



Appeal Decision

Site visit made on 5 August 2025

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2025

Appeal Ref: APP/M1595/W/25/3360211

Land adjacent Starlight, Patricia Drive, Fobbing

- 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 Ms Alisa Aitken against the decision of Thurrock Council.
 - The application Ref is 24/00101/OUT.
 - The development proposed is described as 'Outline planning permission for construction of dwellings with all matters reserved'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address is indicated on the application form as 'Land at Patricia Drive, Patricia Drive, Corringham, Fobbing SS17 9HR'. The appeal form and decision notice cite the address as 'Land adjacent Starlight, Patricia Drive, Fobbing' which I have used in the banner above as this is a more accurate description of the address.
3. Outline planning permission is sought, with all matters reserved. Indicative plans have been submitted with the application, showing a site layout, elevations and floor plans for four dwellings. I have determined the appeal on the basis that the plans are for illustrative purposes only.

Main Issues

4. The main issues in this appeal are:
 - whether the appeal site is grey belt land and whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies;
 - the effect of the proposal on the openness and purposes of the Green Belt;
 - 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

Grey belt and inappropriate development

5. The appeal site lies within the Green Belt identified in the Council's Core Strategy and Policies for Management of Development document (as amended) 2015

(CSPMD). Policy CSSP4 of the CSPMD seeks to maintain the purpose, function and open character of the Green Belt.

6. Policy PMD6 of the CSPMD sets out more specific requirements for development in the Green Belt. It states that planning permission will only be granted for new development where it meets the requirements of the Framework and several policy criteria. The policy includes provision for residential development in established residential frontages.
7. Paragraphs 154 and 155 of the Framework list the types of development that is not inappropriate in the Green Belt, subject to certain conditions. These include development of homes utilising grey belt land where it would meet several criteria (paragraph 155) and limited infilling in villages (paragraph 154(e)).
8. The definition of grey belt in the Framework includes land that does not strongly contribute to the purposes of checking the unrestricted sprawl of large built-up areas, preventing neighbouring towns merging into one another and preserving the setting and special character of historic towns. The parties agree that there would be no conflict with these purposes. Therefore, the site comprises grey belt land.
9. The Council considers that the proposal would conflict with other purposes of the Green Belt. However, there is no suggestion that the development would fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan under paragraph 155(a) of the Framework. The parties agree that there is a lack of a five year supply of deliverable housing sites, thus there is a demonstrable unmet need for the type of development proposed under paragraph 155(b) of the Framework.
10. The site is not major development and, as confirmed in recent appeal decisions elsewhere, the Golden Rules set out in the Framework do not apply in this case. Nevertheless, consideration must be given to whether the development would be in a sustainable location under paragraph 155(c) of the Framework. There is a farm shop in Fobbing, with a public house and church around a 20 minute walk from the site. There are no doctors or dentists close by. The nearest bus stops lie on High Road, providing limited bus services (comprising four buses a day) from Mondays to Fridays between Orsett Hospital and Basildon.
11. In this case, walking, cycling and use of buses would be an option for some trips by some people. However, the frequency of buses and the distance to services would limit their attractiveness, particularly for older people, those with reduced mobility or with children and at times of darkness and bad weather. As such, I consider that the future occupiers of the proposed dwellings would be likely to be reliant on private vehicles to access services. Consequently, the proposed development would not be in a sustainable location so would not fall within the exception in paragraph 155 of the Framework.
12. No definitions of 'village' or 'limited infilling' are included in the Framework. To determine whether the appeal site is within a village, regard must be given to the situation on the ground.
13. There is no dispute that Fobbing is a village. Linear suburban development runs along a significant length of High Road, and this is within residential frontages on the Policies Map. There are some commercial buildings behind this linear frontage

with the residential property Starlight beyond, which the Council considers marks the extent of the village along Patricia Drive.

14. The appeal site comprises a paddock between Starlight and a landscaped area beside three newly built dwellings at Elmlee. This approved scheme involved the redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development and thus fell within the exceptions in Policy PMD6 and the Framework.
15. Patricia Drive is an unpaved track forming a public right of way (PROW). Although there is new development at Elmlee to the west and the proposed dwellings would not be isolated, this part of the lane largely consists of fields with boundary hedges. These give it a predominantly rural character which does not form part of the more urban built development comprising Fobbing village to the east. Therefore, the proposal would not fall within the exception in paragraph 154(e) of the Framework.

Effect of the proposal on openness

16. As set out in the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness is the counterpart of urban sprawl and often connotes the absence of development. It is an open textured term and can have both spatial and visual dimensions.
17. The site does not contain any built structures and there is an existing hedgerow along the roadside boundary. The indicative plans show four bungalows with roofspace accommodation covering much of the site length. The introduction of permanent buildings onto currently undeveloped land would result in a substantial loss of spatial openness.
18. The illustrative plans indicate that the access could be formed from the existing field entrance and the scheme could be a short cul de sac with new trees and shrubbery along parts of Patricia Drive. However, the development would be visible from the adjacent PROW through the proposed vehicular access. Whilst there could be some screening of the houses from the public realm, any planting could be removed, become damaged or diseased and may only provide screening in the spring and summer months. Thus, the built development would also significantly harm visual openness.
19. The effect on openness is not only related to the size of the buildings but also their purpose and the intensity of their use. The introduction of dwellings onto the site would result in the creation of gardens with their associated domestic paraphernalia. In addition, the access and hardstandings would be used for the turning, manoeuvring, and parking of vehicles. Such features and activities would reduce spatial and visual openness compared to the existing use of the site.

Effect of the proposal on Green Belt purposes

20. The five purposes of the Green Belt are set out in the Framework. The Council is concerned about the impact of the proposed development on the purposes of assisting in safeguarding the countryside from encroachment and urban regeneration.
21. The site is undeveloped with a field to the north, on the opposite side of Patricia Drive, and the remaining area of the paddock to the south. Although an existing

dwelling lies to the east, there is a landscaped gap between the site boundary and the housing development and associated access road to the west. In this context, the introduction of dwellings would result in encroachment into the countryside, in conflict with this Green Belt purpose.

22. Further, the proposed development could occur in the urban area and there is no spatial imperative for accommodating it within the Green Belt. Therefore, the proposal would also conflict with the purpose of assisting in urban regeneration.

Other considerations

Contribution to housing land supply

23. The Framework seeks to significantly boost the housing supply and highlights the important contribution small and medium sized sites can make. The 2021 Housing Delivery Test results indicate that delivery of housing in the Council's area had been much less than 75% of its requirements over the previous three years and this declined further in 2022. This has consequent implications for local housing affordability. Further, the Council's published housing land supply position from April 2023 indicates that it has a 0.91 year supply when the requirement in the Framework is for five years. Whilst a scheme for up to 1,000 dwellings at Linford recently allowed on appeal¹ would contribute towards Thurrock's housing land supply, it is indicated that the Council still has significantly less than the required five years. Further, the appellant states that the emerging plan is years from completion.
24. In light of the above, the proposal would make some difference to addressing the substantial housing shortfall in Thurrock. Therefore, I attribute significant weight to this benefit in this instance.

Retirement housing

25. The appellant suggests that the development could be occupied as retirement housing and the Council does not refute the need for this type of accommodation within the Borough. Nevertheless, there is no reference to retirement housing in the description of development, and no indication that the design would meet the needs of older people nor any proposed mechanism to secure this type of housing. Therefore, I accord this matter only limited weight.

Other Matters

26. The Council did not find harm or development plan conflict in relation to several other matters, including living conditions and impacts on ecology. However, even if I were to agree with the Council on these points, the absence of harm would be a neutral matter which would not carry weight in favour of the scheme.
27. There is reference to a public consultation on the proposal carried out by the appellant in 2023 in which no concerns were raised by local residents, and to there being only one objection to the proposal. This does not alter my overall conclusions on the main issues.
28. The appellant states that there have been no personal injury accidents on Patricia Drive and at the junction with High Road in the past 25 years and that the number

¹ Appeal ref: APP/M1595/W/24/3342882

of trips generated by the proposal would not necessitate road improvements. The Highway Authority requested further information, but the Council is satisfied that suitable details could be provided, and the means of access, along with appearance, landscaping, layout and scale are reserved for future consideration.

29. The proposal would be likely to have a significant effect, either alone or in combination, on one or more European habitats sites. This is due to its location within the zone of influence set out in the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document. However, notwithstanding the RAMS contribution in the unilateral undertaking, given my conclusion below there is no need to consider the implications of the proposal on the protected sites because the scheme is unacceptable for other reasons.

Whether there would be Very Special Circumstances

30. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There would also be adverse impacts on its openness and conflict with the purposes of safeguarding the countryside from encroachment and assisting in urban regeneration. Substantial weight should be given to the harm caused to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
31. I give significant weight to the provision of additional dwellings and limited weight to the potential provision of retirement housing. However, the other considerations would not clearly outweigh the harm to the Green Belt by reason of inappropriateness, loss of openness and conflict with the purposes of safeguarding the countryside from encroachment and assisting in urban regeneration. Consequently, the very special circumstances necessary to justify the proposed development do not exist. As such, it would be contrary to Policies CSSP4 and PMD6 of the CSPMD and the Framework.

Planning Balance and Conclusion

32. Paragraph 11(d) of the Framework is engaged as the Council is currently unable to demonstrate a five-year housing land supply. In such circumstances, this states that development should be approved unless the application of policies in the Framework that protect areas of particular importance provides a strong reason for refusing the development. In this appeal, the application of the Framework's Green Belt policies provides a strong reason to refuse the development. The proposal would also conflict with Policies CSSP4 and PMD6 of the CSPMD.
33. Consequently, the proposal conflicts with the development plan and the material considerations, including the Framework and the very special circumstances test therein, do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

A Wright

INSPECTOR