



Appeal Decision

Site visit made on 19 November 2025

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th April 2026

Appeal Ref: APP/M1595/W/25/3365680

Land to the rear of Bay Cottages, High Road, Fobbing, Essex SS17 9JF

- 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 Harley Ceramics Ltd against the decision of Thurrock Borough Council.
 - The application Ref is 24/00639/FUL.
 - The development proposed is construction of new 1 bedroom dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for construction of new 1 bedroom dwelling at land to the rear of Bay Cottages, High Road, Fobbing, Essex SS17 9JF in accordance with the terms of the application, Ref 24/00639/FUL, subject to the conditions set out in a schedule at the end of this decision.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - the effect of the dwelling on the living conditions of neighbouring occupiers of The Bungalow with particular regard to outlook and light;
 - the effect of traffic and parking relating to parking for the dwelling on the safe and efficient operation of the highway network in the vicinity of the appeal site;
 - whether the development would affect biodiversity in the area;
 - the effect of the development on the Thames Estuary and Marshes Special Protection Area.

Reasons

Inappropriate development

3. The National Planning Policy Framework (the Framework) states that development within the Green Belt is inappropriate with a number of exceptions. This includes limited infilling in villages. Policies CSSP4 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development (CSPMD) seek to maintain the purpose, function and open character of the Green Belt. Policy PMD6 of the CSPMD states that permission would only be granted for new development where it meets the requirements and objectives of national planning policy. It refers to development of infill plots within identified established residential frontages.

4. The Council and appellant dispute whether the site fronts an identified established residential frontage. In response to my request, a copy of the proposals map showing the frontages was provided. This shows the frontage extending along the side of the neighbouring property on High Road and along The Avenue. Whilst the site is to the rear of buildings on High Road, it fronts The Avenue. On that basis, it is clear that the appeal site is within the identified established residential frontage of Fobbing.
5. The site comprises a modest area between residential development within Fobbing. Given its position fronting The Avenue, the proposal would comprise development of an infill plot within the identified established residential frontage. That also means it would comprise limited infilling in the village.
6. For these reasons, I conclude that the development would fall within an exception to inappropriate development within the Green Belt in accordance with Policies CSSP4 and PMD6 of the CSPMD and the Framework. As a result, it would not be inappropriate development in the Green Belt.

Living conditions

7. The appeal site is located between the rear of buildings fronting High Road and The Bungalow, a single storey dwelling facing The Avenue. The Bungalow is a deep building with windows serving habitable rooms, including kitchen and bedrooms, in the side elevation facing the site.
8. The proposed dwelling would also be single storey. It would be located close to the boundary, although stepping away from The Bungalow toward the rear. As a result, there may be some over-shadowing of windows at certain times of the day and it would be visible from side windows at The Bungalow. However, taking account of the height of the proposed building and the separation from The Bungalow these affects would not result in material harm to the light within the dwelling or be overbearing to occupiers of the bungalow.
9. For these reasons, I conclude that the proposed dwelling would not result in unacceptable effects on the living conditions of neighbouring occupiers of The Bungalow with regard to outlook and light. As such, it would comply with Policies PMD1 and PMD2 of the CSPMD that seek to resist development that would cause unacceptable effects on the living conditions of neighbouring occupiers.

Highway safety

10. Parking for the proposed dwelling would be located on the open area to the front of the dwelling, with two spaces to be provided at right angles to High Road, the main route through Fobbing. As a result, this is a relatively busy road. The layout of the parking spaces means that vehicles would need to reverse in or out of the parking spaces onto or off High Road. I note that this area has been used for informal parking for some years.
11. The Council indicate that there is limited information provided as to the surfacing of the vehicle spaces and effect on drainage along with limited details of the installation of a vehicular crossover from the highway. They suggest that the lack of information means that vehicles would cross the verge illegally, creating potential highway safety risks and non-compliance with highway regulations.

12. I consider that a condition could be imposed to require further information on the provision of surfacing details and crossover, including that the dwelling could not be occupied until the parking had been provided. Although vehicles would need to reverse into or out of the parking spaces, no evidence has been supplied to suggest that, subject to provision of a vehicular crossover, this would lead to harm to highway safety.
13. As a result, subject to appropriate conditions, there would not be an adverse effect from traffic and parking relating to parking for the dwelling on the safe and efficient operation of the highway network in the vicinity of the appeal site. In these circumstances, the development does not conflict with Policies PMD2, PMD8 and PMD9 of the CSPMD that seek appropriate levels of parking of a suitable physical design for parking that contributes to road safety.

Biodiversity

14. The development would be subject to the requirements for Biodiversity Net Gain (BNG) as required by Schedule 7A of the Town and Country Planning Act 1990 (as inserted by the Environment Act 2021). It has been accepted by the Council that the application contained sufficient information to establish the site's baseline condition. Their concern related to whether BNG units would need to be secured off-site.
15. Planning Practice Guidance (PPG) at Paragraph: 019 Reference ID: 74-019-20240214 indicates that it would generally be inappropriate for decision makers, when determining a planning application for a development subject to biodiversity net gain, to refuse an application on the grounds that the biodiversity gain objective will not be met.
16. In coming to my conclusion on this matter, I have taken account of the ecological appraisal provided, including the results of a survey, with recommendations for biodiversity enhancement. Whilst this may not meet the requirements for biodiversity net gain, the statutory BNG condition applies to the permission and is a matter the appellant would need to address directly with the Council. However, I note that there is no requirement to duplicate that condition in my decision.
17. My attention has been drawn to reforms to BNG, particularly in relation to small sites. This relates to potential future reforms, so can carry limited weight.
18. For these reasons, I conclude that, subject to the statutory BNG condition, the development would meet the requirements for Biodiversity Net Gain as required by Schedule 7A of the Environment Act, Policies CSTP19 and PMD7 of the CSPMD and the Framework. These policies seek development to contribute positively to the overall biodiversity of the Borough.

Thames Estuary and Marshes Special Protection Area

19. Fobbing is located within the Zone of Influence of the Thames Estuary and Marshes Special Protection Area (SPA). The qualifying features of the SPA are the internationally important populations of regularly occurring species, migratory species and an internationally important assemblage of waterfowl. These species include avocet, hen harrier, ringed plover, grey plover, dunlin, knot, black-tailed godwit and redshank.

20. The qualifying features of the SPA are affected by recreational disturbance arising from visitors to the SPA. The provision of a single small dwelling as proposed in this case would result in additional residents who may visit the SPA. As a result, there would be likely significant effects on the integrity of the SPA arising from the proposed development either alone or in combination with other schemes.
21. For these reasons, as the competent authority it would be necessary for me to carry out an appropriate assessment to determine the extent of those effects, whether they could be avoided or whether mitigation measures could remove or reduce the effects.

Appropriate assessment

22. The appropriate assessment needs to consider the effect of the development on the integrity of the SPA and its qualifying features and species. Whilst this small dwelling would be likely to have a limited recreational effect on the integrity of the SPA, in combination with other developments in the area those effects could be substantial.
23. The Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) provides mitigation strategies to overcome likely significant effects on the integrity of the SPA arising from residential development within the Zone of Influence. The appellant has submitted a Unilateral Undertaking under section 106 of the Town and Country Planning Act 1990 (the obligation).
24. The obligation confirms that the appellant would provide a financial contribution in accordance with the RAMS. The Council were given the opportunity to comment on the obligation during the course of the appeal. The financial contribution would be used to provide mitigation to overcome the effects of the development on the SPA. Taking all this into account, the obligation is necessary to make the development acceptable in planning terms, directly related, and fairly and reasonably related in scale and kind, to the development. I will take that obligation into account in coming to my decision.

Conclusion

25. Subject to the mitigation provided by the obligation, I conclude that there would be no adverse effect from the development on the Thames Estuary and Marshes SPA. It would comply with Policies CSTP19 and PMD7 of the CSPMD that seek to contribute positively to biodiversity, including safeguarding SPAs.

Other considerations

26. In determining this appeal involving development located within a conservation area and that affects the setting of listed buildings, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
27. The land to the rear of Bay Cottages is located within Fobbing Conservation Area that contains the historic development of the village of Fobbing. It is a linear settlement along High Road. There is a cluster of historic houses and other properties at the southern end around Fobbing Wharf and St Michael's Church that stand on an elevated ridge projecting into the marshes to the south. More sporadic historic development infilled with modern houses extends from there to the north. A more open area is located around Tripat Close with The Avenue forming the

northern edge of that area. This includes terraces of houses, including fronting The Avenue, surrounding that open area and contributing to the character and appearance of the conservation area and its significance as a heritage asset.

28. Copeland House is Grade II* listed and fronts High Road, a short distance north of the junction with The Avenue. The original building was constructed in the 14th century but has subsequently been altered. Externally it is 19th century weatherboarding over a timber frame with a gabled old tile roof and 17th century chimney stack. The building is single storey with an attic. The list description highlights the importance of the timber frame and the virtually unique A-framed wall with vertical studding. The significance of the building derives from its historic fabric and architectural importance, along with its contribution to the historic development of the village along High Road.
29. The appeal site fronts The Avenue and is located in a gap between the rear of the Old Chapel and Bay Cottages, fronting High Road, and the bungalow adjacent to the terrace of houses on The Avenue. This is a discrete location with the Old Chapel and Bay Cottages separating it from High Road and mature trees in the open area to the front that largely screen the site from view. The proposed building would be a modest bungalow, smaller in scale than the small Old Chapel and similar in character and appearance to the neighbouring bungalow.
30. Parking would be provided in the open area accessed from High Road. This appears to be used for informal parking but it is proposed to surface this. Subject to appropriate surfacing materials, details of which could be required by condition, this would not affect the character or appearance of the conservation area or setting of Copeland House.
31. For these reasons, subject to ensuring that the materials to be used in the building would be satisfactory, it would preserve the character and appearance of Fobbing Conservation Area and the setting of Copeland House.

Other Matters

32. Access to the site for construction traffic will be along The Avenue that is an unadopted road. That may lead to a level of congestion, obstruction and damage to the road. However, that would be a matter for owners of the land. There is no firm evidence that development would have any materially adverse effect on local services and infrastructure, including drainage and sewerage systems. Any disturbance during construction would be for a temporary period only.

Conditions

33. To meet legislative requirements, a condition shall be imposed to address the period for commencement. I shall impose a condition specifying the relevant drawings as this provides certainty. A condition is necessary for samples of materials to be submitted and approved prior to development above ground level to ensure that the building and car parking are constructed in materials that would maintain the character and appearance of the conservation area and setting of Copeland House. A condition is necessary to ensure adequate parking is provided to meet the needs of the occupiers of the proposed dwelling in order to protect highway safety.

Conclusion

34. The proposed development would not be inappropriate development within the Green Belt and I have not found unacceptable harm to the living conditions of occupiers of neighbouring homes or to highway safety, subject to appropriate conditions. The development would meet the requirements of Biodiversity Net Gain, subject to the statutory condition, and mitigation has been provided to overcome any harm to the integrity of the SPA. The development would not affect the significance of heritage assets, comprising the setting of Copeland House and Fobbing Conservation Area. I have not found any conflict with the development plan, such that the proposed 1 bedroom dwelling at land to the rear of Bay Cottages, High Road, Fobbing, Stanford le Hope, Essex SS17 9JF complies with the development plan as a whole.
35. For these reasons the appeal should be allowed.

AJ Steen

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos. 4216_PL101A Location Plan, 4216_PL105A Proposed Site Plan, 4216_PL106 Proposed Floor Plans, 4216_PL107A Proposed Elevations and 4216_PL108A Proposed Street Scene.
- 3) No development above ground level shall take place until samples of all external facing materials and surfacing of the car parking spaces have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved sample details.
- 4) The development hereby permitted shall not be occupied until the vehicle parking spaces have been provided in accordance with drawing no. 4216_PL105A Proposed Site Plan. Thereafter those spaces shall be retained for the parking of vehicles only.