
Appeal Decision

Site visit made on 6 October 2016

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: 04 November 2016

Appeal Ref: APP/B5480/W/16/3151140

The Ockendon Kennels, Ockendon Road, North Ockendon, Essex RM14 3PT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Linda Jeffries against the decision of the Council of the London Borough of Havering.
 - The application Ref P1668.15, dated 27 October 2015, was refused by notice dated 4 April 2016.
 - The development proposed is redevelopment of the existing greyhound track and kennels with the construction of 22 No. new dwellings.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The description of the development varies between the application form and the subsequent documents. I have used the description on the application form as it describes the development more succinctly.

Main Issues

3. The main issues are:
 - Whether or not the proposal would amount to inappropriate development in the Green Belt, and its effects on the Belt's openness, visual amenity and purposes;
 - The effect of the proposal on the character or appearance of the conservation area;
 - Whether the proposal would make adequate provision for education infrastructure, and;
 - If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether or not the proposal would amount to inappropriate development

4. Section 9 of the National Planning Policy Framework (NPPF) attaches great importance to the Green Belt, the essential characteristics of which are its openness and permanence. Whilst new buildings are generally found to be inappropriate in the Green Belt, NPPF paragraph 89 sets out a number of exceptions, including the limited infilling or the partial or complete redevelopment of previously developed sites.
5. Policy DC45 of the Havering Core Strategy and Development Control Policies Development Plan Document (DPD, 2008) similarly seeks to protect the Green Belt, and is generally consistent with the aims of the NPPF, although it predates it, and refers instead to the PPG2. Policy 7.16 of the London Plan (March 2015) also aims protects the Green Belt from inappropriate development.
6. The appeal site is located in the Metropolitan Green Belt. It comprises land associated with the former kennels and greyhound track, and contains a number of buildings associated with that use. I am satisfied that the site constitutes previously developed land, as set out in Annex 2 of the NPPF. In the case of previously developed land, NPPF paragraph 89 sets out the further proviso that the proposed redevelopment should not have a greater impact on the openness of the Green Belt or the purposes of including land within it than the existing development.
7. Previously, a planning application¹ was submitted for the development of 30 new dwellings on the site. This proposal was subsequently dismissed at appeal². The current scheme has reduced the proposal to a total of 22 new dwellings, thus decreasing the density in comparison to the former scheme. The height of the proposed buildings would be reduced by around 1m. The existing single storey buildings have a combined footprint of approximately 1910sqm. These would be demolished and replaced with two storey dwellings whose combined footprint would represent a small increase at around 2113sqm.
8. Whilst lacking any aesthetic merit in themselves, the existing structures are not out of place in their rural setting, having an appearance not dissimilar to agricultural buildings typically found in the country. I agree that the site does not have the same rural charm as some of the surrounding areas. However, it has a low-key, understated appearance which generally blends in against its rural backdrop. Moreover, the site and buildings because they are only single storey, are substantially obscured from view from the public realm by the mature hedging to the southern boundary. The buildings may be glimpsed from the road through gaps in the foliage, but the site as a whole has an unobtrusive visual impact on the surrounding area.
9. The proposed two storey dwellings would be of a very different shape and style to the existing buildings on the appeal site. I agree that there is nothing within the relevant local or national policies that would specifically preclude two storey development on this site. Nonetheless, the new houses would be higher and significantly more prominent than those currently occupying the site. In conjunction with the increased footprint, I find that the development would thus lead to a materially greater impact on the openness of the Green Belt.

¹ P0742.13

² APP/B5480/A/2218061

10. The appellant argues that the mature trees surrounding the site would mitigate the increase in height, but I disagree. The new houses would appear as a more intensive and extensive development of a markedly suburban character. The proposed access to the south of the site would require visibility splays of approximately 80m on either side. Much of the existing planting on the southern boundary would be cut back to allow for this. The loss of the planting would considerably increase the impact of the development, and the form of the new entrance would amplify its suburban appearance.
11. In addition to the built form of the houses, the development would incorporate car parking areas, gardens, pathways, landscaping, and other accompanying domestic paraphernalia. The resultant domestication of the site would contrast strongly with the much less formal mix of hardcore and scrubland of the existing site.
12. I accept that the design approach and proposed materials would mirror those of existing buildings in the surrounding area. The proposed layout has also been designed to reflect a 'ribbon' layout, following discussions with the Council. Nonetheless, these matters would not mitigate the harm to the visual amenity of the area that would arise from the development.
13. Taking these factors in combination, I consider that the appeal scheme would reduce the openness of the Green Belt and would unacceptably urbanise the site, failing to safeguard the countryside from encroachment. It would thus impact on the related purpose of including land within the Green Belt, as set out in paragraph 80 on the NPPF. It would therefore amount to inappropriate development, contrary to the sixth bullet point of paragraph 89 of the NPPF. It would also conflict with DPD Policy DC45 and Policy 7.16 of the London Plan.

Character and appearance of the conservation area

14. Local residents have voiced concern in respect of the impact of the development on the North Ockendon Conservation Area (CA). The appeal site lies outside the CA, but is located close to its northern boundary. The development would affect the setting of the CA, and therefore I have paid special attention to the desirability of preserving or enhancing its character or appearance
15. The CA comprises a series of discreet clusters of buildings located towards its east and west edges. The spaces between and around these groups are key to preserving the sense of rural isolation that characterises the settlement. In my view, the proposed development would introduce a significant degree of coalescence between the two northern-most clusters, thus detracting from the important degree of dispersal between the groups of buildings in the CA. The proposal would thereby harm the setting of the CA, and would thus fail to preserve its character or appearance, contrary to DPD Policy DC68, which seeks to protect conservation areas.
16. In my view, the harm to the significance of the CA would be less than substantial. Paragraph 134 of the NPPF makes clear that where a proposed development would lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal. There is little evidence provided in relation to public benefits, but I acknowledge that the provision of 22 dwellings on brownfield land would provide much needed housing accommodation, particularly as there

is no up-to-date five year housing land supply. Their construction and occupation would be of economic and social benefit to the local area, but given the level of harm identified, these benefits would not outweigh that harm

Education infrastructure

17. The Council requires financial contributions towards the provision of education infrastructure in accordance with DPD Policy DC72, and the Council's Planning Obligations Supplementary Planning Document (SPD, February 2013). The SPD states that a standard charge will apply to all forms of residential development, and to all proposals that would result in a net increase of one dwelling or more. In this case, the discounted standard charge of £6000 per dwelling is sought.
18. The Council has provided detailed evidence to demonstrate that there is a shortage of secondary, primary and early years school places in their area. I note that there is no geographical or catchment area restriction and so parents may apply for any school in the Borough. The development comprises proposed dwellings which would each be large enough to accommodate a family unit, and so would place demands on the local education infrastructure. I am therefore satisfied that the obligation would be necessary, would be directly related to the development, and would be fairly and reasonably related in scale and kind. It would therefore satisfy the three tests set out in the NPPF.
19. Although the appellant has indicated a willingness to make a financial contribution, no completed obligation has been submitted. In the event that the scheme were to be found otherwise acceptable, there would nonetheless be no formal mechanism to secure the relevant sum unless the obligation were linked to the proposed development. The PPG indicates that it would not be appropriate to seek to secure the obligation via condition in this instance. Therefore, the absence of a planning obligation leads me to conclude that the development would not make adequate provision for education infrastructure, contrary to the requirements of DPD Policy DC72 and the SPD.

Other considerations

20. Inappropriate development is harmful by definition, and should not be approved except under very special circumstances. The NPPF confirms that very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
21. The Council is unable to demonstrate a five year housing land supply and so NPPF paragraph 49 requires that relevant policies for the supply of housing should not be considered up-to-date. NPPF paragraph 14 indicates that, where relevant development plan policies are out-of-date, planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole, or specific policies, including Green Belt policies, indicate that development should be restricted.
22. DPD Policy DC45 seeks to restrict new development in the Green Belt generally which includes new housing development. However, the fundamental thrust of the policy is to prevent inappropriate development in the Green Belt, not just housing, and to keep land permanently open thereby protecting the essential

characteristics of Green Belts which are their openness and permanence. This is consistent with paragraph 79 of the Framework which states that the government attaches great importance to Green Belts. Consequently I consider that Policy DC45 can be attributed moderate weight in my decision.

23. The appellant argues that a housing shortfall can constitute a very special circumstance. However, whilst boosting the supply of housing is an important local and national policy objective, it would not, in itself, outweigh the requirement to protect the Green Belt from inappropriate development. Nonetheless, the development would add 22 dwellings to the housing supply, and I give moderate weight to this benefit. The proposal would redevelop a brownfield site which might otherwise become further dilapidated, and an area to the north of the site would be maintained as open green space, although I attach limited weight to these benefits due to the unobtrusive nature of the site in its current form.
24. It is stated that the site is no longer financially viable, and I acknowledge problematic issues such as the presence of asbestos, the difficulties in insuring the site and the concern over anti-social behaviour. However, it is possible that these matters could be addressed independently of the appeal scheme, and so I can attach limited weight to them.

Conclusion

25. In conclusion, I have identified that the appeal scheme would be inappropriate development in the Green Belt, as defined by the NPPF. It would harm its openness, and would fail to safeguard the countryside from encroachment. It would also harm the setting of the conservation area, and the provision of education infrastructure in the area. Moderate benefits would accrue from the provision of 22 dwellings, and limited benefits would arise from the redevelopment of the site. However, I consider that the substantial weight to be given to the Green Belt harm is not clearly outweighed either individually or cumulatively by other considerations sufficient to demonstrate very special circumstances. Consequently, the very special circumstances to justify the development do not exist.
26. For those reasons, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Elaine Gray

INSPECTOR