



Appeal Decision

Site visit made on 5 November 2019

by Stephen Wilkinson BA BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 February 2020

Appeal Ref: APP/B5480/W/19/3225742

Clarewood, Hubbards Close, Hornchurch RM11 3DH

- 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 Calder against the decision of the Council of the London Borough of Havering.
 - The application Ref P1900.18, dated 10 December 2018, was refused by notice dated 7 February 2019.
 - The development proposed is demolition of existing detached house, garage, scaffold yard and sheds to construct new dwelling units.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council has confirmed that the inclusion of policy DC68 of the Core Strategy and Development Control Policies (2008) (CS and DCP) was in error. The Council has nonetheless referred to CS and DCP policy DC61 in its evidence and I have therefore had regard to it in my decision. I have however referred to the policy 7.16 of the adopted London Plan 2016 as this has been referred to by the Council in its statement and clearly relates to Green Belt matters. The London Plan together with the CS and DCP 2008 forms part of the Development Plan for the determination of this appeal.
3. The appellant has referred to the 2018 National Planning Policy Framework (the Framework). This has now been superseded by the version published in February 2019. I have therefore taken the most up-to-date version into account in making my decision. Given the similarities in Green Belt policy within both versions, I am satisfied that this does not prejudice any party in this appeal.
4. I have included as a main issue, planning obligations given the references included in the Council's report and statement.

Main Issues

5. The main issues are:
 - Whether the development would be inappropriate development in the Green Belt, including the effect the development would have on the openness of the Green Belt,

- The effects on the character and appearance of the area
- Whether the proposed scheme is capable of servicing by refuse collection and emergency service vehicles
- Whether the proposal makes adequate provision for education
- 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.

Reasons

Whether the proposal is inappropriate development in the Green Belt including effects on openness

6. New buildings in the Green Belt should be regarded as inappropriate unless meeting certain exceptions. Paragraph 145 of the National Planning Policy Framework (the Framework) 2019, identifies that whilst the development of new buildings in the Green Belt is regarded as 'inappropriate'. Exceptions to this include limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development.
7. The appeal site comprises 0.36ha and is currently occupied by a large bungalow, Clarewood, with a detached garage set in a generous plot. A gate from the property leads to a vacant commercial scaffolding yard which is surrounded by high fencing and includes several open sided and covered structures. The yard covers about 20% of the appeal site.
8. The proposed scheme is for 3 single storey dwellings set within generous gardens and with new access points from Hubbards Close. Each dwelling would have a ridge height of about 6m. The appellant states that the proposal would result in a 53.1% reduction in the gross external area and 25% reduction in built volume although I am unsure how these figures have been measured. From my assessment of the site and from the papers submitted I consider that the yard has been in operation for many years and can be included in the assessment of previously developed land.
9. Given the nature and form of development currently occupying this site I consider that overall the proposals fall within paragraph 145 of the Framework and would result in a complete redevelopment of this previously developed site. I acknowledge that the form of the proposed development is different from that existing but given that a large area of the appeal site is fully enclosed as a builder's yard and there is a large dwelling with ancillary detached garage the development of 3 single storey dwellings across the whole site would not have greater impact on openness than the existing development. Accordingly, I conclude on this matter, that the proposed scheme can be considered as an exception as defined by paragraph 145g) of the Framework and is not inappropriate development in the Green Belt.

Character and Appearance

10. The section of Hubbards Close in the vicinity of the appeal site has an indistinct character with large detached properties, paddocks and stables interspersed

with several small scale employment sites. Neighbouring the appeal site on each side are two detached residential properties. The proposed dwellings would be spaced across the whole site, each with their own access to Hubbards Close with one requiring a new drive extending deep into to the site. In terms of design, whilst smaller, the dwellings would be similar to the existing bungalow. Given that the area does not have a clearly defined character I consider that the proposal would not detract from the character and appearance of the area.

Servicing arrangements

11. The Council refers to the importance of servicing required for the proper functioning of all residential schemes. The appellant states that residents would be expected to contribute to the upkeep of the road which would ensure adequate servicing. I have not seen any evidence to this effect or how any such arrangements would be secured.
12. To conclude on this issue, it is paramount for the proper functioning of residential development that they can be adequately serviced to ensure that they provide habitable space. The scheme is contrary to policy DC36 of the CS and DCP which requires servicing arrangements within the curtilage of development which enable vehicles to operate in forward gear.

Education provision

13. The scheme does not include planning obligations in line with adopted local policy. The proposed dwellings each comprise 4 bedrooms and would be used to accommodate families. Payments would be required as part of the Mayoral Community Infrastructure Levy and local policies to fund school places arising from the proposed scheme. The London Plan at Policy 8.2 identifies that the Mayoral CIL would be used to fund infrastructure arising from London's continued growth. Furthermore, policy DC72 of the CS and DCP empowers the Council to negotiate obligations for a range of infrastructure including for the provision of additional school places.
14. The proposed obligations sought would be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the proposed scheme in line with paragraphs 56-57 of the National Planning Policy Framework 2019. The appellant has not addressed this matter and in the absence of a completed agreement to give effect to these obligations this would be contrary to both strategic and local policies.

Conclusions

15. Whilst I conclude that the proposed development can be considered as an exception to adopted local policies and the Framework which seek to prevent development in the Green Belt, the lack of evidence regarding proposed servicing arrangements and the omission of planning obligations would result in a form of development which fails adopted policies. For these reasons the appeal is dismissed.

Stephen Wilkinson

INSPECTOR

