



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: 2nd February 2026

Appeal Ref: APP/M1595/W/25/3375521

Kipling Farm, Kipling Avenue, Tilbury, Thurrock RM18 8HF

- 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 & Mrs D Leach against the decision of Thurrock Council.
 - The application Ref is 25/00088/OUT.
 - The development proposed is described as “Outline planning application seeking determination of access for development comprising up to 30 residential units with associated amenity space, parking and strategic landscaping. All other matters reserved”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application sought outline planning permission with matters of access submitted for consideration. I have therefore treated any drawings relating to the reserved matters of appearance, landscaping, layout and scale as illustrative, since they are not for consideration at this stage.
3. A Unilateral Undertaking has been submitted with the appeal, dated 18 November 2025 (the UU), as well as an Addendum document dated 20 January 2026. These have been taken into account in the determination of the appeal.
4. 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.

Main Issues

5. The Council considers that, as a consequence of the UU, matters relating to affordable housing have been satisfactorily addressed. As it is no longer in dispute I have not treated affordable housing as a main issue to the appeal.
6. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt;

- The effects of the proposal on the openness of the Green Belt;
- Whether the proposal could reasonably avoid other harmful effects, with particular regard to the living conditions of its future occupiers, neighbouring occupiers and the character and appearance of the area;
- Whether the proposal would make appropriate contributions to off-site infrastructure; 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

7. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Policy PMD6 of the CS¹ states the Council will maintain, protect and enhance the open character of the Green Belt in accordance with the provisions of the Framework and that planning permission will only be granted for new development in the Green Belt provided it meets the requirements of the Framework, as well as other requirements listed. CS Policy CSSP4 similarly relates to the Green Belt, referring to the former PPG2 and a housing land supply position to 2021. I return to this below.
8. The Framework establishes that development in the Green Belt is inappropriate unless one of the exceptions it lists applies. The main parties consider the most appropriate exception is that relating to 'grey belt' land, as set out in paragraph 155. It is therefore necessary to consider firstly whether the site meets the definition of grey belt, and if so, whether the proposal would meet the criteria set out in paragraph 155.
9. The definition of grey belt is provided by Annex 2 of the Framework. This describes that it is land in the Green Belt comprising previously developed land and/or other land that, in either case, does not strongly contribute to any of purposes (a), (b) or (d) in paragraph 143. Neither main party suggests the site should be considered as previously developed land and, based on the evidence, I have no strong reason to reach a different view.
10. The Council's Strategic Green Belt Review 2019 (GBR) considered the appeal site as part of a larger parcel of land. The GBR found that parcel to contribute to the purpose to check unrestricted sprawl of large built-up areas and to prevent neighbouring towns from merging into one another. Nonetheless, the Council acknowledge that document pre-dates the Framework 2024 and the introduction of the 'grey belt' concept, and, it nonetheless relates to an area of land exceeding that of the appeal site. Accordingly, I attach limited weight to the findings of the GBR.
11. Planning Practice Guidance (the PPG) provides guidance as to how to assess land against the relevant Green Belt purposes. With regard to purpose (a), the Council refer to Tilbury as a town, which has not been disputed by the appellant and I have no strong reason to consider it other than as a large built up area. The

¹ Thurrock Core Strategy and Policies for Management of Development, adopted 2011 amended 2015

PPG finds illustrative features which contributes strongly to purpose (a) to be likely to be free of existing development and lack physical features in reasonable proximity that would restrict and contain development.

12. The site is currently divided into two parts. The southern part comprises open grassland with some low level trees and is free of any existing development. The northern part, in contrast, contains a number of stored vehicles, including cars, vans, boats and a mobile home and a shipping container and areas enclosed by a roof of metal cladding. There were some small, low level timber structures in the northern part of the site, similar to disused stables, and all other features appeared to be movable or transient.
13. The Council have questioned the lawfulness of the uses on the northern side of the site and I note the absence of any relevant records in the site's planning history. There is otherwise little information from the appellant regarding the permanence of those structures or the storage use. Given the uncertainty surrounding these matters, I do not consider the site should be considered to comprise existing development, as described by the PPG.
14. In terms of physical features, the site is enclosed to its northern and eastern sides by a drainage ditch and associated bund. However, these are not particularly significant in their scale and would not amount to features that would restrict and contain development. A more substantial drainage channel exists further north and east beyond the site's boundaries, which appears to bind much of the existing housing at this side of Tilbury. However, and in the absence of evidence to the contrary, it is not apparent that this channel would restrict or contain development. For the reasons given, based on the evidence before me, the findings of my site visit and having regard to the PPG, the appeal site contributes strongly to purpose (a) of the Green Belt, to check the unrestricted sprawl of large built up areas.
15. For this reason, the appeal site would not meet the definition of grey belt land provided by the Framework, and the criteria of paragraph 155 would not all be met. Since all criteria of paragraph 155 must be met in order for the proposal not to be inappropriate development, it is not necessary to go on to consider the proposal against the other criteria. The benefits of the scheme including consideration of the 'golden rules' are discussed further below.
16. In light of the above, the proposal would be inappropriate development in the Green Belt by definition. A conclusion against CS Policy PMD6 is reached below, following consideration of very special circumstances. There is not, however, substantive evidence of non-compliance with Policy CCSP4, since it refers to the provisions of PPG2. I have not therefore treated the proposal as being in conflict with that policy.

Openness

17. 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.
18. As above, the southern part of the site is predominantly open and free of built form, and there is uncertainty surrounding the features on the northern part of the site and whether they could remain. Even if the use of the northern part of the site was accepted, the vehicles upon it appear movable and transient to some degree.

The buildings on the site include some low level, timber structures close to the site boundaries. The openness of the wider area is established by the vast flat and open fields to the north and east of the appeal site. The openness of parts of the appeal site, and the absence of built form, contribute strongly to the appreciation of the area's openness.

19. The proposal would significantly alter the existing sense of openness by introducing 30 dwellings. While details of layout and appearance are not before me, given the illustrative site plan, the development would include the associated division of the land into plots, access roads, areas for parking and vehicle movements, boundary treatments and domestic paraphernalia, as well as a significant increase in activity on the site associated with the residential occupation of each dwelling. The development on the site would very likely be visible from surrounding public view points, including around the access and longer views from Fort Road. Accordingly, the spatial and visual aspects of the site's openness would be substantially reduced and the effects on openness would be harmful.

Other Effects

20. In considering the other effects of the development it is important to set out that matters relating to the layout, appearance, scale and landscaping are not for consideration at this stage. Those details would follow under subsequent Reserved Matters applications if outline permission were granted. Shortcomings have been highlighted for the submitted layout plan, however, I must nonetheless treat this as illustrative.
21. The proposal would adjoin existing residential development to two sides and would read as a logical extension to the settlement edge. While there are clearly restraints to the site, arising from its narrow width and the need for access through it, there is not convincing evidence before me to demonstrate that an appropriate scheme could not reasonably be achieved. In reaching this view I have had regard to the constraints raised by the Council, including the proximity of the neighbouring houses, prevailing character of the area including building heights, need for raised levels for flood mitigation, and also the aspirations of the Design Guide SPD to incorporate generous landscaping to developments at countryside edges. I appreciate there may be challenges in achieving an acceptable scheme, but I am not convinced that it would not be possible, or that this should represent a reason to withhold outline planning permission.
22. Accordingly, I do not find harm in terms of the effects on the living conditions of future occupiers, neighbouring occupiers, or on the character and appearance of the area. Conflict with policies PMD1, PMD2 and CSTP23 of the CS, insofar as they include provisions relating to the visual effects of development and effects on amenity, has not been found.

Off-Site Infrastructure

23. The Council's fourth reason for refusal relates to provision for off-site infrastructure and mitigation for designated habitats sites. Since the appeal is being dismissed for other substantive reasons, it is not necessary to reach a finding as to whether the contributions in the UU and the UU Addendum meet the relevant tests². This is

² As set out in the National Planning Policy Framework, para 58

because Regulation 122³ states that an obligation may only constitute a reason for granting planning permission if it meets the tests, and since planning permission is not being granted here.

24. However, I have concerns for the healthcare and secondary education contributions, which appear to relate to a specific quantum of homes and a mix of house sizes which would not be fixed here, if the appeal were to be allowed. It is not apparent that the UU would give flexibility, as suggested by the Council, to reflect the needs generated by the final scheme. In the case of the contribution to secondary school places, for example, the final scheme could generate a greater need for secondary school places, which would not be mitigated. This casts doubt on whether those contributions would be reasonably related in scale and kind to the development.
25. In respect of the mitigation for habitats sites, Regulation 63(1) of the Habitats Regulations indicates the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal. Similarly, as the appeal is dismissed on other grounds, it is not therefore necessary to address this in any further detail.

Other Considerations

26. The Framework makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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. It sets out, at paragraph 153, that substantial weight should be given to any harm to the Green Belt, including harm to its openness. For the purposes of this exercise, since I have not reached a conclusion on the planning obligations, I have treated the off-site infrastructure and contributions to habitats sites as being capable of resolution and have not included these as harms arising from the proposal.
27. The development would provide up to 30 new homes, of varied tenure and of which 50% would be affordable, complying with the 'Lifetime Home Standard and with 3% being built for wheelchair users as set out in the UU. This is clearly a benefit of the proposal, to which I attach significant weight, especially in light of the shortfall in the Council's housing land supply which it acknowledges can be described as 'severe'. These homes would be on the edge of an existing settlement, with good accessibility to services and facilities by sustainable means of travel, including by foot. The Framework acknowledges the need to make efficient use of land for homes, and the important contribution which small and medium sized sites can make to meeting the housing requirement.
28. While the Framework acknowledges that development which complies with the 'golden rules' should be given significant weight, it is not apparent that the third criteria of paragraph 156 would be met, given that new green spaces, or improved access to existing, would not be secured here if permission were granted. As such, and notwithstanding that the proposal has been found to be inappropriate development, additional weight is not given in favour of the development arising from paragraph 156. Where the proposal may be acceptable in other respects, for

³ Regulation 122 of the Community Infrastructure Levy Regulations 2010

example in securing appropriate mitigation for effects on off-site infrastructure, these are neutral matters rather than weighing in favour of the development.

29. Overall, while there are important benefits of the scheme, taken together the weight of other considerations in this instance would not *clearly* outweigh the harm to the Green Belt, which I am required to give substantial weight. Consequently, the very special circumstances necessary to justify the proposal do not exist. It follows that the proposal would conflict with CS Policy PMB6 insofar as it links to the Framework's requirements.

Other Matters

30. The Council accept it cannot demonstrate a five year land supply for housing. Accordingly, the provisions of paragraph 11d) of the Framework are relevant to the appeal. However, the application of policies in the Framework that protect land designated as Green Belt provide a strong reason for refusing the proposed development. The proposal does not therefore benefit from the presumption in favour of sustainable development set out in the Framework.
31. Beyond 11d), I acknowledge that there are benefits of the appeal scheme as set out above. Nonetheless, I do not find these amount to material considerations of sufficient weight to make a decision other than in accordance with the development plan.
32. I am aware of the other issues raised by interested parties, however it is not necessary to assess those matters in detail since they would not alter the outcome of this appeal. While there are concerns surrounding the application process and communication with residents, there is not substantive evidence that the statutory procedures for the planning application were not followed in this instance.

Conclusion

33. For the reasons given, the appeal is dismissed.

C Shearing

INSPECTOR