



Appeal Decision

Site visit made on 22 January 2026

by **C Shearing BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 January 2026

Appeal Ref: APP/D5120/W/25/3373982

Land NW of Burnett Road, Erith DA8 2LE

- 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 T Searles of Kariba (UK) Ltd. against the decision of the Council of the London Borough of Bexley.
 - The application ref is 24/01851/FULM.
 - The development proposed is "Change of use of land to open storage and erection of boundary fencing and gates and stationing of 2no temporary buildings (Welfare and Offices)".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the Council's decision notice and the appeal form, since this more accurately describes the proposal in its entirety.
3. During the course of the appeal, the government published a consultation National Planning Policy Framework (the Framework), which sets out changes to the Framework along with other changes to the planning system and accompanied by a Written Ministerial Statement. As the proposed reforms are in draft and may be subject to change before the final document is published, I have given them only very limited weight at this stage. Having regard to the determining issues of this appeal, it has not therefore been necessary to consult the parties on the changes and, in reaching my decision, I have had regard to the Framework of December 2024.
4. I observed during the site visit that parts of the proposed development had already been carried out. This included installation of fencing to the eastern and southern site boundaries and two metal containers towards the northern end of the site, providing office and welfare facilities.

Main Issues

5. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt, including effects on openness;
 - Effects on biodiversity, including the Metropolitan Site of Importance for Nature Conservation, wildlife corridor and biodiversity net gain;

- Effects on flood risk, with particular regard to the site's location and maintenance access;
- Effects on highway safety;
- Whether the development would incorporate appropriate sustainability measures;
- Whether the development would include appropriate fire safety measures; 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. Policy G2 of the London Plan 2021 (the LP) and SP8 of the Bexley Local Plan 2023 (the BLP) largely reiterate the Green Belt tests set out in the Framework, referring to protection of the Green Belt from inappropriate development. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework establishes that development in the Green Belt is inappropriate but lists exceptions at paragraph 154. The main parties consider the most relevant exception is (g), being "the limited infilling or the partial or complete redevelopment of previously developed land... whether redundant or in continuing use (excluding temporary buildings) which would not cause substantial harm to the openness of the Green Belt."
7. A definition of previously developed land (PDL) is provided in the Framework, which state it to be 'land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land'. It goes on to include 'land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed'. It excludes land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.
8. Based on the evidence, the vegetation which previously covered much of the site has been cleared in recent years, exposing an extensive hard surface which lay beneath. Both main parties refer to the likely historic use of the site for munitions in the 1940s and associated buildings which were removed by 1990. While there is no planning permission for these earlier uses, the Council discuss that permitted development rights could have existed for such a use at the time. As such, there is a heavy likelihood that the hard surfacing was lawfully developed as part of the earlier use of the site.
9. Aerial photography suggests the site since became heavily vegetated and a substantial part of the hard surfacing blended into the landscape. However, this is clearly no longer the case. Having regard to the definition of PDL in the Framework, I see no strong reason why the clearance of the vegetation should prevent the site from now being PDL. Having regard to all the evidence before me, I am satisfied that the appeal site can be considered as PDL by definition.

10. Accordingly, returning to paragraph 154g), it is necessary then to assess whether the proposal would cause substantial harm to the openness of the Green Belt. Planning Practice Guidance (the PPG) identifies factors that can be taken into account when considering the potential impact of development on the openness of the Green Belt. This includes, but is not limited to, visual and spatial aspects, duration and degree of activity.
11. The appeal site forms part of a vast area of open fields on the western side of Burnett Road. These are characterised predominantly by open grassland, low level vegetation and drainage ditches, which provide extensive open views across the land on this side of Burnett Road. While there are industrial sites to the north and east, these are reasonably well contained by the road network and boundaries.
12. There is limited information about the condition of the appeal site or its use prior to the works which are the subject of this appeal. The photographs provided by the Council suggest the site was vegetated and free from built form, but with some areas of exposed hard surfacing to its northern side. Photographs of the former boundary fencing have been provided, which comprised concrete posts and wire mesh, allowing a degree of visibility through the site and beyond, and the fencing merged into the vegetated boundary. Based on this information the site previously encompassed feelings of openness and contributed strongly to the openness of this part of the Green Belt.
13. The appellant accepts that impacts on openness would occur from forms of open storage, the demountable buildings, as well as the new and proposed boundary treatments. I observed that the boundary treatment to the east of the site, running alongside Burnett Road, comprises a thin green mesh, which allows good visibility through. Further south, however, coverings have been added to parts of the fencing, which prevent visibility, enclose parts of the site and heavily reduce the openness of these areas. While the containers/ buildings involved are low level and movable, they have nonetheless introduced new built form onto the site, reducing the spatial and visual aspects of the site's openness.
14. Furthermore, the effects on openness would not be limited to physical works. The vehicles on the site, arising from the car parking area and larger vehicle turning area, would also reduce openness when in use. There is not evidence to suggest how often there would be vehicles on the site or the frequency of movements including those of deliveries, staff and visitors. Similarly, there is not substantive detail of the nature of open storage intended, including the height to which storage would occur, and the areas of storage themselves could present very significant effects. In addition, there would undoubtedly be a significant increase in activity on the site compared to its earlier condition. Given the evidence surrounding the site's previous condition, being free from built form and activity, and adopting a precautionary approach in the absence of detailed information surrounding how the site would operate, the proposal would cause substantial harm to openness.
15. While planting around the boundaries could help to reduce the visual effects of the proposal, it is not apparent where this would occur given the proximity of the fencing and hard surfaces to the road edge. As such I cannot be satisfied that planting would notably reduce the visual effects. Even if the development were permitted for a limited period, these substantial and important effects would still occur throughout that period. Overall, the proposal would not meet exception g) set out above and would be inappropriate development in the Green Belt.

16. It is not the appellant's case that the proposal should be considered under any other exceptions to inappropriate development in the Framework. It is not apparent that any other exceptions should apply here and, given the findings below in respect of flood risk, the site would not meet the definition of grey belt.
17. In conclusion on this main issue, the proposal would be inappropriate development in the Green Belt and would cause harm to openness. The proposal would conflict with Policy SP8 of the BLP insofar as it seeks to protect the Green Belt from inappropriate development. I return to Policy G2 below, following consideration of very special circumstances. Insofar as this main issue is concerned, I do not find conflict with LP Policy D4 or BLP policies SP5 and DP11, which relate to design.

Biodiversity

18. The site lies within the Crayford Marshes Metropolitan Site of Importance for Nature Conservation (SINC) and forms part of a Strategic Green Wildlife Corridor. The site is therefore part of a strategically important conservation site for London, of value for its nature conservation and geodiversity value. The Strategic Corridors allow species to extend their distribution into parts of London where they would not otherwise be present¹ and the appellant describes links to other SINC sites including the Rivers Thames and Cray, as well as other wildlife sites.
19. The SINC supports an important population of protected water voles. A water vole survey was conducted on the site, following a PEA², which found water voles within two of the three ditches which enclose the site, and recommendations were made in respect of vegetation and measures to improve pollution. Subject to those recommendations, the survey report and PEA give no suggestion that harm would be caused to populations of water voles. In the absence of substantive evidence to the contrary, I have no reason to doubt those conclusions.
20. However, even if the extensive hard surfacing is considered as the baseline, the proposal could still present further significant effects on the SINC arising from vehicle movements and activity on the site. The appellant's PEA considers the effects primarily on protected species, but does not provide detailed evidence in respect of other potential effects on the SINC designation, or the role of the site as a wildlife corridor. As set out in the LP this could include indirect effects, arising from noise, shading or lighting. These are particularly relevant here given the proximity of the proposed parking areas and welfare facilities to areas where water voles were observed. Enclosure of the site by fencing could also affect the movement of species, undermining the corridor function. Therefore, in the absence of evidence to the contrary, the proposal would cause harm to the SINC and wildlife corridor. It has not been proven that any harm would be unavoidable, or that relevant mitigation hierarchies have informed the proposal.
21. In conclusion on this main issue, in the absence of substantive evidence to the contrary, the proposal would cause harm to the designated Metropolitan SINC and wildlife corridor. It would conflict with LP Policy G9, which states SINC's should be protected, as well as policies SP8 and SP9, DP20 and DP21 of the BLP relating to protection of biodiversity assets.

Biodiversity Net Gain

¹ BLP para 5.104

² Preliminary Ecological Appraisal by Calumma Ecological Services, 18 September 2024

22. One of the Council's reasons for refusal relates to biodiversity net gain (BNG). The statutory requirement does not apply to retrospective planning permissions made under section 73A, which would be the case here having regard to the definition in the legislation³. However, in its reason for refusal the Council have referred to Policy DP20 of the BLP which requires development to result in a measurable long-term net gain for biodiversity and incorporate biodiversity enhancement measures, as well as LP Policy G6, which states proposals should aim to secure net gain. While the PEA refers to general management and enhancement as part of the landscape proposals, there is not sufficient detail to demonstrate that these would amount to enhancements, rather than mitigation, particularly if the site's pre-cleared condition were treated as the baseline for the purposes of net gain. Given the nature of the development and uncertainty surrounding the effects of the site's clearance, it is not apparent that an enhancement could reasonably be delivered by condition.
23. There is not, therefore, evidence to demonstrate that the proposal would meet the requirement for biodiversity net gain in the development plan, in particular as set out in BLP Policy DP20 and LP Policy G6.

Highway Safety

24. As set out by the Highways Authority, there can be vast differences in how open storage sites operate. The site is large and could reasonably accommodate areas for car parking and larger vehicle turning areas as shown on the proposed plans. However, in the absence of details of how the use would operate, including details of the number of vehicles likely to use the site, their size, frequency and length of time on the site, it cannot be established with certainty that the site would be able to accommodate all the vehicles associated with the use without overspilling onto the highway. While Burnett Road includes traffic calming measures, I observed it to accommodate a significant number of large vehicles associated with the adjacent industrial areas. Overspill of vehicles or movements onto the road could therefore cause significant harm to the safety and function of this area.
25. Given the absence of clarity on these matters it has not been demonstrated that the proposal would have acceptable impacts on the function and safety of the highway, contrary to policies T4 and T6 of the LP which relate to assessment and mitigation of transport impacts and quantum of car parking in developments. Given the importance of these matters to the acceptability of the proposed use, it would not be reasonable to delay submission of these details until a later date by a planning condition.
26. I have no strong reason to doubt that matters relating to details of cycle and refuse storage, and the treatment of the turning area for larger vehicles to the south of the site, including wheel washing, could reasonably be secured by condition. This would ensure compliance with BLP Policy DP22 and LP policies T1, T2, T5 and SI7 regarding these matters.

Flood Risk- Location

27. The entire site lies within Flood Risk Zone 3, at high risk of fluvial or tidal flooding, but benefits from flood defences. The site is also identified by the Council's

Strategic Flood Risk Assessment as being at risk. The main parties dispute whether a sequential test is required, to direct the development to areas at less risk of flooding.

28. Policy DP32 of the BLP sets criteria for development in areas at risk of flooding. As the appeal site is outside the designated areas listed, the development would conflict with the policy. However, this policy is not entirely consistent with the Framework and associated PPG, which also require a sequential risk based approach to individual applications. The Framework and PPG also establish that a change of use is exempt from the sequential test.
29. The Council assert that the proposal should not be considered as a change of use given the lack of clarity on the site's former lawful use. Matters relating to the lawful use of the site are not for me to establish as part of this appeal. However, in the absence of evidence to support the Council's contention, it is not apparent why these circumstances should prevent the proposal being considered a change of use, particularly since this is what was applied for and how the application was treated by the Council. I find the exception set out in paragraph 176 of the Framework applies, and the development should not be subject to the sequential or exemption test. The FRA satisfies the remaining requirement in that paragraph.
30. In terms of its location, the proposal would conflict with BLP Policy DP32. I note, however, that policy is not entirely consistent with the Framework and accordingly I ascribe that conflict limited weight, based on the information before me.

Flood Risk- Maintenance Access

31. Concerns have been raised regarding proximity to the 'main river', as an important flood flow route. The appellant has interpreted this as referring to the drain immediately to the north of the site and I have therefore treated it as the same. The proposed plans show the inclusion of a 2.5m fence along the northern boundary. This does not appear to have informed the FRA, since it is not included in its appended drawings. The fence is nonetheless included in the description of development and is shown on the drawings which would be approved if planning permission were granted. The fence would provide a barrier to the regular maintenance reported by the Environment Agency, required to ensure free discharge of surface and flood waters from the Darent and Ness Road Industrial Estates. It follows that the effects of the proposal would be very likely to lead to an increased risk of flooding both on the site and elsewhere.
32. Consequently, the proposal would have unacceptable effects in terms of flooding. It would conflict with LP Policy SI12 which includes that development should protect the integrity of defences and allow for future access. It follows that the risk of flooding provides a strong reason for refusing or restricting the development for the purposes of the grey belt definition above.

Sustainability Measures

33. LP policies SI1 and SI2 relate to improvements to air quality and minimising greenhouse gas emissions. They contain specific requirements for major development proposals which would apply to the appeal scheme given the size of the site. BLP Policy DP30 similarly sets requirements for climate change mitigation.

34. The policies do not exclude development types such as that before me. It is not clear that the nature of the development, and lack of permanent built form, provide a justification for the absence of these considerations and I see no strong reason why the proposal could not contribute to their objectives. Neither have the requirements of Policy SI1 been met, which allow for circumstances where emissions cannot be reduced by onsite measures. Given these measures would need to be integral to the development and use of the site, and in the absence of any information on this matter, I do not consider it reasonable for them to be addressed by condition. For these reasons the proposed development would not provide appropriate sustainability measures, in conflict with policies SI1 and SI2 of the LP, and DP30 of the BLP.

Fire Safety

35. Similarly, LP Policy D12 does not distinguish between different development types and I see no strong reason why it should not be applicable to the appeal scheme or why details could not be provided to address the relevant criteria, which include details of evacuation points and fire appliances.
36. However, given the nature of the proposed development and as the site would seem capable of accommodating appropriate fire safety measures, it would be an appropriate and proportionate response for details to be secured by condition if the proposal were otherwise acceptable. I am therefore satisfied that the development could be made acceptable in this respect.

Other Considerations

37. As above, the Framework states that inappropriate development should not be approved except in very special circumstances. It states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
38. For the reasons given, the proposed development would be inappropriate by definition. Other harms resulting from the proposal would also occur, including harm to: openness, risk of flooding, designated nature sites, highway safety and harm through the lack of sustainability measures. The effects of these harms would be significant and long lasting, and they attract substantial weight.
39. The effects of the transitory and potentially reversible nature of the proposal informed the assessment of impacts on openness above. While a temporary permission would prevent harmful effects in perpetuity, they would nonetheless occur for the five year period when the use was operating. Given the nature of the harms involved and their severity, limiting their timescale would not notably reduce the weight of those harms.
40. The proposal would provide an economic benefit, through employment and contributing to a range of industrial and related uses across London, which is supported by Policy E4 of the LP and I give this moderate weight, given the scale of the proposal. There is not substantive evidence to support that there are not reasonable alternative sites elsewhere, or that they have been fully explored by the appellant. This contention also conflicts with the Council's evidence base which suggests that the Borough has a surplus of designated industrial land to accommodate existing industrial uses and some designated areas have

experienced increased capacity. On this basis I give this consideration limited weight. The removal of permitted development rights for additional hard surfaces also attracts limited weight, since it would restrict future development, rather than relating to the scheme before me.

41. Overall, while acknowledging there would be some benefits of the appeal scheme, these would not clearly outweigh the harm to the Green Belt, which I must give substantial weight. As a consequence, the very special circumstances necessary to justify the proposal do not exist. It follows that the proposal would conflict with Policy G2 of the LP which relies on this assessment.

Other Matters

42. There are concerns for works which have previously been undertaken on the site, including the ecological effects of infilling ditches. However, it is not apparent that this forms a part of the proposed development before me, which entails the use of the existing hard surfaces. Therefore I have not considered those matters further.

Conclusion

43. The proposed development would conflict with the development plan and there are not material considerations of sufficient weight, including approaches in the Framework, that indicate a decision should be made other than in accordance with it. The appeal is dismissed.

C Shearing

INSPECTOR