
Appeal Decision

Site visit made on 6 August 2025

by J Heppell BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2025

Appeal Ref: APP/M1520/W/25/3365203

Land adj 14 Common Lane, Thundersley, Benfleet, Essex SS7 3TD

- 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 P Marchant against the decision of Castle Point Borough Council.
 - The application Ref is 24/0605/FUL.
 - The development proposed is to erect prefabricated demountable store building. Lay permeable paving to the remaining areas. Form vehicular crossing to the highway.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 28 August 2025.

Decision

1. The appeal is allowed and planning permission is granted to erect a prefabricated demountable store building, lay permeable paving to the remaining areas and form a vehicular crossing to the highway at land adj 14 Common Lane, Thundersley, Benfleet, Essex SS7 3TD in accordance with the terms of the application, Ref 24/0605/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal was accompanied by a noise impact assessment report and an amended site plan (drawing No 3088 05) showing a different parking arrangement. As the changes do not materially alter the proposals, and as the Council and interested parties have had the opportunity to comment on them, no parties are prejudiced by the changes. I have therefore determined the appeal on the basis of the report and amended plan.

Main Issues

3. The main issues in this appeal are the effect of the proposal on:
- the living conditions of adjacent residents, with particular reference to noise; and
 - the safety of users of the highway.

Reasons

Living conditions

4. The appeal site is a small vacant plot of land situated between 14 Common Lane and the rear gardens of 375, 377 and 381 Rayleigh Road, all of which are

dwellinghouses. The proposal is to erect a prefabricated building for domestic storage along with a hardstanding and vehicular access from Common Lane.

5. The application form describes the proposed use of the building as storage, which the appellant's appeal statement explains would be primarily domestic storage, similar to a domestic garage. The statement indicates that there is no intention of operating a commercial enterprise from the building, and that the building would not be used as a workspace and that no welfare facilities are proposed. The Council's concern, as set out in the officer's report, is that the owner of the building would attend the site by vehicle, potentially at unsocial hours, to deposit or retrieve items, causing potential noise and disturbance to nearby residents.

6. To address this concern, the appellant has submitted a noise impact assessment report which concludes that, provided appropriate noise control measures are applied, there would be little likelihood of an adverse impact on the nearest affected residents' properties. The recommended noise control measures are: the use of belt-driven roller shutter doors; restricting operating hours to 7am to 9pm; and implementing a noise management plan which includes a 2 metre high close boarded timber fence around the site, improving and maintaining the surface of the vehicular access, not operating both roller shutter doors at the same time, cars to be well maintained and to have their engines turned off when not in use, and all personnel to be instructed on measures to reduce noise.

7. The use proposed by the appellant is akin to a domestic garage and is therefore appropriate in principle in this predominantly residential area. I am satisfied that the appellant's noise impact assessment report accurately assesses the potential noise that the proposed use could generate, and provides a range of mitigation measures to ensure that there would be no adverse effect on nearby residents. The officer's report queries whether conditions to mitigate the impact on surrounding occupiers, such as controls over hours of use, are enforceable. However, Planning Practice Guidance includes such conditions in its model conditions (Paragraph: 003 Reference ID: 21a-003-20190723). I address later on the conditions which I consider are appropriate in this instance.

8. I therefore conclude that the proposal would not have an adverse effect on the living conditions of adjacent residents as a result of noise, and that the proposal accords with Policy EC3 of the Castle Point Borough Council Local Plan Adopted 17th November 1998 (LP), which guides that development proposals should not have a significant adverse effect upon the residential amenity of the surrounding area as a result of, amongst other things, noise. I likewise consider that the proposal accords with the guidance in the Framework on noise and residential amenity.

Highway safety

9. The proposal which the Council determined included one car parking space, positioned at an angle in relation to the highway. The Council considered that in an area with high on street parking demand, such an orientation could necessitate drivers having to undertake several manoeuvres before entering or leaving the site, with a resultant risk to highway safety. In response, the appellant's amended site plan shows the proposed parking space oriented perpendicular to the highway.

10. I consider that the amended parking layout overcomes the Council's concerns, since it would not have the potential to necessitate multiple manoeuvres by drivers. The dimensions of the space fall below the preferred parking bay size for cars set out in the

Essex Works Parking Standard's Design and Good Practice (DGP) document dated September 2009, being 5 metres long compared with a preferred length of 5.5 metres, but the DGP also cites a minimum length of 5 metres, to be used in exceptional circumstances as determined by the local planning authority.

11. The preferred parking bay sizes contained in the DGP are clearly intended to provide usable parking spaces in situations where cars are parked next to each other. That situation does not arise in relation to the current appeal, and I therefore consider that exceptional circumstance apply and that the minimum bay size is applicable. My conclusion in this regard is reinforced by the fact that the Council applied the minimum bay size to the originally submitted parking layout, which had a 2.5 metre wide parking space rather than the preferred 2.9 metre wide space. I therefore consider that the proposed parking bay is appropriately sized.

12. I conclude that the proposal would not have an adverse effect on the safety of users of the highway and would accord with Policy EC2 of the LP, which requires a high standard of design in relation to new buildings, including the need to ensure that all modes of movement are made safe and convenient. I further consider that the guidance in the Framework relating to safe and suitable accesses has been complied with.

Other Matters

13. The Council has acknowledged that its development plan is not up to date and that the presumption in favour of sustainable development therefore applies. However, as I have determined that the proposal accords with the development plan as a whole and there are no material considerations to the contrary, there is no need to consider Paragraph 11 of the National Planning Policy Framework.

14. I concur with the appellant's view that the proposal has the potential to improve the appearance of the site and I have accorded this benefit moderate weight in the planning balance.

Conditions

15. The Council has recommended that two planning conditions be imposed in the event that the appeal is allowed, in addition to which the appellant has offered a number of conditions in its noise impact assessment report. In assessing the need for the conditions, I have had regard to the policy requirements contained in the development plan and assessed the conditions in relation to the six tests set out in the Framework.

16. I listed in paragraph 6 the noise conditions which the appellant has offered. I have included below those which I consider are necessary to protect the living conditions of neighbours. Those which do not meet the six tests, either because of reasonableness or enforceability, have not been included.

17. In the interests of certainty, I have imposed a time limit condition (No 1) and a condition listing the approved plans (No 2).

18. To protect the appearance of the area, the materials to be used for the building, and the design and materials of the metal gates, must be approved (No 3).

19. A 2 metre high close boarded timber fence is required around the site, in the interests of the appearance of the area and the living conditions of neighbours (No 4).

20. To minimise noise, the building must be fitted with belt-driven roller shutter doors (No 5).

21. To ensure a safe vehicular access and parking arrangement, the approved access and parking space must be constructed and retained (No 6).

22. Hours of use should be limited to 7am to 9pm, in order to protect neighbours' living conditions (No 7).

23. To prevent loose material migrating onto the highway, no unbound materials should be used within 6 metres of the highway (No 8).

Conclusion

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

J Heppell

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The approved development shall be carried out in accordance with the General Arrangement Drawing 3088 05.
- 3) No development above ground level shall take place until details of the materials to be used in the construction of the building, and the design and materials of the proposed metal gates, 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.
- 4) Prior to first use of the development, the 2 metre high close boarded timber fence shown on the approved General Arrangement Drawing 3088 05 shall have been erected, and shall be retained thereafter.
- 5) Prior to first use of the development, the building shall have been fitted with belt-driven roller shutter doors in accordance with the details shown on the approved General Arrangement Drawing 3088 05. The approved doors shall be retained in perpetuity and, if required, replaced with similar roller shutter doors.
- 6) Prior to first use of the development, the parking space and vehicular access shown on the approved General Arrangement Drawing 3088 05 shall have been provided and hard surfaced. Thereafter, the space shall be kept available for the parking of vehicles.
- 7) The use hereby permitted shall only take place between 7am and 9pm.
- 8) No unbound material shall be used in any hard surfacing within 6 metres of the highway boundary.

End of schedule