



Appeal Decision

Site visit made on 23 September 2025

by **L Gardner MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13th October 2025

Appeal Ref: APP/M1595/W/25/3369604

Sunnyside, Inglefield Road, Fobbing, Thurrock SS17 9HW

- 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 Robert Hollington against the decision of Thurrock Borough Council.
 - The application Ref is 25/00249/FUL.
 - The development proposed is 4 new detached dwellings with car parking and amenity.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the appeal site is grey belt land and whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and relevant development plan policies, including the effect upon the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the safety of the highway network;
 - whether the proposal could deliver the required mandatory biodiversity net gain; and,
 - 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

3. The appeal site is within the Green Belt, where Policy CSSP4 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development (as amended 2015) (the Local Plan) outlines the Council's policy is to maintain the purpose, function and open character of the Green Belt in accordance with the provisions of Planning Policy Guidance 2, which has subsequently been replaced by the National Planning Policy Framework (the Framework). Policy PMD6 of the Local Plan states amongst other matters that planning permission will only be granted for new development in the Green Belt provided it meets the requirements and objectives of national policy.

4. Paragraph 153 of the Framework requires substantial weight to be given to any harm to the Green Belt, including harm to its openness, stating that inappropriate development should not be approved except in very special circumstances. The Framework does however outline several exceptions to inappropriate development at paragraphs 154 and 155.
5. There is no dispute between the main parties that the appeal site would fall within the definition of grey belt land. I see no reason to take a different view on this matter. To be regarded as not inappropriate development in the Green Belt, development in the grey belt must meet all the criteria set through paragraph 155 of the Framework.
6. Criterion a. requires the development to not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. The Council's assessment in relation to this point identifies the contribution that the site itself makes towards a sense of openness and in preventing encroachment into the countryside. Nevertheless, based on the extent of the site, I am not persuaded that this means that the development of the site would affect the ability of all the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way. I therefore find no direct conflict with criterion a.
7. There is no dispute between the main parties that the proposal would meet criterion b. relating to a demonstratable unmet need for the type of development proposed. Based on the evidence before me, I find no reason to disagree on this point.
8. Criterion c. relates to development being within a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework. These paragraphs relate amongst other matters to focusing development in locations which are or can be made sustainable and ensuring that sustainable transport modes are prioritised.
9. The appeal site lies outside of any defined development boundary of an identified settlement, accessed via an unadopted highway. I have not been presented with details of any local services or facilities which would be available to serve the occupiers of the proposal. Whilst the Council refer to limited bus services serving Fobbing, I am not aware of the exact frequency of these services or indeed the location of the nearest bus stop.
10. During my site visit I observed that Inglefield Road is a narrow road with no footways or streetlamps at the point of the appeal site. This would make walking or cycling from the site an unattractive prospect for future occupiers. Based on the evidence before me, the appeal site is not within a location which is, or can be made, sustainable. On this basis, the proposal would fail to satisfy all the criteria of paragraph 155 of the Framework and therefore cannot be considered as not inappropriate development in the grey belt.
11. Paragraph 154 e) of the Framework allows for limited infilling in villages. There is a ribbon of residential development fronting Inglefield Road to the south of the appeal site and recently developed dwellings to the west. Nevertheless, development in the area surrounding the appeal site forms a sporadic cluster of built form rather than the extent of a village. Moreover, land to the north of the appeal site is open providing a gap between the appeal site and the nearest built

form to the north. The proposal would therefore not represent limited infilling in a village as referred to by paragraph 154 e) of the Framework.

12. Paragraph 154 g) of the Framework relates to the partial or complete 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. It is presented that the site was previously used for grazing as part of an adjacent equestrian facility.
13. The Framework outlines a definition for PDL, which includes the following, "*Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it*". The evidence before me does not suggest that the land was occupied by a permanent structure and I do not have the lawful basis for any previous equestrian use. Even if I were able to conclude that the appeal site is PDL, paragraph 154 g) of the Framework still requires an assessment of openness.
14. The Planning Practice Guidance (PPG) provides advice on the factors that can be taken into account when considering the potential impact of development on the openness of the Green Belt, with openness being capable of having both spatial and visual aspects.
15. The site as existing is vacant of built form. The curtilages of the four proposed dwellings, two of which would also have detached garages, would occupy the entire width of the site, with little break between the elements of two storey built form. The prominence of the development would be notable when compared to the existing vacant nature of the site. The proposal would represent a significant visual and spatial intrusion which would cause substantial harm to the openness of the Green Belt. Accordingly, the proposed development would not meet the exception set out in paragraph 154 g) of the Framework.
16. I conclude that the proposed development would be inappropriate development in the Green Belt having regard to the Local Plan and the Framework, and that it would result in substantial harm to the openness of the Green Belt. In this regard, it would conflict with Policies CSSP4 and PMD6 of the Local Plan insofar as they require the provisions of national policy to apply to development in the Green Belt.

Character and appearance

17. The appeal site forms an area of open land adjacent to Inglefield Road, a narrow rural road which at the point of the appeal site is bounded by hedgerow. Development in the surrounding area is sporadic in nature interspersed by areas of significant tree cover. The features of the natural landscape, including mature trees and hedgerows are strong, defining characteristics of the area. Despite the presence of modern development to the west of the appeal site, the appeal site positively contributes to the rural nature of the surrounding area.
18. The proposal would lead to the creation of four separate vehicular accesses from Inglefield Road. This would cause a significant disturbance to the hedged boundary of the site, creating a suburbanised development which would have a harmful effect on the sylvan character of the rural area.
19. The block plan indicates additional planting in the form of trees and hedgerows within the site. Despite the extent of the space which would be available for

planting, any proposed additional vegetation would still be notably interrupted by the separate driveway accesses and associated driveways. As such, additional landscaping would fail to fully mitigate the urbanisation of the appeal site given the form and layout of the development proposed.

20. Consequently, the proposal would be contrary to Policy PMD2 of the Local Plan, which in relation to landscape states that features contributing to the natural landscape, including with reference to hedges, should be protected and where appropriate enhanced to maintain their landscape and wildlife value. It would also be contrary to Policy CSTP23 of the Local Plan which amongst other matters requires the retention and enhancement of significant natural features which contribute to the character of the Borough.

Highway safety

21. Each of the proposed dwellings would have its own access onto Inglefield Road, an unadopted road which leads to the junction with High Road. Policy PMD9 of the Local Plan states that the Council will only permit the development of new accesses subject to several criteria, including where road safety is not prejudiced.
22. The visibility of the access and egress onto High Road has not been demonstrated through appropriately scaled drawings. I therefore cannot be satisfied that the intensification of the use of the junction would be appropriate in highway safety terms. The proposal for four additional dwellings would lead to an increase in the use of the junction which, in the absence of appropriate visibility being demonstrated, could lead to additional highway safety risks associated with vehicular conflicts. In this respect the proposal is contrary to Policy PMD9 of the Local Plan.

Biodiversity Net Gain

23. Policy CSTP19 of the Local Plan states that development will be encouraged to include measures to contribute positively to the overall biodiversity in the Borough. Policy PMD7 of the Local Plan states amongst other matters that the Council will require development proposals to incorporate biodiversity into the design of development as far as possible.
24. It is presented that the proposal will lead to biodiversity net gain (BNG), partially by additional planting but also through the enhancement of areas of modified grassland adjacent to the site. No means of securing the long-term maintenance and monitoring of the off-site enhancement in the form of a legal agreement has been presented.
25. However, if the appeal were to succeed, it would be subject to the statutory pre-commencement biodiversity gain condition ('the condition') as set out in Schedule 7A to the Town and Country Planning Act 1990 (as amended). In this scenario, guidance contained in the PPG states that it would generally be inappropriate, when determining a planning application for a development subject to BNG, to be refused on the grounds that the biodiversity gain objective will not be met.
26. The PPG advises that more broadly, consideration may be required as to whether 'the condition' is capable of being successfully discharged. The Council do not dispute that the necessary net gain could be achieved off-site on land adjacent to

the red line boundary (within the appellant's ownership). The issue of contention is with how this would be secured, and its long-term maintenance and monitoring.

27. 'The condition' sets out that development cannot begin until the Biodiversity Gain Plan (BGP) has been approved. It would be for the Council to consider the BGP, and whether or not the measures are acceptable and secured. I see no reason why an appropriate agreement could not be entered into at BGP stage. In any event, off-site provision could still be achieved through an appropriate conservation covenant, which is separate to the planning process, or through the purchase of biodiversity credits as a last resort. As such, I am satisfied that 'the condition' is capable of being discharged, broadly following the hierarchy.
28. Therefore, I find the development is capable of meeting the mandatory requirements for BNG, in accordance with the statutory framework. In respect to this main issue, I have found no conflict with Policy CSTP19 or PMD7 of the Local Plan.

Other Considerations

29. The proposal would contribute to the Council's housing supply through the delivery of four additional dwellings, which would be built to high sustainability standards. The appellant suggests that the development would be quickly deliverable to provide necessary housing, to cater for the existing demands of the Borough. I note that the Framework outlines support for bringing forward small and medium sized sites, acknowledging that they can make an important contribution to meeting the housing requirements of an area.
30. Despite the Council's inability to demonstrate a five year housing land supply, given that I have found the Green Belt designation as a strong reason to refuse the development proposed, paragraph 11(d) of the Framework relating to the presumption in favour of sustainable development is not engaged. Nevertheless, I have given the benefits associated with the delivery of four residential units moderate weight.
31. The appellant has suggested that they have arranged to undertake remedial works and resurfacing of Inglefield Road. However, based on the evidence before me, I cannot be satisfied that this would be necessary to make the development acceptable and therefore that it would be reasonable to secure through the appeal proposal if it were to be otherwise allowed. I have therefore attached very little weight to this in my assessment.

Green Belt balance

32. The proposal constitutes inappropriate development in the Green Belt which would also cause substantial harm to the openness of the Green Belt. I attach substantial weight to the associated Green Belt harm. Furthermore, the proposal would amount to harm to the character and appearance of the area through the urbanisation of the site. It has also not been demonstrated that the intensified use of the junction with High Road would be suitable in highway safety terms. These are additional other harms to which I have assigned significant weight.
33. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Taken together, the other considerations put forward carry

moderate weight. It follows that the substantial weight to be given to Green Belt harm, together with the significant weight to which I have given to the other harms identified, are not clearly outweighed by other considerations in this case. Therefore, the very special circumstances required to justify the proposed development do not exist.

Other Matters

34. The application was partly refused on the basis that the appellant failed to provide sufficient information to satisfy the Council that the development could satisfactorily mitigate against recreational disturbance to the Thames Estuary and Marshes Special Protection Area. Had I found the appeal scheme to be acceptable in all other regards it would have been necessary for me to examine this matter in further detail. However, as I am dismissing the appeal for other reasons, no further consideration is required.
35. I acknowledge the appellant's concerns over the Council's handling of the application, partially in relation to a lack of communication during the application. However, this is not a matter that I can consider under a Section 78 planning appeal and does not alter my findings, in which I have had regard solely to the planning merits of the proposal.

Conclusion

36. The proposal conflicts with the development plan when read as a whole and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

L Gardner

INSPECTOR