



Appeal Decision

Site visit made on 8 January 2020

by **S J Lee BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14th April 2020

Appeal Ref: APP/M5450/W/19/3237526

Farmland rear of Grimms Dyke Lodge, Old Redding HA3 6SF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 6, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Khalid Undre against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/0290/19, dated 1 March 2019, was refused by notice dated 1 April 2019.
 - The development proposed is erection of a purpose-built building for storage areas, site office and canteen.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Article 7 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (GPDO) provides that for applications relating to prior approval under Schedule 2, Part 6, Class A, a decision must be made by the local planning authority within 28 days, unless a longer period has been agreed by the applicant.
3. Class A.2(2)(ii) states that a prior approval application must be accompanied by a written description of the development and of the materials to be used, a plan indicating the site and any fee that is required to be paid. The evidence indicates that an original application was made on 21 January 2019. This, however, was not accompanied by a site plan or fee. There is nothing to suggest a written description of the materials was provided at this time. The requisite fee was paid on 31 January and the site plan was provided on 27 February. A revised application form was submitted on 1 March 2019. This included written information on materials. It appears that it was only at this point that a valid application in the form expected by Class A.2(2)(ii) had been made.
4. Paragraph 2(9) of the GPDO states that where an electronic communication is received outside the recipient's business hours, it is taken to have been received on the next working day. The email from the appellant containing the valid application was sent to the Council at 1902 on Friday 1 March 2019. This was outside normal working hours and the next working day would therefore have been Monday 4 March 2019. On this basis, I am satisfied that the Council informed the appellant of their decision within the requisite 28-day period.

5. There is dispute between the parties as to whether the development would fall into the category of development permitted by Part 6, Class A. However, the prior approval procedure as set out under Part 6, Class A makes no provision for any determination to be made as to whether the proposal would be permitted development. For the avoidance of any doubt, this decision does not purport to confirm whether or not the proposal would constitute development of a description falling within Part 6 of the GPDO. Matters relating to whether the site is agricultural and whether the building is reasonably necessary for the use are outside the scope of the appeal. I must limit myself to the issue of whether prior approval is required.
6. In this regard, paragraph A.2(2) requires a determination to be made as to whether prior approval will be required as to the siting, design and external appearance of the proposed building.

Main Issue

7. Having regard to the above, the main issue is the effect of the development on the character and appearance of the area having regard to the siting, design and external appearance of the building.

Reasons

8. The site is located in the Metropolitan Green Belt and is also within the Harrow Weald Area of Special Character. It is also located within the Grim's Dyke Farm Borough Grade Site of Importance for Nature Conservation (SINC) and abuts the Brookshill Drive and Grimsdyke Estates Conservation Area (CA).
9. The site itself is a large undulating open field, which falls away to the north. There are signs of earth works having taken place across the field, two ponds, sporadically located piles of logs and a scattering of recently planted saplings. The site is bounded by dense woodland to the rear and part of one side, there are also open fields on either side. A golf course sits further to the west. Field boundaries are made up of hedgerows and trees. The site is accessed by an unmade farm track, which passes through an adjacent field. The overriding character of the site and its environs is very clearly that of the open countryside.

Siting

10. The development would sit close to the boundary with the CA and a large number of trees. No evidence has been submitted which indicates the extent to which the development would encroach into the root protection areas (RPA) of any trees. As such, it is not possible to conclude with any certainty that the development would not result in harm to the long-term health of any individual tree or group of trees in the vicinity of the building. Equally, no assessment has been made of the health or amenity value of the trees that may be affected.
11. The plans are also unclear as to the orientation of the building or the extent to which there would need to be any hardstanding around it to facilitate loading/unloading or the keeping of vehicles. The large doors in two sides of the building suggest that this is likely to be a necessity. Even without an apron around the building, understanding the orientation and likely operation of the building are important factors in determining the likely impact of the development on the trees.

12. The trees nearest to the building make up part of a mature woodland. Based on my observations, this woodland clearly adds to the visual amenity of the area. They take up position on the brow of the hill and form part of a wider network of woodland that contributes significantly to the character and appearance of the area. This includes the significance of the neighbouring CA and the character of the Harrow Weald. The appellant has suggested the effect on trees is outside the scope of the prior approval process. However, any risk to the health of the trees would be a direct result of the siting of the building. Any loss of trees from this location would have a detrimental impact on the character and appearance of the area. There could also be associated less than substantial harm to the significance of the CA and its setting. I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. This is also reflected in paragraph 193 of the National Planning Policy Framework (the Framework). The lack of certainty and evidence relating to the impact on trees leads me to conclude that the siting of the building would lead to a material risk to the health of nearby trees.
13. I appreciate that the building would not be prominent in short distance views. A footpath runs through the woodland to the rear and there would be some potential for glimpsed and filtered views of the building from this location. Views from the main access track to the west, which is also a public right of way, would be limited due to distance, topography and intervening vegetation. Longer distance views are likely to be possible from the north. However, being visible does not necessarily equate to being harmful.
14. Notwithstanding my views on trees, I see no reason in principle why an agricultural building here would be seen as an unduly prominent, intrusive or incongruous feature when viewed from longer distances. There would be some erosion of the open and undeveloped character of the site and the woodland setting. However, the building would take up a relatively small area in wider views. The effect on openness of the Green Belt is also not a factor to be considered in a prior approval appeal. In any event, the Framework is clear that buildings for agriculture are not inappropriate development in the Green Belt.
15. None of these factors alter my conclusion that there is insufficient clarity or certainty as to the effect of the development, particularly on nearby important trees. Without substantive evidence to the contrary, there is a clear risk that the development would result in harm to these trees and consequently result in material harm to the character and appearance of the area.

Design and external appearance

16. The building would be relatively tall, with the high eaves height and hipped roof giving it a somewhat bulky appearance. Nevertheless, the design would not be wholly uncharacteristic of an agricultural building. The materials are noted as being block and cladding that would be grey, green and brown. The roof materials are described as brown cladding. While there is some ambiguity about the nature of the materials, the description does not suggest anything unusual for an agricultural building.
17. I have noted the concerns raised over the scale of the building being excessive for its use. However, in broad terms, I am not persuaded that it would be

excessively large for an agricultural building. As such, I find the design and external appearance of the proposed building would in itself be acceptable.

Other Matters

18. The appellant has drawn my attention to a range of economic, social and environmental benefits associated with the intended use of the site. The apparent need for a building to meet the operational requirements of the business, and provide security, have also been put forward.
19. However, I am not persuaded that such benefits justify a development where there is such uncertainty about the potential impacts, or where there may be opportunities to derive the same benefits in a less harmful way. The benefits of the proposal do not therefore outweigh the potential harm to the heritage asset or the character of the area.
20. As I am dismissing the appeal for other reasons, there is no need for me to address the Council's issues in relation to biodiversity, contamination or transport related issues. Even if I were to find no harm in relation to these issues, this would not alter my conclusion on the potential detrimental impacts associated with the siting of the building.

Conclusion

21. For the reasons given above I conclude that the appeal should be dismissed.

S J Lee

INSPECTOR