

Appeal Decision

Inquiry held on 9 - 12 May 2017

Site visit made on 12 May 2017

by A Jordan BA Hons MRTPI

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

Decision date: 21 June 2017

Appeal Ref: APP/B5480/W/16/3161631

Land Adjacent to Maylands Golf Course, Colchester Road, Romford, Essex, RM3 0AZ

- 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 SRR Developments Limited against the decision of the Council of the London Borough of Havering.
 - The application Ref P0124.16, dated 28 January 2016, was refused by notice dated 28 April 2016.
 - The development proposed is creation of burial ground with ancillary buildings, parking and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Before the Inquiry opened my attention was drawn to potential works planned by Highways England on the J28/A12 junction. Some of the options proposed would have implications for the implementation of the proposal before me. I note that Highways England were consulted by the Council as part of the application process and were notified of the Inquiry but have not provided any comment. However, as I cannot be assured that the works will go ahead in any of the proposed forms, I do not consider that this matter should have any bearing on the determination of the proposal before me.

Main Issues

3. The main issues for the appeal are:
 - Whether the proposal is inappropriate development in the Green Belt for the purposes of the *National Planning Policy Framework* (the Framework) and development plan policy, and whether the development would harm the openness and the purposes of including land in the Green Belt;
 - The effect of the proposal on the character and appearance of the Havering Ridge Special Character Area;
 - Whether any 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.
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Reasons

Background

4. The site lies within Green Belt on the edge of the built up area of Romford. It is bounded by Maylands Golf Course to the west, the A12 Colchester Road to the south, by woodland to the north and by the Weald Brook and associated woodland to the east. The elevated M25 lies further to the east. The proposal comprises a change of use of 27 hectares of open undeveloped grassland to use as a cemetery. It would also include the erection of a chapel and maintenance shed, the provision of hardstanding for parking and various access paths, some of which would be required for vehicles. The proposal also includes landscaping measures aimed at mitigating the effects of the proposal. These include the conservation and enhancement of the existing hedgerows and woodland and the provision of a wildflower meadow to the northern end of the site, along with additional buffer landscaping.
5. On 23 January 2017 the Secretary of State granted permission for a change of use of land to burial grounds¹ at land known as Oak Farm, located on the opposite side of the A12 close to the appeal site. Oak Farm also lies within Green Belt. The permission relates to the change of use of land to burial grounds including removal of existing agricultural buildings and erection of two pavilion buildings for associated usage, hard and soft landscaping, new access to the A12 and internal roads and paths, parking, and workshop area for storage of associated equipment, tools and materials. The application was made by Gardens of Peace and the development is intended to provide a facility for uncompromised Muslim burial.

Green Belt

Inappropriateness

6. Policy DC45 of the Havering Core Strategy² allows for development for the purpose of cemeteries, in line with guidance in the now superseded *Green Belts* (PPG2). The Framework differs from this by allowing only for new buildings which comprise appropriate facilities for cemeteries, as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Guidance in the Framework is one such material consideration which must be taken into account. In this case there is some inconsistency between the plan and the Framework which I consider to be more relevant as it is more up to date.
7. Both parties accept³ that the proposed development would comprise inappropriate development in the Green Belt. The Framework directs that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to state that substantial weight should be given to any harm to the Green Belt.

Openness and Purposes of the Green Belt

¹ Appeal Ref APP/B5480/W/15/3132860

² Havering Core Strategy and Development Control Policies Development Plan Document

³ Huw Mellor Proof paragraph 5.23 and Tom McCarthy proof paragraph 5.6

8. The concept of openness is commonly defined as an absence of development and has a spatial aspect as well as a visual aspect. The Framework identifies the key attributes of the Green Belt are its openness and its permanence and that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. Both main parties accept that openness would be diminished as a result of the development but dispute the extent to which this would occur.
9. The site is presently open and undeveloped and it is these characteristics which distinguish it from the adjoining urban area. The proposed chapel with columbarium and small maintenance shed would be located towards the south-eastern corner of the site which sits at a lower level than the western portion of the site. Although it would be likely to be visible in only glimpsed views from the A12, due to its size it would nonetheless be a notable feature when within the site. It is also likely to be visible in views across the site from the upper windows of Maylands Cottages, and is visible from the access road to the golf club. I also noted during my site visit that there were currently unimpeded views across the site to the south-east corner from the spike bar in the golf club. Due the relative position of this building to any proposed landscape buffer, some views into the appeal site would also be likely to remain after development. In these views the chapel building would be visible as a built feature.
10. Moreover, the graves and associated paths and parking area would be built features which would be clearly apparent when within the site and in the views identified above. At the appellant's request I visited Upminster Cemetery as part of my site visit. I noted that due to their low level the graves and headstones were mostly screened by landscaping when outside the site. However, in available views into the development, and when within the cemetery itself, the densely packed rows of headstones and the access paths around them were clearly apparent as built features. Despite their limited height, the numbers of stones and their orderly arrangement extended across a large proportion of the site, and had an urbanising effect on its appearance.
11. The submitted plans include details of landscape buffers and parts of this proposed cemetery would remain undeveloped. Nevertheless, I am advised that there would be over 22,000 graves when at capacity and the extent to which these would extend across the site and their regular spacing, even if headstones were restricted to 1.2 metres, would be perceived together as permanent built features which would extend across a relatively large area introducing built development over a substantial portion of the site. The graves would be visible from the viewpoints identified above and in these views openness would be further reduced.
12. When in use the parking areas on site would become apparent, as would visitors to the site. The use would represent a clear increase in activity on the site above its current state. However, even if the parking was fully in use, taking into account the overall size of the site this element of the use would not in itself be intensive. It would also take place for only parts of the day and even when burials were taking place, large parts of the site would remain undisturbed by activity. I therefore do not consider that the activity arising from the operation of the site would aggravate the reduction in openness identified above.

13. I take into account the appellant's view, expressed by the Inspector at the Oak Farm appeal, that the extent to which the proposal would be visible can reduce the extent of harm to openness which would arise. I do not disagree with this stance. Nonetheless, in this case, I take into account that the proposal would be visible both to visitors to the site, and to users of the golf club, as well as to a much lesser degree to those on the A12. This harm to openness must also carry substantial weight.
14. Furthermore, whilst I acknowledge that cemeteries are often found in rural areas, taking into account the totality of development proposed in this case, in the available views into the site the proposal would have a harmfully urbanising and erosive effect on the open and undeveloped character of the Green Belt in this location. This to my mind would also be incompatible with the aim of safeguarding the countryside from encroachment.
15. It has also been put to me that by allowing this proposal, which would potentially be less intensive than other forms of development, the site would remain rural in character and this would safeguard the site from encroachment. I have been provided with no substantive evidence that there is any likelihood that the site would be developed for a more intensive use than the one before me, which I have in any case found to be harmful. I am therefore not persuaded by the argument that by allowing this proposal the Green Belt would be protected and consider that the conflict with the purposes of the Green Belt identified in the Framework adds some further weight against the proposal.

Effect on the Character and Appearance of the Site and the Havering Ridge Special Character Area

16. The site lies within the Havering Ridge Special Character Area. Policy DC69 of the Core Strategy seeks to preserve the special character of the area including views to and from the area. Supporting text to the policy states that 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. The Council have also referred to policy DC61 of the Core Strategy, which seeks development which enhances or improves the character and appearance of the local area.
17. The plan draws attention to the fact that the area was recognised by the former London Planning Advisory Committee (LPAC) as an Area of Special Character because of "its skyline character and the panoramic views it affords of Central London". English Heritage also identified it as an "Area of Heritage Land for its combined intrinsic value for landscape, historic and nature conservation interest". Neither the Greater London Authority (GLA) nor Historic England have objected to the proposal.
18. The SCA covers a large proportion of the north of the Borough, broadly contiguous with, but not including all of, the area designated as Green Belt. The parties concur that the site is a "valued landscape" as referred to in paragraph 109 of the Framework. Much of this area will not be elevated and so cannot have been identified solely because of its effects on skyline views. Similarly, not all of the area will have historic associations. It therefore seems to me reasonable to draw the conclusion that taking into account the broad area identified, the special character of the area will comprise of attributes other than those specifically identified in policy DC69.

19. However, there is no supplementary planning guidance setting out the characteristics of the Havering Ridge SCA and much time was spent at the Inquiry discussing it. Both parties have submitted landscape and visual impact Assessments (LVIAs) in support of their cases. The appellant's LVIA does not refer to the SCA designation and although it identifies the site as having some of the attributes of the National Character Area (NCA) 11 – Northern Thames Basin, the study concludes that local urbanising factors strongly influence the character of the site. This, along with what are argued to be very limited public views lead the appellant to argue that the site has a very limited effect on the local landscape.
20. The Council identify the site as having attributes in common with Regional Character Area (RCA) 7 – Essex Plateau⁴. The area is identified as being an extensive mosaic of native woodland with open areas of acid grassland and sinuous streams bordered by alder woodland. I am advised that these include areas of the former Royal hunting ground⁵. The Council have also identified the site as lying within a Countryside Conservation Area. However, this designation seeks to protect biodiversity and therefore I give it limited weight in landscape terms.
21. I noted during my site visit that the site contained the attributes identified from the RCA. The site sloped from the south towards the wooded course of the watercourse to the north. Whilst the eastern section, which appears to lie outside the SCA designation, was mown grass, the area closest to the river and the "arm" to the west which was enclosed by the golf course was wild grassland. The site, particularly the area to the west had a surprisingly tranquil and rural character which was at odds with its proximity of the motorway and the A12. Views of open grassland were available across the length of the site, terminating in woodland and the rising hillside beyond. Glimpses of the golf course were available through gaps in the established hedgerows. However, the site had a contained and secluded character and long range views of the surrounding landscape were not available.
22. In this regard when within large proportions of the site to the west it has an undisturbed rural character, the appearance of which belies its close proximity to the conurbation. When within the eastern section, which includes sloping views down towards the river from the access, urban influences are more notable, with the elevated M25 and waste transfer activities at Grove Farm prominent features which diminish the quality of the landscape. I can therefore see merit in the assessments of both parties and whilst it is clear that the urbanising effects of the environment to the west influence how that part of the site is perceived, the unspoilt character of the eastern section would be much more sensitive to change.
23. The appellant's LVIA contains assessments from 8 viewpoints within the Zone of Theoretical Visibility which were previously agreed with the Council. These show that the proposal would be visible in only the close range view from viewpoint 1 – the access to the golf-club adjacent to the residential occupiers at Maylands Cottages. The other 7 viewpoints would be obscured by intervening topography and vegetation, roads and buildings. From viewpoint 1 it identifies the extent of change as being very small, and the significance of

⁴ Nigel Wakefield Proof

⁵ Mrs Pigram's oral statement and Nigel Wakefield Proof.

this visual effect as being minor. The Council's submitted LVIA shows 7 viewpoints along the perimeter of the site, including 2 identified viewpoints from within the golf-course. These show that development on the site is likely to be visible to varying degrees, particularly from the golf course access road and in some views from within the golf-course. The effect of this is considered in some cases to be moderately adverse during construction with all of the short-range viewpoints considered to have a "minor adverse" impact over time. Viewpoints 8-13, which lie further afield, also show that the site would not be visible from selected viewpoints north east and south between 0.7km and 1.4km from the site.

24. Both assessments therefore predict that the effects of the proposal will be highly localised and that as such, the visual impact on the surrounding landscape and the wider Havering Ridge Special Character Area would be harmful, but only to a limited degree. This accords with my own assessment during the site visit where I noted that views into the site were only available from adjoining land and that as such, the urbanising effects of the proposal would not be perceived over a wide area, or have a widespread effect on the wider landscape.
25. Nevertheless the harm identified would conflict with Policy DC69 of the Core Strategy which seeks to maintain or enhance the special character of Havering Ridge. As it would also erode the rural character of the site in those available views, particularly to the north, and would harm its attractive and unspoilt appearance, the proposal would also fail to improve the character of the area and so would also conflict with Policy DC61. Having regard to the localised nature of these effects I attribute only some limited weight to this harm.

Other Considerations

26. The Framework advises that decision makers should attribute substantial weight to any harm to the Green Belt. It also advises that the very special circumstances required to justify development where such harm is identified will not exist unless that harm is clearly outweighed by other considerations. The appellant considers that in this case the need for the development, an identified lack of alternative sites and the likely other benefits of the scheme amount to these very special circumstances and I deal with these in turn, below.

Need

27. The appellant has put forward the case that the extent of need for burial space in East London is such that it amounts to the very special circumstances necessary to justify the proposal. In support of this I have been provided with a needs assessment which relies in part on studies of burial provision carried out by the GLA⁶ and LPAC⁷.
28. The Council argue that there is no pressing need for additional cemetery spaces within the London Borough of Havering. Taking into account provision at Upminster and at the recently approved Oak Farm⁸ it also appears to me the Borough is well placed to meet its own needs for burial. However, The London

⁶ ID4 An Audit of London Burial Provision – A report for the Greater London Authority

⁷ ID20 Planning for Burial Space in London – Policies for Sustainable Cemeteries in the New Millennium

⁸ APP/B5480/W/15/3132860

Plan⁹ directs Boroughs to consider the burial assessment set out in the plan and where demand cannot be met locally, to cooperate in planning across their boundaries to deliver necessary burial land. I therefore do not consider the current provision in Havering to be determinative on its own and the acknowledged need for burial space outside Havering is a material consideration for this appeal.

29. It became clear during the Inquiry that any estimate of burial spaces will rely on a number of assumptions. The appellant has looked at projected burial needs against available space within 8 London Boroughs and the City of London which are considered to be within around half an hour of the appeal site. The London Plan seeks to apply the proximity principle by providing burial space which is within a reasonable distance of the homes of families of the bereaved. A rule of thumb of around half an hour travel time, which I was advised was commonly used in the funeral industry, was agreed by the parties to be a reasonable travel time. On this basis the appellant advised that the Boroughs of Havering, Redbridge, Barking and Dagenham, Newham, Tower Hamlets, Hackney, Waltham Forest, Harringey and the City of London were identified as comprising the East London Boroughs which the proposal would serve.
30. However, whilst I accept that demand for the proposal may indeed come from within this catchment, and that most parts of these Boroughs could potentially be reached from the site within half an hour depending on traffic, it cannot follow that all projected need within those Boroughs needs to be met within a site in East London. Residents of Harringey, Hackney or parts of Waltham Forest would be much closer to Enfield, or Barnet, which I note the GLA report states to be well supplied with existing cemetery space. The inclusion of Harringey within the catchment, without also including Enfield in this regard appears to me to be illogical.
31. The appellant identifies that as of 2016 there were 35,762 available spaces within the identified London Boroughs. This assessment took the GLA Audit as a starting point and updated it with information provided through Freedom of Information Requests. Although the Council dispute the appellant's assumptions regarding the capacity of some of the identified sites, the appellant's assumption of around 2100 graves per hectare is broadly consistent with the LPAC guidance and figures of up to 5,000 per hectare quoted elsewhere take account of the reuse of existing family plots, referred to as re-openings, which occur over a longer time period and often outside the initial period of the facility. The projections in the GLA figures for need, which I come to below, already discount re-openings, and so it is appropriate that these are also discounted from estimates of supply. The figures also cannot take account of numerous small private churchyards, but as the GLA report identifies, there is no consistent way of identifying these, or for calculating additional capacity through grave re-use through statutory powers, and so I do not consider the appellant's estimate to be deficient because of this.
32. There was some dispute at the Inquiry as to whether provision from a private cemetery in Rainham should be included. I note that it is not currently being used and that there is no known timescale for its future use. I therefore understand why it is difficult to estimate its contribution over the report period. Nevertheless, the appellant's estimate of available spaces also fails to take

⁹ ID3 The London Plan Burial Needs

account of the recently approved facility at Oak Farm, which will provide 10,000 additional spaces for the Muslim Community in East London, a part of the population for whom a deficiency in supply was identified in the GLA study. I was provided with no good reason as to why this facility would not come into use¹⁰ and I therefore consider that if Oak Farm is included the likely supply in the identified Boroughs to be around 45,762 in 2016. If provision in Harringey is excluded, this would remove 72 spaces from the calculations and the figure is around **45,690**.

33. The figures of need are taken directly from the GLA Audit for 2011 - 2030. The authors of the GLA report used mortality projections from the Office for National Statistics (ONS) and took into account the overall incidence of cremation and the preference of burial for differing religious groups. Although I note the appellant's view that death rates in the capital are likely to rise because of an aging population, I also take into account the trend for out-migration of older residents identified in the ONS figures. The GLA report also identifies that some residents will be buried outside the capital, and some will be brought to the capital for burial. Although the report notes that these varying factors make any exact prediction of need difficult, I am nonetheless satisfied that the information supplied in table 2.1 of the report, and relied upon by the appellant, represents a reasonable basis on which to assess burial needs over the 20 years identified.
34. Nevertheless, the appellant's figure of 85,815 drawn from the GLA report is overstated as it is for the whole 20 years between 2010 and 2030. If a similar point of assessment is taken as that of supply, at 2016, the five years up to the start of 2016 should be excluded. Similarly, demand from Harringey of 8,961 should also be discounted for the reasons given above. This would give an annual requirement of 3,843 or a total requirement up to 2020 of **57,641**. When the appellant's estimate of supply is set against this figure it shows a shortfall of nearly 12,000 graves for the 15 year period but nonetheless equates to around 12 years of supply of graves.
35. In coming to a view I am cautious about relying too heavily on exact numbers. The GLA report identifies that it is heavily reliant on assumptions of cremation rates, in and out migration, the available capacity for re-openings and the diminishing ability of existing cemetery providers to create additional capacity in existing facilities. I also note that existing supply can be inelastic, with some facilities having limited ability to meet general demand whilst having capacity in various denominational sections. I also take account of the need to consider the effects a pandemic may have on the need for burial spaces. Nevertheless, even taking into account the potentially unpredictable effect these various factors may have on estimates of demand and supply, including a potential lead-in time estimated by the appellant to be around 3 years for the proposed facility, given my reservations regarding the figures put to me which I have outlined above, I cannot accept that the extent of acknowledged undersupply at this time is in the range identified by the appellant.
36. The appeal proposal is estimated to provide 22,165 graves over a 41 year period, a contribution of around 541 spaces per year. At current estimated rates this would provide for around 5.7 additional years of overall supply. This contribution to supply would be an acknowledged benefit and one which the

¹⁰ I take into account the outstanding High Court Challenge in relation to the Oak Farm Appeal. However, until that matter is resolved I am obliged to consider that the permission granted is extant.

GLA supports. However, I was given no convincing reason of why, if the predicted need was of a scale put to me by the appellant, and the proposal comprises a proximate facility for the identified population, the rate of burial within the facility would not be higher.

37. Taking all the information on need and supply into account I am therefore unconvinced that the extent of need for burial space in East London is currently so pressing that additional provision needs to be made now. Local Authorities are only required to demonstrate 5 years supply of housing land, and provision for burial land currently significantly exceeds this. Even if I take into account the long lead in times for cemetery proposals put to me by the appellant¹¹ the need for a new cemetery does not appear to be urgent. The East London Boroughs will be well aware of the requirements of Policy 7.23 of the London Plan and the duty to cooperate and a number of London Boroughs have policies in their plans to meet burial needs. In this regard, providing for burial space through the plan process is in keeping with the core principles identified in paragraph 17 of the Framework which states that planning should be plan-led. Accordingly, I give no more than moderate weight to the contribution the proposal would make to the supply of burial space in East London.

Lack of Alternative Sites

38. Given my conclusions on “need” the availability of alternative sites, or otherwise, is not a matter on which my decision turns. Nevertheless for the sake of completeness I have considered the appellant’s submission in this regard which includes an assessment of potential alternative sites¹². The report was prepared in April 2017 and includes an assessment of 15 additional sites over and above those looked at during the application process¹³ and seeks to demonstrate a lack of genuinely available alternatives outside the Green Belt. The report asserts that none of the 15 assessed sites provide a suitable alternative to the appeal site. In addition to falling outside Green Belt or not comprising Metropolitan Open Land, each of the 15 sites were assessed against a number policy restrictions, against site allocations and physical limitations and as to whether the site is used for sport or recreational purposes. I accept the Council’s view, that some of the restrictions that apply to the identified assessment sites also apply to the appeal site, such as local landscape or nature conservation policy restrictions, and relatively poor public transport accessibility. However, I note that the sites put forward failed on more than one criteria and so I do not disagree with the appellant’s contention that these sites suffer from significant constraints.
39. However, it is in how the 15 sites were arrived at that my concern lies. The report provides very limited information of how the 15 sites put forward for assessment were identified (paragraphs 4.12) and which sites were excluded. It refers to the size of preferred site and area of search but apart from a reference to “market information” it appears to have relied on sites which I am advised were also put forward in assessments which formed part of other similar proposals. In this regard the information supplied to me fails to demonstrate that a rigorous sieve analysis was first undertaken in selecting the 15 sites put forward.

¹¹ Evidence of Mr Smallwood Evidence in Chief

¹² Appendix 6 of Mr Smallwood’s Proof referred to as Montagu Evans Alternative Sites Report

¹³ The Need for Burial Space in East London – Brian Parsons for Monument Property Investments Limited January 2014

40. I note that the Oak Farm Inspector found the assessment of alternative sites put to her in 2016 to be robust and that some of these sites will have been included in this assessment. I also note that the GLA do not consider the assessment to be deficient. However, on the basis of the information put to me I do not have reasonable confidence that the assessment accompanying this proposal has been carried out on a rigorous basis.
41. Case law¹⁴ recognises that the possibility of meeting need elsewhere is a material consideration and the greater the harmful effects of a proposal, the harder an applicant has to work to show that there is no possibility of meeting the need elsewhere. It is clear that taking into account the pressure for development within the capital, unconstrained and undesignated sites suitable for use as a cemetery are likely to also be suitable for other uses and so would be at a premium. Nevertheless, on the basis of the evidence put to me I cannot be assured of the appellant's claim that there is no possibility of identifying suitable provision outside the Green Belt. This diminishes the weight I can attribute to the submitted assessment of alternative sites.

Other Benefits

42. The site is designated as a Site of Importance for Nature Conservation in the Core Strategy. The main parties agree that the proposal would bring some ecological benefits through formal management of the site, which would allow a number of existing species to thrive. Local residents have expressed concerns that the enclosure of the site will reduce the habitat available to deer and displace them from the site, potentially onto local roads. Whilst it is clear that residents value the presence of deer on the site, I also take into account that neither Natural England nor Essex Wildlife Trust have objected to the proposal. I also bear in mind that the deer have a much wider range than the appeal site and that part of the site will be retained as open and accessible. Therefore, notwithstanding the oral evidence I heard during the Inquiry¹⁵ that deer used the site as a calving area and that the reduction in land available to them would potentially be harmful, I have no substantive evidence that the proposal would impact upon the viability of the herd and I attribute some moderate weight to the stated ecological benefits of the proposal.
43. The site is presently private land. Although I am advised it is used for informal recreation, and I noted during the site visit that it was being used by golfers, there is no established right of public access to the land. The proposal would allow for access by members of the public when the facility is open. In my view a cemetery is unlikely to be a popular venue for informal recreation, particularly when the site is newly in use. However, I accept that over time established cemeteries can provide opportunities for quiet contemplation and will be used by some in this way. I therefore attribute some further moderate weight to this benefit.

Other Matters

44. The effect of the proposal on the local highways network was a concern for many residents. I noted on site that traffic used the A12 at considerable speed and that it was subject to congestion at peak times. I therefore see no reason to doubt the evidence of numerous local residents with regard to the

¹⁴ Trusthouse Forte Hotels Ltd V Secretary of State and Northavon DC 1987 53 P & CR 293

¹⁵ Mr Thurtle

congestion they experience. However, I am aware that the Highways Authority do not consider that the traffic movements associated with the proposal would affect the movement of traffic on the A12. I also note that Highways England have not objected and the Transport for London have no objection to the proposal subject to some adjustments that could be secured by condition. Therefore despite the anecdotal evidence I heard at the Inquiry, I have no substantive grounds for concluding that the proposal would have a harmful effect on the local highways network and this matter does not weigh against the proposal.

45. Adjoining occupiers have also expressed concern regarding the effects of the proposal on outlook, and through noise and disturbance. Taking into account the juxtaposition of properties and the proposed facility, I am satisfied that living conditions from within these dwellings would not be adversely affected. Whilst I acknowledge that some, particularly those at Maylands Cottages, would lose a view of open fields, this would not amount to harm to outlook or residential amenity. This matter does not therefore weigh against the proposal. Similarly, whilst I note the concerns of those from the golfing community, I do not consider that the proximity of the proposed facility would inhibit use of the course and this matter also does not weigh against the proposal.
46. I have been reminded by the parties of the need to take account of other decisions¹⁶ and the need for consistency in decision making. In particular, the Oak Farm decision was put to me during the course of the Inquiry on a number of occasions. At Oak Farm the Secretary of State found that the proposal comprised inappropriate development in the Green Belt and would cause some harm to openness but would assist in safeguarding the countryside from encroachment and would have a neutral effect on the character of the site and would not harm visual amenity. He found that the need for additional burial facilities for Muslims in London, along with the lack of suitable alternative sites was a matter that carried considerable weight. Along with the benefits arising from improved access and improvements to the site's ecology and landscape were sufficient to provide the very special circumstances to justify the proposal.
47. Having regard to the circumstances of this case, in particular its scale, location and protective designations, the likely effect of built structures on site, and in relation to the issue of qualitative need, I am satisfied that whilst the Secretary of State's decision is a material consideration in this case, and one which I must have regard to, the circumstances at Oak Farm are nonetheless distinct from that of the case before me. Accordingly I have dealt with this appeal on its own merits.

Planning Balance and Conclusion

48. The proposal would comprise inappropriate development in the Green Belt. It would also cause harm to the openness to the Green Belt, the purposes of the Green Belt and to the character of the Green Belt in that location. The Framework directs that substantial weight should be given to any harm to the Green Belt. The proposal would also fail to maintain or enhance the special character of Havering Ridge and so would conflict with policy DC69 of the Core

¹⁶ APP/B5480/W/3132860, APP/B5480/A/08/2082118 and APP/M3645/A/14/2224101

Strategy. The harm to the character of the Havering Special Character Area carries further limited weight.

49. The proposal would bring some moderate benefits by way of providing formalised access to the site, and would also bring some moderate benefits to local ecology. Although it is clear from the evidence before me that there is a continuing need for burial space in London, there is no clear case that it is so pressing that it needs to be provided in this location, and in advance of any allocation of sites through the development plan process. The very special circumstances which are necessary to clearly outweigh the harm identified therefore do not exist in this case.
50. It therefore follows that having regard to this and to all other matters raised, the appeal does not succeed.

Anne Jordan

INSPECTOR

APPEARANCES

For the LOCAL PLANNING AUTHORITY

Isabella Tafur of Counsel

Instructed by Council of the London Borough of Havering

She called:

Tom McCarthy BSc (Hons) PG Dip,
MRTPI

Mineral and Projects (Principal) Planning
Officer, London Borough of Havering

Nigel Wakefield BA(Hons) BTP/DIP
LA DIP/MA UD MRTPI

Node Urban Design Limited for London
Borough of Havering

For the APPELLANT

Rhodri Price Lewis QC

Instructed by SRR Developments Ltd

He called:

Peter Smallwood FRICS

SRR Developments

John-Paul Friend BA (Hons), CMLI

ACD Environmental

Huw Mellor BA (Hons), MRTPI

Kemp & Kemp LLP

INTERESTED PERSONS

Cllr Lawrence Webb

London Borough of Havering and Local
Resident

Cllr Patrica Rumble

London Borough of Havering

John Thurtle

Grove Farm

Mrs Groves

Local Resident

Ms Moss

Local Resident

Mr Godwin

Maylands Golf Club

Michael Regan

Local Resident

Peter Groves

Local Resident

Mrs Pigram

Local Resident

PLANS AND DOCUMENTS SUBMITTED AT THE INQUIRY

- ID1 Extract from London Borough of Havering Core Strategy Policy DC61
- ID2 Extract from London Borough of Havering Core Strategy Policy DC69
- ID3 Extract from The London Plan 2015 Policy 7.23 Burial Needs
- ID4 An Audit of London Burial Provision – A report for the Greater London Authority
- ID5 Petition from the members of Maylands Golf Course objecting to the proposal
- ID6 Petition opposing the proposal generated by change.org
- ID7 Map extract showing location of Maylands and Oak Farm
- ID8 Opening Submissions on behalf of the Appellant
- ID9 Opening Statement on behalf of Havering Council
- ID10 Letter notifying interested parties of the appeal dated 11th April 2017
- ID11 Letter from London Borough of Havering dated 6th January 2017 in response to public consultation on the M25 Junction 28 Improvements Scheme
- ID12 Written statement from Ms Lorraine Moss objecting to the proposal
- ID13 Additional signatures for petition from the members of Maylands Golf Course objecting to the proposal
- ID14 Extract from The London Plan 2016 Blue Ribbon Network
- ID15 Heritage Supplementary Planning Document Adopted 2011 London Borough of Havering
- ID16 Case No. CO/1125/2017 Statement of Facts and Grounds – High Court Challenge – Oak Farm
- ID17 Approved Plans – Oak Farm Proposal
- ID18 Extracts from Guidelines for Landscape and Visual Impact Assessment (GLVIA) – Landscape Institute and Institute of Environmental Management and Assessment
- ID19 (prev ID25) Illustrative example of a deer fence
- ID20 Planning for Burial Space in London – policies for sustainable cemeteries in the new millennium LPAC
- ID21 (prev ID26) Letter dated 6 November from Robert Froud-Williams of Kemp and Kemp to London Borough of Havering regarding the capacity of the proposed cemetery
- ID22 (prev ID27) Extract from report by Wokingham Borough Council regarding requirements for new burial space
- ID23 (prev ID28) Committee Report Wokingham Borough Council 20 March 2012 regarding burial space requirements
- ID24 Closing Submissions on behalf of Havering Council

ID25 Secretary of State Decision APP/M1520/A/14/2216062 Land South of
Jotmans Lane, Benfleet dated 21 April 2017

ID26 Closing Submissions on behalf of the Appellant