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Ellen Lagden
Castle Point Borough Council
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Essex

Your Ref: CPT/366/06/OUT
Our Ref: APP/M1520/A/07/2034627/NWF
Date: 5 February 2008

Dear Ms E Lagden

Town and Country Planning Act 1990
Appeal by GKP Developments
Site at Unit 30 Brunel Road, And Land To The Rear Of Unit 30 Manor Trading
Estate, Benfleet, SS7 4PS

I enclose a copy of our Inspector's decision on the above appeal.

Leaflets explaining the right of appeal to the High Court against the decision, our complaints procedures and how the documents can be inspected are on our website – www.planning-inspectorate.gov.uk/pins/agency_info/complaints/complaints_dealing.htm - and are also enclosed if you have chosen to communicate by post. If you would prefer hard copies of these leaflets, please contact our Customer Services team on 0117 3726372.

If you have any queries relating to the decision please send them to:

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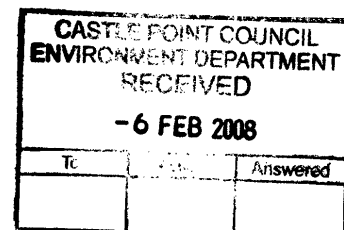
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Yours sincerely

Nathan Lumber





Appeal Decision

Inquiry held on 8 January 2008

Site visit made on 9 January 2008

by **Daphne Mair** BA(Econ), MPhil, MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
5 February 2008

Appeal Ref: APP/M1520/A/07/2034627

Unit 30, Brunel Road and land to the rear of Unit 30, Manor Trading Estate, Benfleet, Essex, SS7 4PS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by GKP Developments Ltd against the decision of Castle Point Borough Council.
- The application Ref CPT/366/06/OUT, dated 22 May 2006, was refused by notice dated 25 August 2006.
- The development proposed is Erection of 2 new industrial buildings and refurbishment of existing industrial building for continued B1/B2 use.

Summary of Decision: The appeal is dismissed.

Preliminary and Background Matters

1. The second reason for refusal was withdrawn by the Local Planning Authority on 11 December. This followed confirmation from Natural England that the additional survey work undertaken had satisfied them on matters relating to the impact on protected species and the potential for mitigation. Had I reached a different conclusion on the main issue, I have concluded that conditions along the lines discussed would have been adequate to safeguard those interests.
2. Notwithstanding the description of the development on the application form as above, the plans show two options for new buildings, both of which were confirmed as intended to be purely illustrative. One is for two buildings with sitings at right angles to the existing building and the other is for one larger new building running parallel to it.
3. Both options involve building on a triangle of 0.68ha of the site which is in the Green Belt and which immediately abuts the 1.62 ha. existing B1/B2 site. On the latter area the building and yard occupied by Main Train would remain but the large building occupied by G and K Groundworks Ltd, Kemp Commercial Body Builders Ltd and Marden Signs and Designs Ltd would be refurbished following the decanting of those occupiers to the proposed new building(s).
4. It was confirmed at the inquiry that the Local Planning Authority has no objection to the refurbishment of the existing building or, other things being equal, to its redevelopment or to new building on the existing associated yard areas. The portal frame of the existing building is capable of reuse. The Local Planning Authority does not dispute that otherwise the building is near the end of its life and offers a sub-standard working environment for the 100 or so people employed there. My site visit confirmed that

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To	Action	Answered

5. Two Unilateral Undertakings have been submitted. One would ensure that a fee is paid to the Essex County Council for checking, monitoring and approving a Travel Plan. This document is acceptable to the latter highway authority. The other makes provision for a footpath creation agreement to provide a path skirting the boundary of other land under the appellant's control and joining Church Road to the east of the nearby primary school and Hesten Lodge.
6. Though not explicit in the Statement of Common Ground it is clear that the appellant accepts that a new building on the land included in the Green Belt would be inappropriate development as defined in Planning Policy Guidance 2 Green Belts and thus harmful by definition.

The Main Issues

7. The main issues are the effect of the proposed new building(s) on the aims and purposes of the Green Belt and whether there are other considerations which are sufficient to clearly outweigh any such harm and the harm by reason of inappropriateness which would thus justify the development on the basis of "very special circumstances".

Reasons

8. On the first issue, the merits of including the contentious part of the appeal site in the Green Belt along with other land to its east were considered at the Castle Point Borough Council Local Plan Inquiry in 1996. As the appellant reluctantly appeared to accept a planning appeal is not the place to revisit my colleague's rejection of objections to its inclusion in the Green Belt or the longer abandoned proposal by the Council to extend the Manor Trading Estate on to that land. It is for the Development Plan process to review such matters.
9. Taking the Green Belt part of the appeal site on its own, I saw that at its western side the ground has been reinforced with broken bricks and other materials perhaps associated with its earlier unauthorised use for tipping. This area is however mostly covered with rough grass. Further east it is rough grass with some scrub and with a dense covering of tall seed heads of what I would take to be some of the ruderal species described in the initial ecological survey. I was told that this land was enclosed by the tall metal palisade fence about 2 years ago. The land beyond it is wooded and beyond the unmade Keswick Road with its well concealed plotland housing rises quite steeply. The metal sheeting along the boundary with the scrap yard breaks the continuity with open land on this south east boundary. Otherwise the appeal land contributes to the fundamental aim of the Green Belt in keeping land open.
10. The land helps contain the sprawl of the urban area and helps separate New Thundersley from Thundersley village. Development of the Green Belt part of the appeal land would weaken urban regeneration of the industrial estates for which Local Plan policies provide, by allowing development on an easier site than where site clearance costs need to be factored in. The proposal would visibly encroach on land that "reads" similarly to open countryside even though it does not function as such. I thus agree with the Local Planning Authority that four Green Belt purposes and its fundamental aim would be harmed by the proposal. The relevant Local Plan 1998 policy GB1 has not been "saved" but this proposal is thus clearly contrary to national Green Belt policy in Planning Policy Guidance 2 which that policy restated.

Other considerations

11. Manor Trading Estate comprises many and varied premises and open storage and transport yards that house a wide variety of uses including several that might be considered "bad neighbours". I saw that very few units are vacant. The Estate has a generally poor environment including great pressure on parking space and has mostly older buildings. Extra and modern units within this popular but run down estate would be provided by this proposal and would help aid its renewal and other economic development aims of emerging policy.
12. The three existing businesses appear to be flourishing concerns that contribute materially to the local economy. They provide local jobs, some of them skilled in an area with a preponderance of out-commuters and low skills, issues which are identified to be addressed in the emerging Core Strategy. I saw that working space is congested in the building, particularly that part occupied by Marden Signs and Designs Ltd. By safeguarding existing jobs, allowing the firms to grow in new premises and by providing space for other businesses in the refurbished existing building there is indeed potential to provide more local people with local jobs hence helping redress out-commuting from the Borough.
13. Whilst there is no dispute that the existing building is in poor condition, the Local Planning Authority considers there are other options for the appellant.
14. On my post inquiry visit I saw the other units on this and the other industrial areas in the Borough that the Local Planning Authority described as having become vacant or on which there is recent planning history for change of use or extension. None is of the large size of the existing building and few appeared to be vacant. It may indeed be difficult to find one building for all three businesses, as the response to letters to local agents endorse.
15. There is a degree of inter-trading and some corporate linkage between some of the three firms and through Mr Glen Smith's business interests. As seemed to be accepted for the appellant, this is beneficial rather than essential to their survival. There is thus no essential need for them to stay together.
16. The Local Planning Authority is supportive of renewal and such environmental improvements as may be feasible on the fairly narrow service roads on the Estate. It has no direct link with the nearby A130/A127 and access is via a distributor road through a residential area. I saw that the double mini roundabouts that must be negotiated are far from ideal for the convenient passage of larger commercial vehicles. Of the other industrial areas I was shown, Charfleets on Canvey Island also has environmental issues to address but is more accessible from the main roads.
17. Rayleigh Weir/Stadium Way employment area is the only other such area on the mainland. I saw that much of its recent development/redevelopment appears to be for motor trade or retail warehouse uses. That does not suggest to me it would be suited to the users of the appeal site or perhaps that their businesses would be welcome there.
18. It seemed to me that the access issues to Canvey Island and its distance from Thundersley would not be such constraints as were argued if the right buildings or site was available. The access issue seems to me more perceived than real. Someone in a secure job may not be lost if one or all of the affected firms

moved there. The Northwick Road site has been allocated in Local Plans for many years and planning permission has been renewed without development proceeding. It is now being marketed by the East of England Development Agency however and it appeared on my site visit that some very preliminary site works may have begun. The nearby supermarket and new cemetery suggest to me that this part of Canvey would not now be perceived as so remote as may previously have been the case. If there is a shortage of suitable industrial land elsewhere then this site will find a market.

19. None of the other existing or allocated areas appears to have the range of limitations that apply to "the Manor". In those circumstances I understand why it was deemed, perhaps rather harshly as "not fit for purpose" in the Council's Employment Topic Paper and why, despite its being well located for easy travel to work by local people the Council is not looking to expand this Estate.
20. The Castle Point Core Strategy is expected to be submitted in March 2008. The Key Diagram from the Preferred Options Report shows extensions to the Rayleigh Weir and Charfleets employment areas but there is no specific reference to these general locations in the text of that document. The submission Core Strategy document may clarify this but there is clearly no intention emerging to expand "The Manor". The forthcoming Examination will test the robustness of the strategy including such matters as reliance on the Northwick Road Canvey Island site, the above extensions to and intensification on existing areas to deliver the target of 2000 extra jobs, as well as how far it will achieve the aims for South Benfleet and avoid undue flood risk areas as set out in the emerging Regional Spatial Strategy. The Local Planning Authority has recognised that redevelopment of "the Manor" for housing is unrealistic and will be seeking ways to improve the environment of the estate.
21. It may indeed be a loss to Castle Point if these apparently flourishing "home grown" businesses left the Borough but I am not convinced that would be the case. Apart from possible opportunities on other estates, the Main Train business is housed in a prefabricated structure and it has a fairly large if narrow yard area. Taking that part of the site into account there may be some scope for reordering of the appellant's landholding on the non Green Belt part of the site to meet one or more of the companies' needs. There is no indication that the beneficial linkages between the businesses would cease if some or all of them had to move elsewhere.
22. Whilst, other things equal it would be beneficial to retain the jobs in Castle Point, the appeal site is a short distance from Basildon with its wide range of industrial estates. There was no suggestion by the appellant that more modern accommodation was not available there.
23. Growth of industrial space has been slow in the district and there remains some uncertainty. There is nothing however in emerging regional or local planning policies to suggest that expansion on to Green Belt land is needed in the Borough to meet employment needs. The agents details submitted suggest to me that there are units coming on to the market that may suit the occupiers of Unit 30 if they pursue them individually.
24. It may well be that the good covenant offered by the existing occupiers would give the developer confidence to proceed with the project and the ownership of

the adjacent Green Belt land clearly increases its financial attractions. Gradual refurbishment of the large building for less good covenant tenants may also be less attractive. These however are matters of commercial preference not a justification for Green Belt development. There is no evidence to support the claim that renewal and expansion here on to Green Belt land would encourage renewal elsewhere on the estate - though I accept it may make it more than less likely. None of these seem to me such very unusual considerations.

25. I note that a Regeneration Officer has been in post for over a year. Despite that I was told that the Borough continues to be unresponsive to the business development needs of those contributing importantly to its economy. If well founded then this is a serious matter that goes beyond just the Council's town planning function.
26. Another matter to be weighed is that there would indeed be a public benefit from the permissive public path linking the main road with the recreation ground and cemetery across the appellant's adjacent land that has been unilaterally agreed to. It would facilitate the outdoor recreation objective of the Green Belt hereabouts but it would not justify the harm to its purposes.
27. There are thus undoubted advantages to the business needs of the appellant and of occupiers of the existing building and some limited wider public benefits from the appeal scheme. However I consider that none of those singly or in combination clearly outweigh the harm by reason of inappropriateness of that part of the development within the Green Belt and the harm to Green Belt purposes. The considerations are not so very unusual or special and therefore do not amount to the very special circumstances needed to approve the development. I conclude that the appeal should be dismissed.

Daphne Mair

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Alun Alesbury	Of Counsel, instructed by Fiona Wilson, Solicitor and Head of Legal Services with the Council
He called	Mr Robert Davis, MA, Planning Officer with the Council

FOR THE APPELLANT:

Mr Paul Shadarevian	Of Counsel, instructed by Jo Lilliott, Solicitor of Holmes and Hills, Bocking End, Braintree, CM7 9AJ
He called	Mr Russell Forde, BEng (Hons), Dip TP, MRTPI of Smart Planning Ltd, Consultants to the Appellant

DOCUMENTS

- Document 1 List of persons present at the inquiry
- Document 2 Letter of notification of arrangements for the inquiry
- Document 3 Replacement copy of Unilateral Undertaking showing corrected ownership boundary and route of proposed public footpath
- Document 4 Copy of planning permission for land south of Northwick Road and renewal application.
- Document 5 GO-East letter and schedule of "saved" policies of the Castle Point Borough Council Local Plan 1998
- Document 6 E-mail from Essex CC re acceptability of "Travel Plan" unilateral undertaking
- Document 7 Appendix B(iii) omitted from Planning Appraisal document

PLANS

- Plan A Application Plans 1 to 6
- Plan B Proposals Map, Castle Point Local Plan 1998