
Appeal Decision

Site visit made on 11 January 2017

by D J Board BSc (Hons) MA MRTPI

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

Decision date: 4 May 2017

Appeal Ref: APP/B5480/W/16/3159949

Three Horseshoe Farm, Noak Hill Road, Romford, RM3 7LD

- 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 N F Cooper Developments Ltd against the decision of the Council of the London Borough of Havering.
 - The application Ref P0759.16, dated 5 May 2016, was refused by notice dated 9 August 2016.
 - The development proposed is Demolition of all existing stabling, storage and residential buildings on site and construction of 4 x 4 bed and 1 x 3 bed dwellings, landscaping and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for Demolition of all existing stabling, storage and residential buildings on site and construction of 4 x 4 bed and 1 x 3 bed dwellings, landscaping and associated works at Three Horseshoe Farm, Noak Hill Road, Romford, RM3 7LD in accordance with the terms of the application, Ref P0759.16, dated 5 May 2016, subject to the conditions in Annex A.

Application for costs

2. An application for costs was made by N F Cooper Developments Ltd against the Council of the London Borough of Havering. This application will be the subject of a separate Decision.

Main Issues

3. The site is located in the Green Belt and the main issues are:
 - Whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect on the character and appearance of the area;
 - If the development is inappropriate, 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; and
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- Whether the proposal would make appropriate provision for infrastructure, with particular regard to education.

Reasons

4. The appeal site is located in the Green Belt. I have been referred to policy DC45 of the Council's Core Strategy and Development Control Policies Development Plan Document (DPD). This establishes the extent of Green Belt land and what would be appropriate development having regard to national green belt policy. This policy pre dates the Framework which now contains national Green Belt policy. At paragraph 89 the construction of new buildings is defined as inappropriate development except for those exceptions listed. One of the exceptions listed is *'...limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development'*.
5. There are existing buildings on the site. These vary in footprint, scale and condition. Four of the buildings benefit from a certificate of lawful use as dwellings¹. The site is also the subject of a previous appeal decision² which was dismissed. Nevertheless this decision addressed the issue of previously developed land. In particular that the appeal site could be considered to be previously developed land when assessed against the Glossary in the Framework, I have no reason to disagree. In this regard the scheme would meet the first part of the exception. However, to be considered not inappropriate, the scheme also needs to satisfy the requirement regarding openness.
6. Paragraph 79 of the Framework advises that one of the essential characteristics of a Green Belt is its openness. This is a matter of its physical presence rather than its visual qualities. There are figures within the Grounds of Appeal and the Officer's report in relation to the footprint, floor space and volume of the buildings. Nevertheless there is general agreement between the two that the new buildings would represent a reduction in footprint, floor space and volume when compared to the existing situation. The submitted visuals demonstrate that it would be more contained. Therefore in terms of site coverage the proposal would not harm openness.
7. Height and bulk also have an impact on openness. There is no dispute that the overall height of the new buildings would be greater than the existing buildings. However, the design of the building significantly narrows the difference between the height range of the existing buildings and those proposed. The buildings would have a simple form and appearance with longer narrow footprints. The result is that the roof forms and positioning of buildings would have the appearance of a group of barns or agricultural buildings. In addition the detail would utilise open car barns, stable doors and simple glazing. Overall, the height and bulk of the scheme would not lead to a substantial increase in physical presence, especially when considered in combination with the reduction in coverage.

¹ LPA reference E0020.12

² APP/B5480/A/13/2209468

8. For these reasons I therefore conclude that the proposal would not be inappropriate development and would benefit from the exception listed in paragraph 89 of the Framework.

Character and appearance

9. The Council refer to the special character of the Havering Ridge. This is identified within DPD policy DC69 as being recognised for '*...its skyline character and the panoramic views it affords of Central London. It has also been identified by English Heritage as an Area of Heritage Land for its combined intrinsic value for landscape, historic and nature conservation interest. Even if a development is generally acceptable in terms of Green Belt policy, the Council will ensure that any development has regard to the special character of the area...*'
10. I have not been referred to any panoramic views or skylines that the Council consider would be adversely affected by the scheme. The site is located to the rear of existing frontage development along Noak Hill Road and I appreciate that the area is interspersed with dwellings and large open spaces. Nevertheless, the appellant's submission highlights the presence of two large new developments nearby. The submitted photographs demonstrate that the rear limit of the dwellings would be broadly contiguous with the extent of one of these sites. In addition views from other nearby roads would be limited and the detailed soft landscape scheme would assist with this.
11. Overall, I consider that the scheme would not harm the character and appearance of the Havering Ridge area in so far as it would not adversely impact on its skyline character or panoramic views. In this regard it would not be in conflict with DPD policy DC69.

Infrastructure

12. A unilateral undertaking has been provided as part of the appeal process. It seeks to secure a financial contribution to meet the need for education. DPD Policy DC72 seeks to ensure that new development provides for sustainable development through securing contributions towards infrastructure that are necessary to mitigate the impact of the development. London Plan (LP) policy 8.2 requires developments to address strategic as well as local priorities in planning obligations. Policy DC29's overall objective is the provision of adequate primary and secondary education facilities, and the stated means of achieving this include seeking payments from residential developers for the capital infrastructure of schools required to meet the demands generated by the residential development.
13. The Council's officer report confirms that a financial contribution of £30 000 is sought to be used for educational purposes. The development proposed would contain family sized accommodation and the evidence before me does indicate that there is a shortage of places in schools within the Borough and as such an education contribution would be necessary. The submitted obligation would deliver the obligation referred to in the decision notice. These measures would be necessary, directly related to the development and fairly related in scale and kind. As such they would accord with regulation 122 of the Community Infrastructure Levy Regulations 2010 and the tests for planning obligations set out in paragraphs 203, 204 and 205 of the Framework.

14. I therefore conclude that that the development would make adequate provision for any additional need for infrastructure. Therefore it would not be in conflict with DPD policies DC72, DC29 and LP Policy 8.2.

Other matters

15. Whilst not reasons for refusal I have carefully considered the comments made by interested parties regarding, local infrastructure, drainage, highway impacts, wildlife, lighting and access to facilities.
16. Regarding infrastructure the appellant has submitted a unilateral undertaking which would include relevant infrastructure contributions. In addition I note that the net increase on site would be one dwelling. As such there would not be an adverse impact on this matter. On the matter of drainage the report on the application highlights that there were no technical objections made on these issues, I have no reason to disagree.
17. A phase 1 habitat survey has been undertaken and an ecology report was submitted with the planning application. This contains a number of recommendations that would be secured by condition. As such there is no evidence that the scheme would harm ecology. Turning to highway safety the site benefits from an existing access for the equestrian use. This is shown to remain for access to the new scheme. The officer report indicates that the highway authority does not object to the scheme subject to the widening of the access and provision of a pedestrian visibility splay. I have no reason to disagree. Both of these matters would be secured by condition.
18. Concern is raised about light pollution. A condition is recommended by the Council to ensure that a scheme for external lighting is submitted. This would enable the Council to ensure that there would not be light pollution emanating from any future external lighting on site. The location of the site is also raised. However, I note that there is a school, shopping parade, leisure centre and other facilities within walking distance. In addition there are bus stops on Noak Hill Road. Therefore, overall, the sites location would not weigh against it.

Conditions

19. The Council has suggested a number of conditions. I have considered these against paragraph 206 of the National Planning Policy Framework. I have attached the standard implementation condition and a condition specifying the approved plans. In the interests of the character and appearance of the area it is necessary to secure the details of material finish, hard and soft landscaping (including a scheme to protect existing hedgerows), refuse and cycle storage and boundary treatments.
20. I have been provided with policies CP17 and DC63 which support the requirement for a condition that requires the submission of a scheme to meet secure by design. I consider this to be reasonable in this case. To protect the living conditions of existing occupiers conditions are necessary to ensure the details of external lighting and construction management are provided. I have applied a reworded condition which I consider adequately covers the matters within the Council's suggested conditions.
21. To ensure that there is no harm to ecology conditions are necessary to require the scheme to be carried out in accordance with the ecological assessment. To protect the openness of the Green Belt it is reasonable to require the

demolition of the existing buildings prior to work commencing on the scheme. For the same reason it is necessary and relevant in this case to exceptionally restrict permitted development rights regarding the use of garages/car ports and the future provision of extensions and outbuildings.

22. In the interests of the living conditions of existing and future occupants conditions are necessary regarding contamination investigation and imported soil. In the interest of highway safety a condition is reasonable and necessary that secures the access works and pedestrian visibility.
23. I do not consider that it would be necessary to restrict new openings to the buildings. Given the site location loss of privacy to existing residents would not result and some additional openings would not necessarily have a significant impact on character and appearance. I have no evidence that the development would be sensitive to noise. Therefore I do not consider that the suggested condition 26 would be necessary. Conditions 27 and 28 appear to repeat the requirements of other legislation. Therefore without the relevant policies I cannot be satisfied that these conditions are necessary or relevant to planning.

Conclusion

24. For the reasons given the proposal would not be inappropriate development in the Green Belt and would not harm the character and appearance of the area. It would also make adequate provision for any additional need for infrastructure. For the reasons given and having regard to all other matters raised the appeal is allowed.

D J Board

INSPECTOR

Annex A – Conditions

- 1) The development to which this permission relates must be commenced not later than three years from the date of this permission.
- 2) The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications numbered: 2216 01 Revision E; 2216 02 Revision B; 2216 03 Revision C; 2216 04 Revision B Elevations 1 (Colour); 2216 04 Revision B Elevations 1 (B&W); 2216 05 Revision B Elevations 2 (Colour); 2216 05 Revision B Elevations 2 (B & W); 2216 06 Revision B Elevations 3 (Colour); 2216 06 Revision B Elevations 3 (B & W); Site Location Plan.
- 3) The development hereby permitted shall not be commenced until samples of all materials to be used in the external construction of the buildings have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed with the approved materials.
- 4) The development hereby permitted shall not be commenced until a detailed scheme for the hard and soft landscaping of the site, including the upgrading of the site access roadway and a scheme for protecting the site's existing hedgerows has been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised within the scheme shall be carried out in the first planting season following completion of the development and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.
- 5) Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse and recycling awaiting collection according to details which shall previously have been agreed in writing by the Local Planning Authority.
- 6) Prior to the first occupation of the development hereby permitted, cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.
- 7) The development hereby permitted shall not be commenced until details of proposed boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be installed prior to occupation of the development and retained thereafter in accordance with the approved plans.
- 8) Prior to the commencement of the development hereby approved a scheme shall be submitted to the Local Planning Authority, setting out how the principles and practices of the Secured by Design Scheme are to be incorporated within the development. Once approved in writing by the Local Planning Authority in consultation with the Havering Crime Prevention

Design Advisor the development shall be carried out in accordance with the agreed details.

- 9) No dwelling shall be occupied until a scheme for the lighting of external areas has been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The scheme of lighting shall include details of the extent of illumination together with precise details of the height, location and design of the lights. The development shall be carried out in accordance with the agreed details.
- 10) No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority indicating how the development will be undertaken in accordance with the recommendations of the submitted ecological assessment dated June 2013 including the proposed installation of bat and bird boxes within the development. The development shall be undertaken in accordance with the approved details.
- 11) Should demolition works at the site not be commenced within one year of the date of this permission, then a further bat survey shall be undertaken and submitted and approved in writing by the local planning authority prior to any demolition works taking place.
- 12) No works of construction in relation to the erection of the new dwelling houses hereby permitted shall take place until all of the existing buildings at the site have been demolished.
- 13) No part of the development hereby permitted shall be occupied until the site access onto Noak Hill Road has been upgraded to a minimum width of 5 metres and a 2.1 metre by 2.1 metre pedestrian visibility splays shall be provided on either side of the proposed accesses, set back to the boundary of the public footway in accordance with details that shall have been submitted to and agreed in writing by the local planning authority. The upgraded access shall be provided in accordance with the approved details and retained thereafter. There should be no obstruction of object higher than 0.6 metres within the visibility splay.
- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 the garage(s)/carport(s) hereby permitted shall be made permanently available for the parking of private motor vehicles and not for any other purpose including living accommodation or any trade or business.
- 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015, Article 3, Schedule 2, Part 1, (or any order revoking and re-enacting that Order with or without modification) Classes A to E, no enlargements, improvements or other alteration shall take place to the dwellinghouses and no outbuildings or other means of enclosures shall be erected within the garden areas of the dwellinghouses, unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

- 16) The development hereby permitted shall not be commenced until the developer has submitted for the written approval of the Local Planning Authority:
- a) A Phase I (Desktop Study) Report documenting the history of this site, its surrounding area and the likelihood of contaminant/s, their type and extent incorporating a Site Conceptual Model.
 - b) A Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation including factors such as chemical testing, quantitative risk assessment and a description of the sites ground conditions. An updated Site Conceptual Model should be included showing all the potential pollutant linkages and an assessment of risk to identified receptors.
 - c) A Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of a significant pollutant linkage requiring remediation. The report comprises a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to all receptors must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and procedure for dealing with previously unidentified any contamination. The under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
 - d) Following completion of measures identified in the approved remediation scheme mentioned in 1(c) above, a "Verification Report" that demonstrates the effectiveness of the remediation carried out, any requirement for longer-term monitoring of contaminant linkages, maintenance and arrangements for contingency action, must be produced, and is subject to the approval in writing of the Local Planning Authority.
- 17) (a) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented as approved. b) Following completion of the remediation works as mentioned in (a) above, a „Verification Report“ must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.
- 18) Before any part of the development is occupied, site derived soils and/or imported soils shall be tested for chemical contamination, and the results of this testing together with an assessment of suitability for their intended use shall be submitted and approved in writing by the Local Planning Authority. Without prejudice to the generality of the foregoing, all topsoil used for gardens and/or landscaping purposes shall in addition satisfy the requirements of BS 3882:2007 "Specification of Topsoil"
- 19) No development shall take place, including any works of demolition, until a Construction Method and Demolition Management Statement has

been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during construction;
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- viii) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.