
Appeal Decision

Site visit made on 24 October 2017

by Darren Hendley BA(Hons) MA MRTPI

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

Decision date: 30th November 2017

Appeal Ref: APP/B5480/W/17/3179510

Sunnyside Farm, Risebridge Chase, Romford, Essex RM1 4PR

- 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 Mr Stephen Smith against the decision of the Council of the London Borough of Havering.
 - The application Ref P0446.17, dated 13 March 2017, was refused by notice dated 8 June 2017.
 - The development proposed is the conversion of two barns to residential.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are a) whether the proposal would constitute inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (Framework) and the development plan policy, b) whether the proposal makes adequate provision for any additional need for education infrastructure arising from the development, and c) if it 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

3. The appeal site comprises of a long linear area of land with a dwelling and various other buildings, which are well set back from the site frontage. To the rear of the dwelling, positioned around a paved courtyard, are three timber clad buildings, including the two which are proposed to be converted to residential use. One of these buildings is of single storey height and is partly open sided, where it faces the courtyard. The other building is of two storey height and fully enclosed, with a roller shutter door. Attached to the rear of this building is a small single storey structure. Further to the rear, is an unpaved hardstanding area and, beyond that, a further open sided building.
4. More broadly, Risebridge Chase comprises of low density residential development, with a significant number of associated outbuildings. It is set apart from more built up areas by a golf course, parkland, woodland and further open areas of land. This gives the area a pleasingly countryside and semi-rural character.

Inappropriate Development

5. Paragraph 90 of the Framework states that certain other forms of development are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These include the re-use of buildings provided that the buildings are of permanent and substantial construction.
6. The two buildings subject of the proposal are, based on my site visit, not temporary in nature, of sound construction and in a reasonable state of repair. I am therefore satisfied that the buildings are of permanent and substantial construction.
7. Openness is an essential characteristic of the Green Belt. The works proposed to the partly open sided building would fully enclose the wall that would face into the courtyard. Whilst this would not involve a physical increase in the size of the building, it would result in this building taking on a more substantial form. Current hardstanding areas adjacent the two buildings would also become more formalised through the introduction of fenced garden and allocated parking areas that would be linked to each new dwelling.
8. In terms of visual effects, there would be some visibility from adjoining properties due to the narrowness of the site, and from the remaining rear areas of the site. Broadly though, the proposal would be well screened by boundary treatment, other buildings on the site and by those in close proximity on adjoining sites.
9. Overall, there would be a loss of the openness of the Green Belt, albeit this effect would be limited with the reasonably modest nature of the alterations.
10. One of the five purposes which the Green Belt serves is to assist in safeguarding the countryside from encroachment. The proposal, with works to enclose the partly open sided building and with a more formalised arrangement of buildings with associated gardens and parking, would modestly increase the amount of development on the site. Moreover, it would also add to the consolidation of development to the rear of the existing dwelling on the site, along with that which is already apparent on adjacent dwellings to the site, and in a location which is noticeably set apart from more built up areas. I do, therefore, find there would be a moderate conflict with this Green Belt purpose.
11. As I find that the proposal would not preserve the openness of the Green Belt and would conflict with the Green Belt purpose to assist in safeguarding the countryside from encroachment, when judged against the Framework, I consider it would constitute inappropriate development in the Green Belt.
12. The proposal would also not comply with Policy DC45 of the Council of the London Borough of Havering, Core Strategy and Development Control Policies Development Plan Document (2008) (DPD) as it would have a greater impact on the openness of the Green Belt. I do, however, attach limited weight to Policy DC45 as it refers to criteria in PPG2: Green Belts regarding the reuse of existing buildings, which has been superseded by more up to date Green Belt national policy in the Framework.

Other Considerations

13. The proposal would provide suitable family living accommodation and, as such, would increase future demand for school places. In order to meet this demand, the Council require a financial contribution of £12,000.
14. Although the Council's Planning Obligations Supplementary Planning Document (2013) (SPD) predates restrictions on the pooling of planning obligations introduced in 2015 by Regulation 123 of the Community Infrastructure Levy Regulations (CIL), the evidence base related to the SPD that has been submitted by the Council shows a shortage of school places across the Council area. I am therefore satisfied that there is a need for a contribution from the proposal and that the contribution is necessary to make the development acceptable in planning terms. I also consider the contribution is directly and fairly and reasonably related in scale and kind to the proposal. It does therefore meet the tests set out in paragraph 204 of the Framework and Regulation 122 of CIL.
15. With regard to Regulation 123 of CIL itself, the Council have indicated the contribution would be used to increase capacity at an existing school or build a new school. The Council's monitoring arrangements would ensure that no more than five contributions would be used on a specific project. As the Council would also need to use other funding sources to cover the full cost of a project, I am satisfied that a tariff based contribution is not being sought. Thus, I also consider the contribution meets the tests under Regulation 123 of CIL.
16. However, there is no completed legal agreement before me concerning the specified contribution. I therefore cannot be certain that the contribution would be secured and, as such, I conclude the proposal would not make adequate provision for the additional need for education infrastructure. Although I am aware of the circumstances why an agreement has not been provided, this is a personal matter for the appellant and does not address my concerns. Consequently, the proposal would not comply with Policy DC29 of the DPD which seeks to ensure that residential developments contribute to the capital infrastructure of schools where they create a demand. It would also not comply with Policy 8.2 of the London Plan (as altered, 2016) and Policy DC72 of the DPD which set out the approach that requires developer contributions to be sought and secured through planning obligations.
17. Whilst I note that the appellant considers the site has an urbanised appearance and that the provision of garden space with soft landscaping presents an opportunity to improve the site, I consider this would be in contrast and serve to detract from the more informal countryside and semi-rural qualities of the broader area. I accept, though, with the nature of the external alterations and the screening afforded, this detrimental effect on character and appearance would be limited.
18. The proposal would provide additional housing. As it would add two units to the housing stock, it would make a modest contribution. I consider this would constitute a moderate benefit.
19. I also note comments made about how the Council came to its decision the planning application and the issue of precedent, although I dealt with the appeal on the basis of the proposal and the matters before me. Whilst the

Council have raised matters during the appeal in relation to the public transport accessibility of the site, I do not find this decisive in this instance, given the concerns I have expressed above.

Conclusion

20. The proposal would be inappropriate development in the Green Belt because, whilst it would constitute the re-use of buildings that are of permanent and substantial construction, it would not preserve the openness of the Green Belt and it would conflict with the Green Belt purpose to assist in safeguarding the countryside from encroachment. Although the effect on openness would be limited and there would be moderate conflict with the purposes of the Green Belt, paragraph 88 of the Framework establishes that substantial weight should be given to any harm.
21. Further harm would arise as the proposal would not make adequate provision for the additional need for education infrastructure and, to a limited degree, due to the effect on the character and appearance of the area. I give moderate weight to the proposal providing additional housing. This does not clearly outweigh the totality of the harm. Consequently, very special circumstances do not exist. The proposal would not comply with the Framework in respect of Green Belt national policy; Policies DC29, DC45, DC72 of the DPD; and Policy 8.2 of the London Plan. For these reasons, I conclude the appeal should be dismissed.

Darren Hendley

INSPECTOR