



Appeal Decision

Site visit made on 7 October 2025

by **P Burley BA (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10th October 2025

Appeal Ref: APP/M1520/W/25/3368167

Garrolds Farm, Bramble Crescent, Hadleigh, Essex SS7 2XA

- 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 Steve Hall against the decision of Castle Point Borough Council.
 - The application Ref is 24/0562/FUL.
 - The development proposed is the demolition of existing dwelling house, offices, industrial, storage buildings and stables and erection of seven detached single-storey dwelling houses with associated landscaping, parking and road access.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the integrity of a protected European site;
 - whether the appeal site is a sustainable location for housing; and
 - whether an appropriate amount of affordable housing would be delivered.

Reasons

Habitats

3. The appeal site lies within the Zone of Influence (Zol) of the Benfleet & Southend Marshes Special Protection Area (SPA), a European site protected under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). Therefore, an appropriate assessment is required in relation to the effect of the development on its integrity. This responsibility falls to me as competent authority in the context of this appeal.
4. The SPA supports regularly-occurring migratory species, such as Knot and Grey Plover, and an internationally-important assemblage of waterfowl. Its conservation objectives are to ensure its integrity, including the extent, distribution, structure, function and supporting processes of the habitats, and to ensure that the population and distribution of each of the qualifying features is maintained or restored.
5. The development would result in additional dwellings with a consequent increase in the number of local residents living within the Zol of SPA. There is a threat to the site from increased recreational activity, such as walking, dog-walking and

water sports, which would disturb the qualifying habitats and species. It is likely that the occupants of the proposed dwellings would make use of the sites 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 of the protected sites.

6. The Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) and associated Essex Coast RAMS Supplementary Planning Document (SPD) allow for a financial contribution to be made which would be put towards an agreed programme of strategic mitigation measures. As agreed with Natural England, the RAMS measures are sufficient to avoid an adverse impact on the SPA.
7. Whilst the appellant has submitted a unilateral undertaking (UU) dated 27 November 2024 pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) in respect of such a financial contribution, the UU is unsigned. Therefore, it would not be effective and would not secure the required mitigation. As such, I cannot conclude that the appeal scheme would not have an adverse effect on the integrity of the European site. Therefore, the appeal scheme would conflict with the Habitats Regulations and paragraph 193 of the Framework which requires adequate mitigation if significant harm to biodiversity cannot be avoided.

Sustainability of Location

8. The appellant has noted that the Council did not object to the sustainability of the location during the determination of a previous planning application for the site. However, I must determine this appeal on its own merits. The appellant has also noted that there are no policies in the local plan which could be used to form an objection on this basis. Nevertheless, as noted at paragraph 231 of the Framework, the policies in the Framework are material considerations which should be taken into account in dealing with applications and the Council based its objection in respect of the sustainability of the location on the policies in the Framework.
9. The appeal site is almost immediately adjacent to the Leigh-on-Sea urban area and the appellant has referred to a walking route connecting Bramble Crescent with Mountain Ash Road which is within the urban area. However, during my site visit I noted that there was a fixed metal barrier at approximately waist height across the Mountain Ash Road end of the route. I also noted a walking route, part of which was covered in loose stones, connecting the end of Bramble Crescent with Eastwood Old Road. Where this route meets Eastwood Old Road one must pass through three concrete bollards which would be too narrow for wheelchairs to negotiate and also for people with bicycles or pushchairs to pass through. No other walking routes were noted by the appellant.
10. The aforementioned route could be taken to access the half-hourly weekday bus service to Leigh-on-Sea and Southend-on-Sea and the services therein. Whilst the route is not fully accessible, I found the nearest bus stop to be within a reasonable walking distance of the appeal site. There would not be a direct connection between the appeal site and the adjacent urban area for motor vehicles, however; instead a more circuitous route via Daws Heath to the west of the appeal site would have to be taken.

11. Although there are facilities within a relatively small radius of the appeal site, for example on the Progress Road Business Park which the appellant notes is approximately 490m to the north-east of the appeal site, I noted on my site visit that the walking distance to a number of facilities including the supermarket on Progress Road / Rayleigh Road is substantially greater and involves crossing a busy dual carriageway. I also found that other facilities, such as in Daws Heath and on The Fairway are not within an easy or reasonable walking distance, albeit they would be accessible by bicycle.
12. The appellant has also noted that it would install at least one external fast electric vehicle (EV) charging point to comply with Building Regulations and that it would be willing to provide residential travel information packs with the aim of reducing the number of vehicle trips that would be generated and improving the environmental sustainability of the appeal site.
13. Overall, despite the proximity of a bus service, the proposed EV charging points and the proposed travel information packs, I conclude that sustainable transport modes have not been prioritised, that safe and suitable access to the site and to a genuine choice of transport would not be achieved for all users, and that the appeal scheme would not limit the need to travel by private car. Therefore, the appeal scheme conflicts with paragraphs 110 and 115 of the Framework.

Affordable Housing

14. Whilst the appeal site is in the Green Belt, the appeal scheme would not be inappropriate development when assessed against paragraph 154 g) of the Framework. Nevertheless, the Council has said that the development would not meet all the exemptions for not being inappropriate under paragraph 155 of the Framework, including because it would not be in a sustainable location and would not deliver 15% affordable housing per 'golden rule' a) as explained at paragraphs 156 and 157 of the Framework. However, given that the appeal scheme is not inappropriate within the terms of paragraph 154 g), it is not necessary for paragraph 155 to also be satisfied.
15. Given that the appeal scheme would be a major residential development by virtue of the site's size, paragraphs 156 and 157 of the Framework are applicable. Saved Policy H7 of the Local Plan, which relates to affordable housing, does not set a threshold for affordable housing in the Green Belt and it has not been updated to reflect paragraphs 67 and 68 of the Framework. As such I consider it to be out-of-date for the purposes of deciding this appeal. The Castle Point Borough Council Developer Contributions Guidance Supplementary Planning Document (2023) states that affordable housing is only required from developments that resulting in 10 or more net additional homes. Accordingly, and given that there is no pre-existing requirement for affordable housing, a 50% affordable housing contribution should apply by default as noted at paragraph 157 of the Framework.
16. However, no affordable housing or affordable housing contribution is proposed and no viability justification has been provided. Accordingly, and as acknowledged by the appellant, the appeal scheme would not comply with all of the 'golden rules' and therefore would not benefit from the significant weight in favour of the grant of planning permission per paragraph 158 of the Framework.

17. The Council also noted that the development would be contrary to paragraph 66 of the Framework, stating that it directs major residential development to deliver affordable homes. However, paragraph 66 sets out an expectation that a mix of affordable housing which meets identified local needs should be provided rather than setting a threshold for the provision of affordable housing and, therefore, this policy is not directly relevant to this issue.
18. Overall, I conclude that the appeal scheme conflicts with paragraph 156 of the Framework which, subject to viability, seeks affordable housing in association with schemes for housing that are located in the Green Belt.

Planning Balance and Conclusion

19. The appellant has noted that the Council does not have a five-year housing land supply, has delivered less than 75% of its housing target over the past 3 years, and the Council has not disputed this. Nevertheless, the absence of mitigation for the likely significant effects on designated habitats sites provides a strong reason for refusing the development proposed and therefore paragraph 11 d) i. of the Framework is not engaged. Given that there are no relevant development plan policies against which the appeal scheme is to be assessed, I must consider the appeal scheme against paragraph 11 d) ii.
20. The appeal scheme would result in a net increase in housing provision in the area and all dwellings would be designed for wheelchair users. This is a benefit to which I attach significant positive weight given the Council's housing land supply position and previous under-delivery. Given that the development would not comply with the 'golden rules' it does not attract any further weight in favour of the grant of permission per paragraph 158 of the Framework.
21. The appellant has argued that the appeal scheme directly supports the social, economic and environmental objectives set out at paragraph 8 of the Framework, including through the creation of jobs, that residents would contribute to the local economy, that there would be a visual improvement to the site, and that there would be a biodiversity net gain that would exceed the statutory minimum. Together I attach a moderate amount of positive weight to these benefits.
22. However, the absence of mitigation for the likely significant effects on designated habitats sites provides a strong reason for refusing the development proposed and is therefore a matter to which I attach great negative weight; indeed, the unmitigated likely significant effect alone prevents me from allowing this appeal.
23. Furthermore, and with reference to the key policies noted in paragraph 11 d) ii., the appeal scheme would not be in a sustainable location. It would also not provide any affordable homes or an affordable housing contribution if it was viable to do so. These are matters to which I also attach significant negative weight.
24. Therefore, I conclude that the adverse impacts of allowing this appeal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
25. For the reasons given above the appeal should be dismissed.

P Burley

INSPECTOR