



Appeal Decision

Site visit made on 7 October 2025

by **L Fern BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5th December 2025

Appeal Ref: APP/M1595/W/25/3370030

Mission Hall, Bells Hill Road, Vange, Essex SS16 5JY

- 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 Dennis Baker against the decision of Thurrock Borough Council.
 - The application Ref is 24/01161/FUL.
 - The development proposed is change of use of existing mission building into one bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address in the banner heading above has been taken from the Council's decision notice and is more accurate than that on the application form. I am content that it has been accepted by the appellant by inclusion on their appeal form.

Background and Main Issues

3. I note that the proposed development is intended to be a self-build or custom-build (SBCB) housing project, which would render it exempt from otherwise mandatory biodiversity net gain (BNG) requirements. Whilst this matter was not a reason for refusal on the Council's decision notice, the appellant has been afforded the opportunity to comment on the matter and submit further information during the appeal process. I am therefore content that the appellant has not been prejudiced by me including it as a main issue in my decision.
4. The main issues are therefore:
 - whether the proposed loss of a community facility would be justified; and
 - whether the proposal would satisfy the requirements of the statutory framework for BNG.

Reasons

Community facility

5. Policy CSTP10 of the Thurrock Core Strategy and Policies for Management of Development (2015) (the CS) seeks to safeguard existing community facilities and will only allow their loss in circumstances where appropriate facilities of equal or better quality will be provided as part of the development.
6. The National Planning Policy Framework (the Framework) contains more recent national policy that requires planning decisions to, amongst other things, guard

against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. Its wording is not as stringent as the CS policy and does not specifically require replacement facilities to be provided. CS Policy CSTP10 is therefore not wholly consistent with the Framework, which in turn reduces the weight that can be afforded to any conflict with it to moderate. This is consistent with Inspectors' conclusions in two previous appeal decisions at The Pullman Tavern and The Bricklayer's Arms¹.

7. Nevertheless, the proposal would result in the loss of a community facility and would not provide a replacement of equal or better quality, which is required by CS Policy CSTP10, regardless of the building's current condition and the anticipated cost to bring it back into use.
8. I acknowledge that there is no specific requirement within CS Policy CSTP10 to provide marketing evidence given that there is a wholesale presumption against the loss of community facilities unless a replacement is provided. However, the appellant's evidence includes a letter from a previous estate agent stating that the building was actively marketed for rent for a significant period between 2020 and 2022 via their website and mailshots to their existing customer base and that no offers were received due to the condition of the building. Whilst this provides an insight into the lack of need for the facility at that point in time, I am mindful that it was undertaken several years ago and that if the exercise had been undertaken more recently, the results could have been different.
9. Furthermore, I note that there is no significant local objection to the proposed loss of the facility. An objection was received from Dry Street Memorial Church, an organisation that had a connection with the mission previously, saying that it would be sad to see the building in an alternative use. However, the letter does not suggest that they themselves would make active use of the building. Regardless, a lack of significant objection to the proposed loss of the facility does not in itself lead me to conclude that there is a lack of harm.
10. I find that the proposed loss of a community facility would therefore not be justified given that a replacement is not proposed, and there is associated conflict with CS Policy CSTP10. Given the inconsistency identified with paragraph 98 of the Framework, I attribute this conflict a reduced amount of weight in my decision making. Therefore, I find that the proposed development would have moderate harm in this regard.

BNG

11. BNG is a way of creating and improving biodiversity by requiring development to have a positive impact on it. This is required under a statutory framework, which normally imposes a condition upon any grant of planning permission subject to specified exemptions that disapply the condition. One of these is smaller scale SBCB housing development. The appellant relies upon this exemption in relation to the appeal scheme and on that basis has not provided the minimum information that would otherwise be required in relation to BNG.
12. Ensuring general compliance with the statutory framework for BNG is a relevant consideration for the decision maker, particularly if an exemption is proposed. To do otherwise would threaten its proper implementation and risk the intended

¹ PINS Refs APP/M1595/W/19/3238238 and APP/M1595/W/16/3154574.

biodiversity objectives. Hence, I need to be sufficiently certain that the proposed development qualifies as an exemption.

13. Simply confirming the SBCB status on the application form falls significantly short of providing the necessary security and it is not shown that a planning condition would meet all the tests in the Framework or the Planning Practice Guidance. Moreover, no formal mechanism, such as a legal agreement, is before me to secure the SBCB housing status. Hence, notable doubt remains as to the validity of the exemption being sustained.
14. I have taken account of the appeal decision² highlighted by the appellant. In that instance the issue of securing self-build had been a reason for refusal and the dispute between the main parties related primarily to a planning policy justification for an obligation. Consequently, the focus and finding of the Inspector's reasoning related to this. Indeed, the Inspector explicitly stated that BNG was not part of the Council's case and on that basis, she did not consider that aspect any further. This was unsurprising given the other conflicts with policy that the Inspector had already found. Hence, it is not a finding that has wider application to the circumstances in this case.
15. For the above reasons, I find that it is not convincingly shown that the proposed development would be exempt from otherwise mandatory BNG requirements and the minimum information required to successfully discharge the statutory BNG condition has not been provided. Accordingly, on the evidence before me, the proposal would fail to satisfy the requirements of the statutory framework for BNG. As such, it would undermine the legitimacy of the BNG framework put in place and run counter to the government's approach set out in paragraph 187 of the Framework. Amongst other things, this requires planning decisions to contribute to and enhance the natural and local environment by providing net gains for biodiversity. The level of associated harm in these respects would be considerable. Accordingly, this is an important material consideration that I shall return to in my planning balance.

Other Considerations

16. The appellant asserts that the Council is only able to demonstrate a 0.91-year supply of deliverable housing sites, which equates to a severe shortfall when compared to the Framework's requirement to demonstrate a minimum five-year supply. The appellant also claims that the Housing Delivery Test (HDT) results confirm that the Council has fallen short in this respect too. These are positions not disputed by the Council. Given the scale of the shortfall and the failure of the Council to meet the requirements of the HDT, the provision of even a single additional dwelling would make a valuable contribution to the Council's housing supply.
17. Furthermore, the proposed development would make efficient use of an underused previously developed site within a village location and would address a building that has fallen into disrepair. Returning the building to active use has the potential to alleviate vandalism and anti-social behaviour, which are existing issues associated with the appeal site that have been raised as concerns by local residents. Overall, I attribute significant positive weight to the above benefits.

² APP/Z1510/W/25/3360518.

18. The proposal lies within a zone of influence for a habitats site under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations). The Thames Estuary and Marshes Special Protection Area (the SPA) provides habitat that supports populations of rare or vulnerable bird species. Residential development is likely to lead to increased recreational pressure on the SPA. As such, in the absence of mitigation there would be a likely significant effect on its special features. The Council has a strategic mitigation strategy in place, agreed with Natural England, to combat harmful recreational effects. The Council has confirmed that the appellant has already made the requisite financial contribution under that scheme towards strategic mitigation. Hence, there is no dispute between the parties on this point.
19. The Habitats Regulations requires an Appropriate Assessment (AA) to be carried out prior to the grant of any planning permission in these circumstances. I am satisfied that the evidence shows that the mitigation secured would mean the proposal would avoid an adverse effect on the integrity of the habitats site. Therefore, I have treated this matter as a neutral factor in the overall balance.
20. Whilst the Council agrees that there is no conflict with Green Belt policy or from a design and highway safety perspective, the absence of harm in these respects does not amount to a benefit that weighs in favour but rather are neutral in the overall balance.

Planning Balance and Conclusion

21. The Framework does not change the statutory status of the development plan as the starting point for decision making. The proposal is not in accordance with CS Policy CSTP10. For the reasons already outlined, the conflict with this policy attracts moderate weight. The proposal therefore conflicts with the development plan taken as a whole and should be refused unless other material considerations indicate otherwise.
22. However, the Council cannot demonstrate a five-year supply of deliverable housing sites. In these circumstances, paragraph 11 d) of the Framework is engaged. Following an AA, the proposal would not adversely affect the habitats site. Hence, the evidence does not show that there are any protected areas or assets of particular importance where the Framework provides a strong reason for refusing the development under paragraph 11 d) i).
23. Therefore, the balance in paragraph 11 d) ii) of the Framework applies. This states that planning permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making efficient use of land, securing well-designed places and providing affordable homes, individually or in combination.
24. I have only found moderate harm with regards to the loss of the community facility and conflict with the development plan. Hence, the presumption in favour of sustainable development applies in this case.
25. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance, whilst I found conflict with the development plan, the

presumption in favour of sustainable development is a material consideration that would ordinarily outweigh that conflict. However, there is a further material consideration in this case relating to the second main issue and the doubtful compliance with the statutory framework for BNG. Non-compliance in this respect is of such importance that it has paramountcy over the presumption in paragraph 11 of the Framework.

26. Thus, I conclude that the appeal is dismissed.

L Fern

INSPECTOR