



Appeal Decision

Site visit made on 3 September 2025

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th October 2025

Appeal Ref: APP/M1595/W/25/3365618

Fobbing Carp Farm, Fobbing Road, Fobbing, Essex, SS17 9BP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr William Anderson against the decision of Thurrock Borough Council.
 - The application Ref is 24/00307/OUT.
 - The development proposed is for 6 x 1+2 bed bungalows for the over 55s.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs has been made against Thurrock Borough Council. This is the subject of a separate decision.

Preliminary Matters

3. The application was submitted in outline form with the means of access, appearance, layout and scale to be determined at this stage. As a result, I have treated the landscaping on the proposed site layouts as indicative only.
4. The drawings referenced in the decision notice were not provided and do not correspond with the drawing numbers listed in the document titled 'List of Application Plans Submitted to the Local Planning Authority'. Due to the existence of multiple versions of the site plan, and in the interest of clarity and certainty, both parties were asked to confirm the drawing numbers and dates of each plan considered in the determination of application reference 24/00307/OUT. Based on the response received, the appeal has been determined using site plan PSLP1 500 S dated 2/08/2024. This drawing number correlates with a site plan detailed on the decision notice, albeit the date of the drawing differs.
5. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to any relevant development plan policies and the National Planning Policy Framework (the Framework);
 - the effect of the proposal on the openness and purposes of the Green Belt;
 - the effect of the proposal on the character and appearance of the area;

- whether the proposed vehicular access would be safe;
- whether the proposal would mitigate flood risk;
- the effect of the proposal on the Thames Estuary and Marshes Special Protection Area (SPA); 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

6. The site is located within the Green Belt. Paragraph 153 of the Framework sets out that substantial weight should be given to any harm to the Green Belt, and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in Very Special Circumstances (VSC).
7. 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 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.

Limited infilling of village

8. Paragraph 154 of the Framework states development in the Green Belt is inappropriate unless exceptions apply. One of these exceptions (154(e)) is limited infilling in villages. This exception is dependent on the appeal site being within a village.
9. The appeal site lies between the large built-up areas of Stanford-le-Hope and Corringham, and the village of Fobbing. Whilst the appellant considers the site is within Fobbing, this is not experienced on site and appears to be based on Corringham and Fobbing sharing the same administrative ward and the labelling of a submitted application form. However, administrative boundaries do not necessarily correspond with settlement boundaries, and it would not be necessary for an application form to stipulate if a site was within a village. Notably, the site access is located before the 'Welcome to Fobbing' sign, and the site is physically closer to the built form on the edge of Corringham than Fobbing. Based on my site observations and the evidence presented, the appeal site is not within a village.
10. Reference is made to an appeal decision¹ which relates to a single storey rear extension on a dwelling in Oldham. In this decision the reference to limited infilling is within the context of an urban setting, this is not comparable to the appeal site which is within the countryside and between a large built up area and village. As a result, the context in this example is significantly different to the appeal scheme,

¹ APP/W4223/W/19/3227776

and this therefore limits the weight that I can ascribe to it in determining this appeal.

Grey Belt

11. Paragraph 155 of the Framework makes provision for a further exception to inappropriate development and details that the development of homes, should not be regarded as inappropriate where all of the following apply, a) the development would utilise Grey Belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan, b) there is a demonstrable unmet need for the type of development proposed, c) the development would be in a suitable location, with particular reference to paragraphs 110 and 115 of the Framework and d) where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 of the Framework.
12. The term 'Grey Belt' is defined in the Framework as land in the Green Belt comprising previously developed land and/or any other land that in either case, does not contribute to any of the purposes (a), (b) or (d) in paragraph 143.
13. The Council consider that the appeal site strongly contributes to purpose (a) of the Green Belt i.e. to check the unrestricted sprawl of large built up areas and this is acknowledged by the appellant and not disputed.
14. The appeal site is mostly undeveloped land that separates the scattered buildings on the southern side of Lion Hill (as you approach Fobbing) and the town of Corringham. Despite part of the site being previously developed land, its predominantly undeveloped nature plays an important role in maintaining the physical separation between Stanford-le-Hope and Corringham, and the village of Fobbing. As a result, it strongly contributes to purpose (a) of the Green Belt.
15. For the above reasons, the proposal does not fall within the exceptions to inappropriate development listed in the Framework and would therefore comprise inappropriate development in the Green Belt. It would therefore be contrary to Policies CSSP4 and PMD6 of the Local Plan.

Openness and purposes of the Green Belt

16. Openness is identified in the Framework as one of the Green Belt's essential characteristics. It has both spatial and visual aspects. The spatial impact of the proposal is significant, as it would substantially increase the built form on site through the introduction of six dwellings.
17. Given the proposed dwellings would be single storey and the site benefits from green boundaries to the north, west and south, the visual impact of the scheme would be limited. This is because the only direct view of the proposal would be from the proposed access and additional landscaping could further limit any impact on visual openness.
18. Further to the identified conflict with purpose (a) of the Green Belt, the proposal would be contrary to purpose (d) i.e. assisting in safeguarding the countryside from encroachment. This is because the introduction of six dwellings on a predominantly open and undeveloped site would introduce substantial built form in the countryside.

19. The proposal would therefore have an adverse impact on openness resulting in significant harm to the Green Belt and would conflict with purposes (a) and (d) of the Green Belt. It would therefore be contrary to Policies CSSP4 and PMD6 of the Local Plan.

Character and Appearance

20. The appeal site is accessed from Fobbing Road where it joins Lion Hill. This section of road is characterised by verdant hedgerows lining either side of the highway, creating a distinct visual and physical separation between the settlements of Corringham and Fobbing. Nearby, sporadically positioned dwellings and the properties within The Hawthorns generally face or are visible from the road, establishing a sense of connection to it. Consequently, the built form in the area is predominantly linear, aligning closely with the main road.
21. The proposal would provide six dwellings arranged in an inward Cul de sac formation, with no frontage or visual connection to Lion Hill. Whilst the scheme has been designed for accessibility and mobility, this configuration results in an insular and disconnected residential enclave that fails to provide a positive response to the local context.
22. Furthermore, the layout is dominated by the internal access road, which dictates the spatial organisation of the site and would occupy a disproportionate amount of space within the Cul de sac. The vehicle-led design would limit opportunities for meaningful green infrastructure and would fail to reflect local character or deliver a high quality residential environment.
23. For the above reasons, the proposal would have an unacceptable effect on the character and appearance of the area. It would therefore be contrary to Policies CSTP22, CSTP23 and PMD2 of the Local Plan. Amongst other things, these policies require high quality design that positively contributes to the character of an area.

Vehicular Access

24. The appeal site would be accessed via an unnamed road that connects to Fobbing Road and runs along the eastern boundary of the site. This access is currently lightly used, primarily serving the carp farm. It is narrow and winding, with tall trees and dense vegetation lining both sides. The junction with Fobbing Road is located on a bend. Fobbing Road is a level 2 urban road (as defined in the local plan) that connects Corringham with Fobbing.
25. The proposed development would lead to an increased use of the unnamed access road. Given that the junction with Fobbing Road is located on slightly lower ground and on a bend, visibility is restricted. This intensification raises concerns regarding highway safety, as vehicles entering and exiting the site would not have clear sightlines of traffic travelling along Fobbing Road and Lion Hill. Although visibility splays have been illustrated in the submitted plans, based on my observations on site, they appear to rely on substantial tree and vegetation clearance, including land outside the application site. Consequently, it has not been satisfactorily demonstrated that adequate visibility splays can be achieved.
26. For the above reasons, it has not been demonstrated that the proposed vehicular access would be safe. It would therefore be contrary to Policies PMD2 and PMD9

of the Local Plan. Amongst other things, these policies require proposals to provide easy and safe access and make a positive contribution to road safety or ensure road safety is not prejudiced.

Flood Risk

27. The appeal site is located in Flood Zone 2 and benefits from existing flood defences. The application was accompanied by a site specific Flood Risk Assessment (FRA) that identifies that the Sequential and Exception tests have been met. This is not disputed by the Council.
28. Whilst the FRA confirms that the site is not at flood risk from watercourses there are identified risks in respect of groundwater, surface water and overland flows. The FRA advises that engineering measures would reduce potential ground water risks, and permeable paving and other SuDs features should be promoted with the design to tackle flood risk from surface water and overland flows. However, it has not been sufficiently demonstrated that groundwater or surface water could be managed by the measures identified. In addition, the FRA does not address how the proposed bund or automated flood barrier would impact flow routes through the site. Given the lack of clarity, it is not considered that this issue could be satisfactorily addressed through the imposition of a planning condition.
29. For the above reasons, I am not satisfied that the proposal would be able to suitably mitigate flood risk. As a result, it would be contrary to Policies CSTP27 and PMD15 of the Local Plan insofar as they require development to demonstrate that it will be 'safe', without increasing flood risk elsewhere, and where possible reduce flood risk overall.

Thames Estuary and Marshes SPA

30. The appeal site is located within the Thames Estuary and Marshes SPA Zone of Influence. The SPA is classified for bird species and habitats that are rare and/or vulnerable. The Conservation of Habitat and Species Regulations 2017 (as amended) (the Regulations) imposes a duty on the competent authority to consider whether a proposed development may have a significant effect on the conservation objectives of such sites either alone, or in combination with other plans and projects within the context of an Appropriate Assessment.
31. The six proposed dwellings would be likely to result in additional recreational pressure locally on sensitive areas and such activity could cause disturbance to birds and their habitats. The increase in population from the development alone would be small, but it is likely that in combination with other developments, the proposal would have a significant impact on the integrity of the Habitats sites.
32. The Essex Coast Recreational disturbance Avoidance and Mitigation Strategy Supplementary Planning Document, sets out a strategic approach to mitigate such adverse impacts, and details mitigation measures, that would be funded by financial contributions at a specified tariff per dwelling. These include a range of habitat-based measures, education, communication and monitoring.
33. In the circumstances of this case, despite the appellant agreeing to pay the required tariff, there is no formal agreement or undertaking through a planning obligation provided as part of the appeal. As a result, there is no certainty that the necessary contribution will be made and no means of securing it through the

appeal process. Nor is there evidence that the required amount has already been paid to the Council. Whilst reference is made to payment not being requested, this would not have prevented the appellant from submitting a planning obligation with the appeal.

34. Reference is made to Policies S1 and J1 of the Maldon District Local Development Plan in the fifth reason for refusal. Given the appeal site lies within Thurrock Borough Council, the reference to Maldon's Development Plan would seem erroneous. Given the duty under the Regulations on the competent authority I have therefore assessed the proposal against the Framework.
35. In light of the above, the proposal would have an unacceptable effect on the Thames Estuary and Marshes SPA as suitable mitigation has not been secured. The proposed development would therefore be contrary to paragraph 193a of the Framework.

Other Considerations

36. Given the growing elderly population in Thurrock, the proposal seeks to deliver purpose-built housing for individuals aged 55 and over. While both parties agree on the need for retirement housing within the borough, the proposal does not sufficiently demonstrate how the proposed dwellings would meet the specific needs of this demographic. Furthermore, the location of the appeal site is not ideal for older residents. The design fails to show how it aligns with the Housing our Ageing Population Panel for Innovation (HAPPI) principles, and the site itself is situated at the bottom of a hill, distant from essential services required for daily living. Additionally, the nearest bus stops are located uphill and are served by an infrequent service. Consequently, I attach limited weight to this benefit.
37. The proposal includes a range of sustainability and biodiversity enhancements, such as bee bricks, swift and bat boxes, removal of non-native species, and the planting of a bee-friendly native tree for each dwelling. In addition, dwellings are proposed to be carbon neutral and would incorporate renewable energy and low-carbon technologies including photovoltaic solar panels, electric vehicle charging points, and air source heat pumps. Sprinkler systems are also proposed to improve fire safety. Whilst these are benefits of the scheme, many of these features are now standard in new residential developments aimed at improving environmental performance. Additionally, Biodiversity Net Gain (BNG) is a statutory requirement for new proposals. Therefore, I attach limited weight to these benefits.
38. There would be some modest economic and social benefits associated with the proposed development, particularly in terms of employment during the construction phase and the potential for future occupiers to support local shops and businesses in Thurrock. However, the employment generated during construction would be temporary, and given the small scale of the proposal, the long-term contribution to the local economy and community is likely to be limited. These benefits are given limited weight.
39. The proposal highlights that all profits from the scheme would be reinvested in the borough. It also states that materials would be sourced locally, the dwellings would be reserved exclusively for local people, and that contracts would be awarded solely to local firms. Additionally, it is claimed that builders' wages would be spent within the local economy. However, these benefits are not substantiated and a way

of securing them has not been advanced. As such these benefits are not given weight.

40. BNG, adherence to HAPPI design principles, and exceptional architectural quality have been put forward as VSC. However, these claimed benefits are not substantiated within the application. No baseline biodiversity data has been provided to enable the calculation of any potential BNG. In addition, the scheme does not demonstrate compliance with HAPPI principles, particularly as it lacks shared facilities. Furthermore, the proposed dwellings follow a standard design, and the supporting documentation does not provide evidence of exceptional architectural quality. Accordingly, I am unable to attribute weight to these benefits.
41. The application refers to the scheme being locally led, the inclusion of 4m ridge heights to prevent loft conversions, an improved street scene aesthetic, a proposed communal garden, and the site's alleged sustainable and accessible location. However, the applicant's address is not a material planning consideration, and preventing loft conversions does not constitute a planning benefit. The communal garden has been omitted following revisions to the site layout; the proposal would not face or be visible from the road and the site itself is located between settlements with poor access to public transport and essential services. Accordingly, weight is not given to these claimed VSC.
42. The status of Thurrock as a growth hub has been put forward as a VSC, but this claim has not been substantiated. Additionally, elements such as off-street parking, future-proofed housing through the inclusion of a 1m flood bund, compliance with accessibility requirements under Part M, and adherence to housing standards are requirements of the development plan or building regulations. As such, these are standard requirements, not planning benefits, and therefore they would not be attributed weight in support of the proposal.
43. Although the appeal site has been included in the Council's Housing and Employment Land Availability Assessment, this does not confirm suitability for the proposed development. The site is not allocated for housing, and its inclusion in the 'call for sites' process does not have a bearing on my assessment of this appeal.
44. Officer report extracts from unidentified schemes have been submitted to demonstrate inconsistency in the application of VSC weighting. However, the assessment of VSC must be based on the specific context and merits of each individual application. In the absence of full details of the referenced schemes, it would be inappropriate to draw comparisons or conclusions regarding consistency.

Green Belt Balance

45. The proposed development constitutes inappropriate development in the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt. The proposal would also adversely affect the openness of the Green Belt, conflict with two of its purposes, and cause harm to the character and appearance of the area. Additionally, the proposed vehicle access is considered unsafe, flood risk mitigation has not been adequately demonstrated, and in the absence of suitable mitigation, the proposal would have an unacceptable effect on the Thames Estuary and Marshes SPA. VSC will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.

46. The proposal would deliver a net gain of six dwellings, which could be delivered promptly and would make a positive contribution to housing supply within the borough. This is particularly relevant given the Council's acknowledged inability to demonstrate a five-year supply of deliverable housing sites and is therefore afforded significant weight. However, while the scheme would positively contribute to housing provision, the presumption in favour of sustainable development does not apply in this instance. In accordance with footnote 7 of paragraph 11(d)(i) of the Framework, the Green Belt, habitat sites, and areas at risk of flooding are areas of particular importance and provide strong reasons for refusing the proposal.
47. The benefits that would accrue from the provision of six purpose-built dwellings for individuals aged 55 and over, the identified sustainability and biodiversity enhancements and economic and social benefits even when considered together, would not clearly outweigh the harm to the Green Belt and other harms identified. The VSC required to justify the proposal do not, therefore, exist. The proposed development is therefore contrary to Policies CSSP4, CSTP22, CSTP23, CSTP27, PMD2, PMD6, PMD9 and PMD15 of the Local Plan. It would also be contrary to paragraph 193a of the Framework.

Conclusion

48. The proposal conflicts with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the above reasons and having regard to all matters raised the appeal is dismissed.

V Goldberg

INSPECTOR