



Appeal Decision

Site visit made on 14 January 2020

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th February 2020

Appeal Ref: APP/B5480/W/19/3239587
216 Front Lane, Upminster RM14 1LW

- 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 & Mrs N Clark against the decision of the Council of the London Borough of Havering.
 - The application Ref P1105.19, dated 17 July 2019, was refused by notice dated 4 October 2019.
 - The development proposed is a three-bedroom family dwelling, two car parking spaces, amenity space and refuse provision.
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Decision

1. The appeal is allowed and planning permission is granted for a three-bedroom family dwelling, two car parking spaces, amenity space and refuse provision at 216 Front Lane, Upminster RM14 1LW in accordance with the terms of the application Ref: P1105.19, dated 17 July 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1643/01 and 1643/04 revision A.
 - 3) No development above ground works (slab level) shall commence until details /samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details/samples.
 - 4) Prior to occupation of the dwelling hereby permitted, full details of cycle parking provision shall be submitted to and approved in writing by the Local Planning Authority. Prior to occupation the cycle parking shall be implemented in full and shall thereafter be retained solely for its designated use.
 - 5) No structure or erection exceeding 600mm in height shall be placed within the first 2 metres of the plot frontage (measured from the rear of the adjacent Front Lane footway).
 - 6) No shrubs, trees or other vegetation shall be allowed to grow above 600mm within the first 2 metres of the plot frontage (measured from the rear of the adjacent Front Lane footway).

Procedural Matter

2. An amended plan, 1643/04 revision A which includes a street scene elevation was submitted to the Council during the course of the application. I have taken this into account in the determination of the appeal.

Main Issues

3. The main issues are (a) whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (2019) (the Framework) and any relevant development plan policies, (b) the effect of the proposal on the openness of the Green Belt and (c) 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

4. The National Planning Policy Framework (2019) (the Framework) at paragraph 145 establishes that the construction of new buildings within the Green Belt should be regarded as inappropriate unless they are a type of building identified under a list of exceptions. One such exception is where new building relates to limited infilling in villages. Although it significantly pre dates the Framework, Policy DC45 of the Havering Core Strategy and Development Control Policies DPD (2008) (HCSDCP) seeks to resist inappropriate development within the Green Belt and in this respect, has broad compliance with the Framework. It does not however allow for limited infilling within villages. Therefore, for the purposes of determining whether the proposal would be inappropriate development, I afford significant weight to more up to date guidance within the Framework. Both parties agree that the Framework should form the basis for the consideration of the proposal and I have considered the appeal on this basis.
5. Cranham has a degree of convergence with Upminster which sits to its south and west, sits a short distance to the east of Romford and forms part of London. As such, its historic identity as a village has been somewhat eroded over time as the City has expanded. However, it remains very much on the periphery of London and is surrounded by fields and woodlands to its north, east and west which afford Cranham a semi-rural setting. It also has its own range of services and facilities, such that it has an identity as a separate place within its own right. It therefore retains some characteristics that one would associate with a village.
6. Having regard to the facts on the ground, I am therefore satisfied that Cranham can be considered a village for the purposes of paragraph 145 of the Framework. I am not persuaded that for a place to be considered a village under the terms of the Framework that it would have to be set within an isolated location, be within a highly rural setting or have to have only a small population.
7. The density of development lessens at the northern end of Front Lane comparative to other parts of Cranham further south. However, the appeal site remains within the body of the settlement given that residential properties line Front Lane up to, and past the development site on the east and west side of the road respectively.
8. It is established that the terms 'limited' and 'infilling' are not defined in the Framework and these are essentially a question of fact and planning judgement having regard, for example, to the nature and size of the development itself, the

location of the application site and its relationship to other, existing development adjoining and adjacent to it¹.

9. The appeal site is immediately to the north of 216 Front Lane which is a semi-detached residential property. There is a small compound and some tree planting, primarily along boundaries immediately to the north of the appeal site. The bulky St Peters Catholic Centre sits to the north and there is a large caravan storage facility to the east. As a result, I consider that the proposal would represent infilling. Given that the appeal relates to one modest three-bedroom house of limited size and scale, which would have a significantly lower ridge height than the neighbouring dwelling, the infilling would be limited.
10. Although the proposal would fail to accord with Policy DC45 of the HCSDCP I afford more weight to the more up to date guidance within the Framework. The proposal would comply with this national guidance and would constitute limited infilling within a village. It would not be inappropriate development within the Green Belt. Accordingly, there is no need to examine the effect of the proposal on the openness of the Green Belt or assess other considerations, such as the suggested fall-back position. Whilst Policy 7.16 of the London Plan (2016) does not mention limited infilling within villages it is a short policy which effectively delegates the detailed methods of green belt protection to those provided within national guidance and the proposal therefore accords with this policy. I have also considered the Draft London Plan (2019) and the Panel Report². Draft Policy G2 requires that the Green Belt be protected from inappropriate development in line with direction provided by the Framework and therefore the emerging policy, so far as it relates to this appeal is broadly in accordance with that policy existing.

Conditions

11. The Council has suggested a number of conditions that I have considered against the advice in the Planning Practice Guidance, some of which I have amended in the interests of clarity and brevity. In addition to the standard three-year time limitation for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plans in the interests of certainty. I have imposed a condition requiring the approval of external materials in the interests of the character and appearance of the area. A condition relating to the provision of cycle parking is necessary in the interests of promoting sustainable forms of transport. Conditions 5 and 6 are necessary in the interests of pedestrian safety to allow a sufficient degree of visibility on the highway.
12. I have not deemed necessary suggested conditions which would require the provision of a landscaping scheme, the restriction of working hours and which would require the provision of a construction method statement due to the small scale of the development. Conditions relating to the removal of permitted development rights, the provision of sound insulation and low emissions boilers do not appear to be necessary as no clear justification or details of any supporting policy have been provided. A condition relating to site levels does not appear to be necessary as there are no significant gradients at the site while a condition restricting the removal of vegetation to certain times of the year does not appear to be necessary given the development site itself, other than the boundaries, appears to be largely devoid of trees and planting.

¹ R (Tate) v Northumberland County Council [2018] EWCA Civ 1519

² Report of the Examination in Public of the London Plan October 2019

Conclusion

13. For the reasons given, I conclude that the appeal should be allowed subject to the conditions set out above.

T J Burnham

INSPECTOR