



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: 23 October 2025

Appeal Ref: APP/B1550/W/25/3364836

Land Rear of 17 Hillside Road, Hockley SS5 4RT

- 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 Mrs Claire Turner against the decision of Rochford District Council.
 - The application Ref is 24/00601/FUL.
 - The development proposed is described as: 'Demolish existing outbuildings and construct a new build 3-bedroom detached bungalow with 2 private driveway car parking spaces. Utilise existing vehicular access off Crown Road'.
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Decision

1. The appeal is allowed and planning permission is granted for 'Demolish existing outbuildings and construct a new build 3-bedroom detached bungalow with 2 private driveway car parking spaces. Utilise existing vehicular access off Crown Road' at Land Rear of 17 Hillside Road, Hockley SS5 4RS in accordance with the terms of the application, Ref 24/00601/FUL, and subject to the conditions in the attached schedule.

Preliminary Matters

2. I have used the description of development as set out on the Council's decision notice because it more comprehensively describes the proposed development, in particular by referring to the demolition of existing buildings and the location of the access.

Main Issue

3. The main issue is whether the appeal scheme would be inappropriate development in the Green Belt.

Reasons

4. The appeal site forms part of the rear garden of a large property on Hillside Road. It is separated from the gardens of the dwellinghouses to its east and west by close-boarded fencing. On the southern boundary is a mesh fence and two 5-bar farm-type gates which provide a wide accessway to the land from Crown Road which runs broadly parallel to Hillside Road.
5. Close to the southern boundary of the site on Crown Road are a number of large, mature trees. There are residential properties on the southern side of Crown Road and further to the south on Woodside Road, all of which are set within dense tree planting such that when looking west along Crown Road at its junction with Bullwood Approach, the dwellings cannot be readily seen.

6. The boundary of the Metropolitan Green Belt dissects the garden of the host property such that the appeal site and the existing three buildings thereon are within the Green Belt and the remainder of the garden to the north is not. The residential properties to the south on Crown Road are also within the Green Belt.
7. Policies GB1 and GB2 of the Rochford District Core Strategy (2011) (CS) seek to direct development away from the Green Belt as far as practicable and prioritise the protection of the Green Belt based on how well the land helps to achieve the purposes of the Green Belt. Both policies pre-date the National Planning Policy Framework (the Framework) and whilst they reflect the aims of those parts of the Framework which generally seek to protect the Green Belt from inappropriate development, they do not reflect the exceptions listed in the Framework.
8. One such exception is set out at part g) of paragraph 154 of the Framework. This says that limited infilling or the partial or complete redevelopment of previously-developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt, is not inappropriate development. The Council and the appellant agree that the appeal site is previously-developed land and therefore the main consideration is whether the appeal scheme would cause substantial harm to the openness of the Green Belt. I also agree, having regard to the definition in the Framework, that the appeal site is previously-developed land and that the appeal scheme would represent the limited infilling or the partial or complete redevelopment of that land.
9. Whilst interested parties have suggested that measurements in the appeal application cannot be relied upon and that some of the existing structures should be disregarded, there is no dispute between the Council and the appellant that the appeal scheme would have a floor area of 104.2m² and a volume of 377m³ and that this would replace structures with a floor area of 111.8m² and a volume of 325m³, representing a decrease in floorspace but a 16% increase in volume. The Council has also noted that existing buildings range in height from approximately 2.2m to 3.9m and that the proposed dwelling would have a ridge height of approximately 5.5m. From my observations on site and the evidence before me I have no reason to disagree with those measurements or the main parties' conclusions in respect of which buildings / structures should be included in the calculations.
10. The assessment of harm to openness is not a strict arithmetic exercise and must take account of both the spatial and the visual dimensions of openness. From a spatial perspective, any new building on previously-undeveloped land would, by definition, reduce openness. Visually, the degree of harm would depend on a range of factors including the visibility of the site, its relationship with existing built form, and the degree to which the development would be perceived as intrusive within the wider landscape. The character and context of the site and its surroundings are also relevant to the assessment of the visual impact of the proposal.
11. Although a taller, unified building might introduce a more dominant and enclosing presence in the landscape than low-profile, scattered outbuildings, the residential nature, appearance, siting and scale of the proposed dwellinghouse would not be

out-of-place amongst the residential character of the areas to its north and to its south.

12. Furthermore, consideration of the ridge height alone does not necessarily reflect the dominance of a building having regard to its scale, bulk, and massing. Whilst the Council considers that the height increase alone represents a material enlargement that cannot be dismissed, in this case the approximately 5.5m ridge height would not extend across the entire width of the building given that a hipped roof is proposed. Measurements on the submitted drawings indicate that the lower parts of the roof over the two front bedrooms would have ridge heights of approximately 4.14m and that, overall, the eaves height would be approximately 2.55m.
13. Although the replacement of the three existing buildings with one would represent a volumetric increase in development and an increase in height, taking account of the overall roof form it would not be a stark change. Although it would be visible at short range, longer-range views are limited by the site's context including a large number of trees and other built form, features which also mean that there would not be a perceptible effect on the skyline or any spatial gaps.
14. Thus, I find that the appeal scheme would not result in a significant reduction in either the spatial or visual openness of the Green Belt. Accordingly, whilst I find that there would be a small amount of harm to the openness of the Green Belt in both spatial and visual terms, that harm would not be substantial. Given that it would not cause substantial harm, the appeal scheme would not be inappropriate development, and therefore it is not necessary to consider whether very special circumstances exist to justify the development.
15. Therefore, the appeal scheme does not conflict with CS Policies GB1 and GB2 as summarised above, or with paragraphs 153 and 154 g) of the Framework which seek to avoid inappropriate development in the Green Belt.

Other Matters

Habitats

16. The appeal site falls within the Zone of Influence (Zoi) of one or more designated European sites scoped into the Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (2020) (RAMS). The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) require the competent authority to ensure that there are no significant adverse effects from the proposed development, either alone or in combination with other projects, that would adversely affect the integrity of European sites. The effects arising from the proposal need to be considered in combination with other development in the area, adopting a precautionary approach.
17. The development would result in an additional dwelling with a consequent increase in the number of local residents living within the Zoi which is likely to result in additional recreational activity in this area and cause harm to the qualifying features. Therefore, the proposed development is likely to have a significant effect on the European sites and as the competent authority, it is necessary for me to conduct an Appropriate Assessment (AA) in relation to the effect of the development on their integrity.

18. The Habitats Regulations require that permission may only be granted after having ascertained that it will not affect the integrity of a European site. I may consider measures to secure mitigation with a view to ensuring that the proposal would not adversely affect the integrity of the site. The RAMS provides strategic mitigation measures to address this impact, with financial contributions at a specified tariff per dwelling collected from new development to fund this mitigation. In Rochford, such a payment can be made directly to the Council before an application is determined or secured by way of a planning obligation pursuant to section 106 of the Town and Country Planning Act 1990 (as amended). Alternatively, there is an option for an applicant to undertake their own appropriate assessment and to propose bespoke mitigation.
19. The Council's officer report confirms that the relevant amount has already been paid to the Council by the appellant. Therefore, based on the evidence before me, I am satisfied that the mitigation measures have been secured and would be used for their intended purpose. The contribution would be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). As such, the contribution towards the mitigation schemes would count as mitigation towards maintaining the integrity of the sites. I therefore find within my AA that, with the mitigation that has already been secured, the appeal scheme would not have an adverse effect on the integrity of the European sites and would therefore comply with the Habitats Regulations.

Access and Drainage

20. The effect of construction works on tree roots can be protected by a suitably-detailed planning condition. Clarification was sought by the Council in relation to the accuracy of the appeal application and neither the highways authority nor the Council's tree officer raised any objections in relation to these matters. When I visited the site I also satisfied myself relating to the position of trees and the fire hydrant near the access to the site, and that these would not impede access or egress. Any changes that would need to be made to Crown Road in association with the appeal scheme, and any arrangements to rectify any construction-related damage, are a private matter between the road's owners and the appellant and, therefore, not something that I am able to take into account in my decision.
21. Whilst interested parties also noted that drainage could be an issue, this could be dealt with by way of a condition requiring the submission of a drainage scheme in order to ensure that any foul and surface water run-off is satisfactorily discharged.

Living Conditions

22. Whilst issues have been raised in respect of potential noise and disruption associated with the development of the appeal site, some noise and disruption is inevitable when construction takes place. Given that it would be temporary and the appeal scheme involves the construction of a single dwellinghouse, this is not a matter that I consider should sit negatively in the overall planning balance.

Precedent

23. Interested parties have said that approving the proposed development could set a dangerous precedent, also noting that extensions to other properties in the local

area have not been allowed on the basis of Green Belt policy. However, each application must be considered on its own planning merits and I have set out the particular reasons why I consider the appeal scheme to be acceptable.

Usage of Site

24. Interested parties have questioned whether the use of a residential garden for the storage of vehicles and other equipment would be enforced against, suggesting that it does not accord with the lawful use. However, this is beyond the matters that I am able to take into consideration in determining this appeal which are constrained by the relevant legislation.

Conditions

25. I have reviewed the conditions proposed by the Council, which the appellant has confirmed they have no objections to, in light of the tests in the Framework and advice in the Planning Practice Guidance.
26. In addition to the standard time condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. Given the site's location in the Green Belt, and bearing in mind that the removal of existing buildings formed part of the justification for the appeal scheme, I also consider it necessary to expressly require this.
27. Further conditions requiring samples of the materials, details of boundary treatment, and details of hard and soft landscaping to be approved are necessary in the interests of the character and appearance of the area, as are details of cycle parking to ensure that this is appropriately accommodated in the appeal scheme.
28. I also consider it necessary to ensure that vehicle parking provision is laid out before occupation, does not include unbound material close to the highway boundary, and that the approved scheme is retained thereafter to minimise the effects of the appeal scheme on the road network. For the same reason, it is necessary to require that areas for the reception and storage of building materials are clear of the road network.
29. Although the Council proposed a condition relating to drainage (which is necessary to ensure that surface water drainage arrangements are made) I have amended this to ensure that it is enforceable.
30. Although the Framework advises that planning conditions should not normally be used to restrict national permitted development rights, given that the site is in the Green Belt and additional development could result in harm to its openness I find there to be clear justification in this case for a condition limiting permitted development rights so that additional floorspace cannot be created without a further application for planning permission.
31. In the interests of biodiversity, a condition is necessary to ensure that nesting birds are not disturbed by development as is a condition which secures biodiversity enhancements. A condition is also necessary to protect trees, including their roots, during the construction phase. However, given the small scale of the appeal scheme I do not find it necessary or proportionate to attach

the suggested condition relation to the monitoring of any biodiversity gains that are proposed.

32. Finally, in the interests of promoting travel by non-car modes, I have attached a condition which requires the provision of a residential travel information pack prior to first occupation.

Planning Balance and Conclusion

33. The Council has noted that it does not have a five-year supply of deliverable housing sites, that paragraph 11 d) of the Framework is engaged and that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
34. Given the Council's housing land supply position, I attach significant weight to the delivery of a single dwellinghouse. Based on my analysis above I do not find that there are any adverse impacts that would significantly and demonstrably outweigh the benefits, that the appeal scheme complies with the development plan when taken as a whole, and for the reasons given above the appeal should be allowed.

P Burley

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 numbers:
 - 24/906_901 dated 21/11/24 – Location plan, site plan, proposed elevations, proposed plans;
 - 24/906_902 dated 29/11/24 – Proposed site layout; and
 - 24/906_904 dated 21/11/24 – Site sections.
3. No development involving the use of any facing or roofing materials shall take place until details of all such materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. Prior to the commencement of development, full details of all proposed works to the access surface within the Root Protection Areas (RPAs) of any trees to be retained, including any works to upgrade the existing access as identified on the Tree Protection Plan within the Arboricultural Report (produced by Andrew Day Arboricultural Consultancy, Revision 1, dated 13th February 2025), shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, but not be limited to:
 - specifications and methodologies for the construction, alteration, or resurfacing of the access within RPAs;
 - measures to protect retained trees during the installation, alteration, or renewal of any services or surfacing near tree roots;
 - details of tree protection measures to be implemented throughout the construction phase, including access arrangements to and from the site; and
 - a programme of arboricultural supervision, including the timing and frequency of inspections and the provision of photographic evidence to demonstrate compliance throughout the construction period.

The construction of the development shall be carried out strictly in accordance with the details approved under this condition.
5. Prior to the removal of any vegetation or the demolition of buildings between 1st March and 31st August in any year, a detailed survey shall be carried out to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub or other habitat to be removed (or demolished in the case of buildings), a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the Local Planning Authority before any further works take place within the exclusion zone.
6. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected and priority or threatened species, prepared by a suitably qualified

ecologist in line with the recommendations of the Bat Survey report (Essex Mammal Surveys, January 2025), shall be submitted to and approved in writing by the Local Planning Authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with a timetable to be approved as part of the Biodiversity Enhancement Strategy and shall be retained in that manner thereafter.

7. The development hereby permitted shall not be first occupied until a drainage system for the site has been completed in accordance with details to be submitted to and approved in writing by the local planning authority. Foul water should drain to the public sewer and surface water should drain in the most sustainable way following the hierarchy in the Planning Practice Guidance:
 - i. into the ground (infiltration);
 - ii. to a surface water body;
 - iii. to a surface water sewer, highway drain, or another drainage system; or
 - iv. to a combined sewer.

The approved drainage arrangements shall be maintained for the lifetime of the development.

8. Prior to first occupation of the development, plans and particulars showing details of the hard and soft landscaping which shall form part of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The submitted information shall include details of:
 - schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted;
 - any existing trees, shrubs and hedgerows to be retained;
 - areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;
 - paved or otherwise hard-surfaced areas; and
 - existing and finished levels shown as contours with cross-sections if appropriate.

The approved hard and soft landscaping shall be implemented in its entirety during the first planting season (October to March inclusive) following commencement of the development, or in any other such phased arrangement as may be approved in writing by the Local Planning Authority. Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or

- which die, or become seriously damaged or defective, within five years of planting, shall be replaced by the developer or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal.
9. Prior to its use, details of the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be first occupied until the scheme has been implemented in accordance with the approved details.
 10. The development hereby approved shall not be occupied until the structures labelled as 'Building 1', 'Building 2' and 'Building 3' on drawing 24/906_900 dated 29/11/24, and any associated foundations or hardstanding, have been removed in their entirety.
 11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification), no development (as defined by Section 55 of the Town and Country Planning Act 1990) as may otherwise be permitted by virtue of Classes A, B, C and E of Part 1 Schedule 2 of the Order shall be carried out.
 12. Prior to first occupation of the development and as shown on drawing 24/906_901, two off-street parking spaces shall be provided. Each parking space shall have dimensions in accordance with current parking standards and shall be retained in the agreed form for the lifetime of the development.
 13. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
 14. Prior to first occupation of the development, the cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and retained for the lifetime of the development.
 15. Prior to first occupation of the development, the developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by the Local Planning Authority, to include six one-day travel vouchers for use with the relevant local public transport operator. This pack (including tickets) is to be provided by the Developer to the first occupiers of the dwelling free of charge.
 16. Areas within the curtilage of the site for the purpose of the reception and storage of building materials and the temporary storage of construction waste until it is removed from the site shall be identified clear of the highway and any other roads outside of the curtilage of the site, including Crown Road. Those areas shall be used for the reception and storage of building materials and the temporary storage of construction waste in association with the approved development until the first occupation of the development, by which time those areas shall have been laid out in accordance with the drawings hereby approved.

End of Conditions