped plot. The effect the proposal would have on the character and appearance of the area would therefore not be comparable to these garages.
8. I have been provided with a set of plans showing a single storey side extension which the appellant states could be built through permitted development rights. Whilst this permitted development extension would be of a similar width and height to the proposed dwelling, it would appear as a subordinate attached addition to the host property and would not create an additional separate residential curtilage and dwelling. As such, I do not consider that the permitted development fallback position would be more harmful to the character and appearance of the area than the proposal before me and would not justify the harm that I have identified.
9. As such, the appeal proposal would result in significant harm to the character and appearance of the area. The appeal proposal would therefore conflict with Policies PMD2 and PMD6 of the Thurrock Core Strategy and Policies for Management of Development (2015) (CSPMD). These policies, amongst other matters, seek to ensure development positively contributes to the character of the area, the creation of a positive sense of place and satisfactorily integrates with its landscape surroundings.

Whether inappropriate development

10. 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.
11. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate unless an exception applies. Exception (g) of paragraph 154 states that 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.

12. The appeal site comprises part of the curtilage of Eastdene, a permanent structure which is situated outside of a built-up area. Therefore, based on the evidence before me, I am satisfied the site would meet the definition of PDL as defined in Annex 2 of the Framework. The development would meet exception (g) provided it would not cause substantial harm to the openness of the Green Belt.
13. The Planning Practice Guidance identifies various factors which can be taken into account when considering the potential impact of development on the openness of the Green Belt¹.
14. In spatial terms, the proposal would introduce built form into open space where there is currently no built form. Given the modest scale of the proposal as a single storey property, whilst there would be harm to spatial openness it would not be substantial.
15. In visual terms, the proposed dwelling would be perceptible within the public realm and would visually close an area of open space. There would be harm to visual openness, however, given the modest visual scale of the proposed dwelling it would not be substantial.
16. In terms of the activity generated by the proposal, this would result in an additional two-bedroom, three-person household accessing the site. As the activity would be limited to three individuals, the additional activity generated by the proposal would have minimal effect on openness.
17. Overall, the proposal 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 CSPMD states the Council will maintain, protect and enhance the open character of the Green Belt in accordance with the provisions of the Framework. 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 directly correlate to exception 154(g) of the Framework. Of particular relevance, 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. Furthermore, this criteria also sets out a test of not resulting in a greater impact on the purposes of including land within the Green Belt. This is also not part of exception 154(g) of the Framework.
20. In relation to criteria ii., I have not been presented with evidence showing what the objectives for the use of land in the Green Belt are. The Framework refers to purposes and aims, but not objectives. Criteria iii. and iv. of part 6(II) of Policy PMD6 are factors which could be used in an assessment of openness so are not directly inconsistent with the Framework.
21. The final criteria, v., relates to character and appearance, rather than Green Belt considerations.

¹ Reference ID: 64-013-20250225

22. Paragraph 232 of the Framework confirms due weight should be given to policies, according to their consistency with the Framework. Given that Policy PMD6 is highly inconsistent with the Framework in the context of the re-development of PDL within the Green Belt, this policy carries very limited weight in this instance. Nevertheless, Policy PMD6 still forms part of the development plan for the area.
23. In relation to criteria i. based on my prior assessment on openness, the proposal would conflict with criteria i. of part 6(II) of Policy PMD6 as it would result in a greater impact on the openness of the Green Belt. The proposal would not conflict with purposes a – e as set out at paragraph 143 owing to the small scale of the development, its location away from large built-up areas and historic towns and position situated within a wider ribbon of development.
24. Criteria ii. is not relevant to the appeal as I have not been made aware of the objectives for the use of land in the Green Belt. The proposal would comply with criteria iii. and iv. owing to the height of the proposed dwelling and its proposed floor area compared to the existing property. Criteria v. relates to character and appearance which I have already addressed in my decision.
25. Overall, the proposal would conflict with Policy PMD6 of the CSPMD, however, given its inconsistency with the Framework this would carry very limited weight against the proposal. In the context of the Framework, the proposal would not be inappropriate Green Belt development.
26. Policies CSSP1, CSTP1 and CSSP4 has been referred to by the Council in its decision notice. However, these are strategic policies relating to a “Sustainable Green Belt” and the delivery and provision of housing. Therefore, these policies are not directly relevant to this appeal proposal for a single dwelling.

Other Matters

27. The appeal site falls within the zone of influence of the Thames Estuary and Marshes Special Protection Area (SPA) and Ramsar site. The evidence shows that residential development within the zone of influence would result in a likely significant effect to the protected sites in combination with other plans and projects through additional recreational disturbance. The development would introduce a net gain of a dwelling which would therefore exacerbate the recreational pressures on these sites. As such, in combination with other projects or plans there would be a likely significant effect on the SPA and Ramsar site.
28. The Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) has been adopted by the Council. This sets out a strategic approach to mitigate the recreational impacts of development through a financial contribution to the funding of various mitigation measures for each new dwelling.
29. I have not been presented with a planning obligation securing the financial contribution or evidence that this payment has been made directly to the Council. The proposal therefore would not mitigate the adverse effect on the integrity of the SPA and Ramsar site. However, since I am dismissing the appeal for other reasons, I do not need to discuss this matter further.

Planning Balance

30. The proposal is not in accordance with the aforementioned policies of the CSPMD. However, the Council cannot demonstrate a five-year housing land supply, with

the evidence showing a position of 1.02 years. The provisions of paragraph 11(d) of the Framework are engaged. Footnote 8 confirms in these circumstances the policies which are most important for determining the application are deemed to be out-of-date. As previously mentioned, paragraph 232 of the Framework confirms due weight should be given to policies, according to their consistency with the Framework.

31. In relation to the conflict with Policy PMD6 in the context of the Green Belt, this would carry very limited weight against the proposal due to the significant inconsistencies with the Framework, as I have previously explained.
32. The importance of achieving well-designed development is a key aspect of sustainable development, as set out in section 12 of the Framework, where it is clear at paragraph 139 that development which is not well designed should be refused. Whilst paragraph 124 of the Framework seeks to make effective use of land, this is to be achieved while also safeguarding and improving the environment.
33. Therefore, based on the consistency with the Framework, the conflict between the appeal proposal and Policies PMD2 and PMD6 of the CSPMD, insofar as they relate to character and appearance, carries significant weight against the scheme. The proposal would therefore conflict with the development plan as a whole and with the abovementioned parts of the Framework.
34. The Government's objective is to significantly boost the supply of housing, including through small and medium sized schemes and on previously developed land. The proposal would achieve this by providing one new dwelling at the appeal site which would contribute towards the Council's housing land supply. However, given the small scale of the proposal, this would attract limited weight.
35. The proposal would also provide independent accommodation for the appellants parents. However, this is a personal benefit that would carry very limited weight in the planning balance.
36. Notwithstanding, whether paragraph 11d)i would be engaged with reference to the unmitigated effect on the footnote 7 SPA and Ramsar site, the adverse effects of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole. Therefore, the presumption in favour of sustainable development would not apply.

Conclusion

37. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

C Housden

INSPECTOR