



Appeal Decision

Site visit made on 17 December 2025

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 19 February 2026

Appeal Ref: APP/M1595/W/25/3372887

The Downs, Elms Lane, Thurrock, Bulphan RM14 3TS

- 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 Holgate Property Services Limited against the decision of Thurrock Borough Council.
 - The application Ref is 25/00722/FUL.
 - The development proposed is the erection of 1no. detached dwelling with associated private garden, parking areas and other works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site lies adjacent to a single-storey agricultural building which benefits from planning permission (ref. 24/00356/FUL) for its demolition and replacement with two new dwellings. The plans indicate that the proposed development would be positioned adjacent to these approved dwellings. Consequently, it would not conflict with the existing planning permission.

Main Issues

3. The main issues are:
 - whether or not the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework ('Framework') and relevant development plan policies;
 - the effect of the proposal on the openness and purposes of the Green Belt;
 - the effect of the proposed development on the character and appearance of the area; and
 - whether or not 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 or not inappropriate development in the Green Belt

4. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It states that

inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

5. The construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of exceptions set out in paragraphs 154 and 155 of the Framework. Policy PMD6 of the Thurrock Core Strategy and Policies for Management of Development 2015 (CS) states that the Council will maintain, protect and enhance the open character of the Green Belt in Thurrock in accordance with the provisions of the Framework. Accordingly, it is generally consistent with the Framework.
6. There is no substantive evidence that the parties consider the proposed development would meet any of the exceptions set out in paragraph 154 of the Framework. I have found no reason to come to a different conclusion.
7. The Framework also states that the development of homes within the Green Belt should not be regarded as inappropriate where the proposal meets all the criteria set out in paragraph 155 of the Framework. The first criterion requires that the development utilises grey belt land and does not fundamentally undermine the purposes of the remaining Green Belt across the area of the plan. For the purposes of decision-making, grey belt land is defined as land in the Green Belt comprising previously developed land (PDL) and/or any other land that, in either case, does not strongly contribute to any of the purposes (a), (b), or (d) set out in paragraph 143. It also excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.
8. The Framework defines PDL as 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 (although it should not be assumed that the whole of the curtilage should be developed). The plans indicate that the appeal site lies outside the footprint of the barn scheduled for removal under the extant planning permission. Instead, it forms part of an open, undeveloped field adjoining the barn. The Council has assessed the planning history of the land dating back to 1999 and have confirmed that it has not been lawfully developed throughout this period. I have found no reason to disagree with this assessment. During my site visit, although the area was in use as an outdoor storage area, there was no evidence before me of any permanent structures or fixed surface infrastructure lawfully occupying this part of the land. While I acknowledge that the site sits within a wider land parcel that contains previously developed elements, it remains functionally and visually distinct from the adjacent agricultural building and its associated hardstanding. It is, in essence, open field land situated beside those structures, rather than forming part of them. Although it may be located within a broader surrounding land envelope as the barn, it does not fall within the footprint of this building. Accordingly, I am satisfied that it does not meet the relevant definition set out in the Framework and therefore conclude that the appeal site does not constitute PDL.
9. As set out above, the definition of grey belt also includes any other land that does not strongly contribute to any of the purposes (a), (b), or (d) in paragraph 143. These purposes are; a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; d) to preserve the setting and special character of historic towns. The parties agree that the appeal site is

not located near any large built-up areas, is not close to any neighbouring towns and there is no evidence before me that the setting of any historic towns would be affected. There is no evidence before me to indicate that the proposed development engages any of the policies referred to in footnote 7, other than those which relate to the Green Belt. Based on these considerations, notwithstanding that it does not constitute PDL, I am satisfied that the appeal site meets the definition of grey belt land.

10. Turning to the second section of the first criterion in paragraph 155, it must also be demonstrated that the development would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. These purposes are set out in Paragraph 143 of the Framework. The impact on purposes a), b) and d) have been considered above, concluding there would be no conflict. Turning to purpose c), which concerns encroachment, the plans clearly show that the appeal site forms part of an open, undeveloped field. The proposed development would introduce additional built form comparable in scale and massing to the two dwellings approved under the extant permission. In particular, it would comprise a two-storey dwelling containing three bedrooms, three parking spaces, areas of permeable paving, and a private rear garden. As such, it would represent an intensification of built form on land that has, until now, remained entirely open and undeveloped. However, given the relative scale of the site against the remaining Green Belt across the area of the plan, the harm from encroachment would be minor. As such, the proposal would not fundamentally undermine this purpose.
11. Regarding Green Belt purpose e), there is no evidence before me to suggest that the proposed development site would assist in the recycling of derelict or other urban land. Likewise, while it is possible that development in this location could marginally reduce pressure to regenerate urban sites, there is nothing before me to indicate that the proposal would actively impede or undermine active urban regeneration efforts. Although the scheme would introduce one additional dwelling outside an urban area, the scale of the development is such that any effect on wider regeneration objectives would be negligible. As such, the proposal would not fundamentally undermine this purpose. Drawing all of the above together, I am satisfied that Paragraph 155, criterion a. would be met.
12. Criterion b. requires that there is a demonstrable unmet need for the type of development proposed, which in this case is residential housing. The Council acknowledges that it does not have a five-year housing land supply and that its supply has remained below the required level for the past three years. Specifically, the Council states that it is currently only able to demonstrate around 1.02 years of housing supply. The appellant considers that the Council has an even lower level of housing supply and have referred to a recent appeal decision (Appeal Ref: APP/M1595/W/24/3342882). In that decision, the Inspector recorded the Council's published position from April 2023 as indicating a supply of just 0.91 years against the Framework requirement of five years. Regardless of which measurement is more accurate, it is clear that there is a substantial and demonstrable unmet need for residential housing. Accordingly, I am satisfied that Paragraph 155, criterion b. is met.
13. Criterion c. requires that the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework. Framework paragraph 110 indicates that significant development should be focused on

locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. It further recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Framework paragraph 115 seeks to ensure amongst other things, that sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location; safe and suitable access to the site can be achieved for all users; the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance; and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

14. The focus of Framework paragraph 110 is principally related to development that would generate a significant level of vehicle movements, particularly trips made by private car. Elms Lane is a narrow, well-landscaped rural lane with no footways or street lighting, and these characteristics limit the opportunities for safe pedestrian or cycle access.
15. The appellant states that the nearest bus stop lies approximately 0.9 miles from the site, whereas the Council places it closer at around 0.6 miles. The appellant also indicates that Bulphan Village is approximately 0.6 miles away and provides a limited range of services including a local store, church, and several accommodation venues. The nearest town, South Ockendon, is stated to be around 5.2 miles away and offers a range of services that includes schools, shops, post office, bank and medical services. However, regardless of these distances, the absence of a footway and street lighting, combined with the site's separation from essential services, would significantly reduce the practicality and attractiveness of walking or cycling as realistic travel options, particularly for older people, those with reduced mobility, families with young children, or during hours of darkness and inclement weather. Nonetheless, while opportunities for walking and cycling are limited, they are not entirely precluded. Furthermore, the distances to nearby facilities indicate that any car journeys required to access services are likely to be relatively short.
16. Both parties have referred to appeal decisions in support of their respective positions. The Council have referred to the "Land adjacent Starlight" decision (Ref: APP/M1595/W/25/3360211), where the Inspector concluded that a reliance on private vehicles access services would mean that the proposed development would not be in a sustainable location. The appellant has referred to the "Broadheath Farm" decision (APP/R0660/W/24/3354674), where the Inspector concluded that even without convenient walking options or nearby bus stops, given the proximity to services and facilities, the appeal site was reasonably well connected for a rural location.
17. Drawing all of the above together, I conclude that the proposed development would be likely to result in a high reliance on the private car for day-to-day travel. However, any such journeys would be relatively short, given the site's proximity to nearby villages and local services. Paragraph 110 acknowledges that opportunities for sustainable transport will vary between urban and rural areas. In this case, the lower level of public transport provision is characteristic of, and justified by, the rural context. In relation to paragraph 115, while pedestrian and cycling access would be constrained, it has not been shown that the development would give rise

to any significant impacts in terms of capacity, congestion, or highway safety. Although sustainable transport options are limited, this reflects the rural nature of the area. Accordingly, I am satisfied that the proposed development would be in a sufficiently sustainable location. As such, Paragraph 155, criterion c. is met.

18. Criterion d. requires that, where applicable, the development proposed must meet the 'Golden Rules' requirements. These apply to major development involving the provision of housing in the Green Belt and requires compliance with the criteria in paragraphs 156-157. The Framework defines Major development, for housing, as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. The appellant confirms that the proposal would have a total floorspace of approximately 239.5 sqm and is set on 0.6ha of land. As such, it falls within the definition of major development and the 'Golden Rules' requirements are applicable. There is no evidence before me to indicate that the scheme would deliver any of the contributions required by paragraph 156 of the Framework, such as affordable housing, necessary improvements to local or national infrastructure, or the provision of new, or enhancement to existing, green spaces that are accessible to the public. Accordingly, I cannot be satisfied that the proposed development would meet the 'Golden Rules' requirements. As such, Paragraph 155, criterion d. is not met. It follows that the requirements of the exception set out in paragraph 155 of the Framework as a whole would not be complied with.
19. For these reasons, I conclude that the proposed development would not fall within any exception for development in the Framework and would constitute inappropriate development in the Green Belt.

Openness

20. The Planning Practice Guidance (PPG) states that assessing the impact of a proposal on the openness of the Green Belt requires a judgement based on the circumstances of the case. It outlines several matters that may need to be taken into account when making this assessment, including - but is not limited to - the spatial and visual aspects of the proposed development. Other relevant considerations may include the duration of the development, its remediability and the degree of activity likely to be generated, such as traffic generation.
21. The appellant has provided statistical data to support their view that the proposed development would result in a lesser level of built volume than the existing agricultural barn. They submit that, when the existing agricultural building is taken into account, the combined volume of the proposed development and the previously approved two-dwelling scheme would be approximately 140 m³ less than the current total built volume. In contrast, the Council has focused on the built footprint of the site and considers that the three proposed dwellings would result in an increase of approximately 45 m² compared with the removal of the agricultural barn, and that the proposed development would extent the overall spread of built form.
22. While I recognise that differing metrics have been used to assess the effect on openness, it is unclear why the agricultural barn has been included when evaluating the existing level of built form. The proposed development would be situated on a part of the site that lies wholly outside the footprint of this building. The appeal site is presently unbuilt, undeveloped open land, albeit used for some form of outdoor storage. There is no compelling evidence before me to

demonstrate that the barn should form part of the baseline for assessing the proposal, given that they occupy separate parcels of land. While these two parcels are located next to one another, I am not persuaded that any claimed reduction or increase in built volume or footprint provides a persuasive justification for the scheme. In this case, the appropriate comparison point for the appeal site is the absence of built form.

23. Against this baseline, the proposed development adds an additional presence and form to the site, which was otherwise undeveloped land. In spatial terms, the introduction of this additional built form would increase the volume of development on the site and would therefore result in harm to the openness of the Green Belt. Although wider public views from the vehicular access point may be limited, the development would still be visible from the surrounding open countryside, including the public right of way that passes in proximity to the appeal site. It is therefore reasonable to expect that it would be readily perceived by users of this route. Accordingly, notwithstanding the extant permission for two dwellings, the proposed development would diminish the openness of this part of the Green Belt.
24. Taken together, the proposed development would result in harm to the openness of the Green Belt. It would not meet any other exception in the Framework. In this regard, it would also fail to comply with Policies CSSP1, CSSP4 and PMD6 of the CS.

Character and Appearance

25. The area surrounding the appeal site is characterised by a light scattering of residential properties interspersed with agricultural buildings and open land, reflecting the rural nature of the locality and its position beyond the more intensive residential development within Bulphan. Existing residential development generally consists of individual buildings set within generous plots, often incorporating substantial gardens and areas of open space. This pattern of development contributes to a spacious streetscape, which incorporates a low-density form of development. While the extant planning permission would introduce some changes to this pattern, it is not of a scale or form that would materially alter the overall character of the area. As an undeveloped parcel, the appeal site currently makes a positive contribution to the attractive countryside setting and its sylvan qualities.
26. The proposed development would extend the overall spread of built form beyond the two dwellings already permitted under the extant consent, thereby representing an encroachment into the open countryside and an increased domestic presence on the land. It would also necessitate a lengthening of the access track, increasing the extent of parking hardstanding and introducing additional domestic paraphernalia. It would continue the same pattern of development which has been established in the extant permission, thereby supporting a denser pattern of residential development than is not characteristic of the wider locality, where development is typically sparse and more widely dispersed. Although some screening would be provided by existing trees, the proposed dwelling would remain clearly visible from the nearby public right of way. Moreover, its urbanising influence would remain apparent during the winter months, when vegetation is thinner and provides limited screening. Taking the above into consideration, I am satisfied that the scheme would erode the established settlement pattern and

further diminish the sylvan qualities, distinctive spaciousness and rural qualities of the locality.

27. In reaching this view, I have had regard to the fact that the proposed external materials and façade treatment would match those of the adjacent approved scheme. However, this does not mitigate the fact that the proposal would introduce further residential development and intensify built form in a manner that is uncharacteristic of the wider pattern of development in the locality. As noted above, the baseline should be that the land is currently undeveloped. Accordingly, the proposal would amount to an increase in built form on land that presently contributes to the open countryside character.
28. While there are large-scale solar farms within the wider area, they are of a different character and with a different justification for their location. I do not consider that they provide support for an additional dwelling in this location. Although Elms Lane contains a dispersed mix of residential, industrial, and agricultural uses, the proposal would nevertheless introduce a more intensive form of residential development that remains uncharacteristic of the established pattern of development along the lane and within the wider countryside setting.
29. In conclusion, the proposed development would have a harmful effect on the character and appearance of the area. It would not respond positively to the local context, character and surroundings, contrary to Policies CSTP22, CSTP23, PMD2 of the CS. It would also fail to maintain or protect the open character of the green belt, contrary to Policy PMD6 of the CS.

Other Considerations

30. The proposal would deliver one additional dwelling, which would contribute to housing supply in an area with a significant shortfall. It would provide a high-quality family home with sustainable design features. The construction activity would generate some short-term employment, and the occupation of the dwelling would provide modest ongoing economic and social benefits. The proposal would deliver the mandatory level of on-site Biodiversity Net Gain, secured by condition. Taking these factors together and the limited scale of the proposed development, I attribute modest overall weight to the combined benefits of the scheme.

Other Matters

31. The application site lies within Flood Zone 2, although this designation has been updated in the past. Nevertheless, both the Environment Agency and the Council raised no objections to the proposal. I have no reason to disagree with this assessment.
32. The appeal site is designated as Grade 3 (Good to moderate quality agricultural land). The Council has confirmed that no sequential test has been provided to justify the loss of this land. However, these concerns were not cited in the Council's decision notice. As I have identified harm on other grounds, it has not been necessary to go into further detail on this point.

Green Belt Balance

33. I have concluded that the proposed development would be inappropriate development and would therefore, by definition, be harmful to the Green Belt. I have also found that the proposal would cause harm to the openness of the Green

Belt. These are matters to which I give substantial weight as required by paragraph 153 of the Framework. This weighs heavily against the development.

34. I have outlined a range of benefits of the scheme in the other considerations section above. The considerations advanced, including the modest economic, social and environmental benefits, collectively attract limited weight. As such, limited weight is attached to the overall benefits of the scheme.
35. These identified benefits do not outweigh the harm to the Green Belt by way of inappropriate development and the effect on openness, to which I attach substantial weight. Consequently, the very special circumstances necessary to justify the development do not exist.

Planning Balance

36. The Council cannot currently demonstrate a five-year supply of deliverable housing sites in accordance with the Framework. Using either metric set out by the parties above, it is clear that paragraph 11 of the Framework is engaged. Sub paragraph 11 (d)(i) states that permission should be granted unless the application of policies in the Framework that protect assets of particular importance provides a strong reason for refusing the development proposed. The relevant footnote states that such policies include land designated as Green Belt.
37. In this case, the proposed development would result in harm to the Green Belt which conflicts with national policy which seeks to protect it. This conflict provides a strong reason for refusing the development. Accordingly, the presumption in favour of granting planning permission as set out under paragraph 11 of the Framework is disengaged.
38. Nonetheless, I recognise that the proposed scheme would provide a modest boost to local housing supply within an area that is unable to demonstrate a Framework compliant supply of deliverable sites. As outlined above, the proposal would also generate a range of other benefits, to which I attach limited weight in favour of approval.
39. However, these benefits must be balanced against the identified harm. The scheme would adversely affect the Green Belt and would also result in harm to the character and appearance of the area. This represents a significant failing and a clear conflict with the relevant policies, to which I afford substantial weight. In my judgment, this harm is of such importance that it outweighs the benefits of the proposal.

Conclusion

40. The proposal conflicts with the development plan taken as a whole and material considerations do not indicate that the appeal should be determined other than in accordance with it. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

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INSPECTOR