
Appeal Decision

Site visit made on 21 July 2020

by David Wallis BSc (HONS) PG DipEP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2020

Appeal Ref: APP/B5480/W/20/3246481

Chapmans Farm, Hall Lane, Upminster RM14 1UA

- 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 Akin Hunter against the decision of the Council of the London Borough of Havering.
 - The application Ref P1673.18, dated 1 November 2018, was refused by notice dated 23 September 2019.
 - The development proposed is Demolition of existing livery yard buildings and the erection of nine dwellings, comprising 4 x 3-bedroom, 3 x 4-bedroom and 2 x 5-bedroom units, with landscaping and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Development Plan consists of the adopted London Borough of Havering Core Strategy and Development Control Policies Development Plan Document 2008 (the Local Plan) and the London Plan 2016.
3. The main parties mention the emerging policies of Havering Local Plan 2016-31 (the emerging Local Plan), which is currently at examination stage and subject to consultation on its main modifications. Although at an advanced stage of preparation and capable of being given greater weighting in line with paragraph 213 of the National Planning Policy Framework (the Framework), neither the Council nor the appellant substantively rely upon the emerging Local Plan and it does not feature in the Council's reasons for refusal. In this regard, notwithstanding its stage of preparation, I have determined the appeal on the basis of the policies within the adopted Development Plan.
4. During the course of the appeal, a Unilateral Undertaking (UU) was submitted with regards to providing a pedestrian crossing on Hall Lane and passed to the Council for comment. The principle of a crossing had been shown on the plans upon which the Council and the Highway Authority determined the planning application, and therefore no one would be prejudiced by my acceptance of the UU into the appeal. I shall return to this matter later in my decision.

Main Issues

5. The main issues for the appeal are:

- whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies
- whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations and if so, would this amount to the very special circumstances necessary to justify the proposal
- the effect of the development on the character and appearance of the area; and
- the effect of the development on highway safety.

Reasons

Whether the proposal would be inappropriate development

6. Paragraph 143 of the National Planning Policy Framework (the Framework) states inappropriate development in the Green Belt should not be approved except in very special circumstances. Paragraph 145 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt, then lists some exceptions.
7. In this case the main parties agree that the site constitutes previously developed land, thus engaging paragraph 145(g). Here, the partial or complete redevelopment of previously developed land that does not have a greater impact on the openness of the Green Belt than the existing development, would be considered such an exception.
8. The existing development comprises stables and barns of varying heights and proportions, generally with lower profiles towards the northern boundary of the appeal site. Although there are numerous buildings on the appeal site, I noted from my site visit that the majority of these are screened by the three principal buildings facing towards Hall Lane. The yard and circulation areas are hard surfaced with concrete and loose stone, whilst post and rail fencing and hedging follows the perimeter of the appeal site.
9. The proposal would see a residential development built, which would occupy less floor space and less volume than the existing stables and barns. The heights of the proposed dwellings would be generally consistent across the site with some properties designed with dormer windows in front and rear facing elevations. The proposed dwellings would be orientated around a central parking courtyard constructed with tarmac, with their rear gardens defined primarily by walls and fences, and each having their own detached private shed.
10. Openness can be defined as the lack of built form, and I acknowledge that the proposal would, numerically at least, reduce the amount of built form on the appeal site. However, the proposal would introduce a distinctively suburban development onto the appeal site with the dwellings, residential paraphernalia,

solid boundary treatments and tarmac expanses serving to subdivide, punctuate and solidly enclose large portions of the appeal site, inevitably leading to a loss of openness. Furthermore, a number of the dwellings would be closer to the appeal site boundaries than the present extent of built form thereby sprawling development across the appeal site towards its outward facing perimeter. The proposal would be far more visually prominent than the current buildings, thus being intrusive to the Green Belt as a result.

11. On this basis I conclude that the proposal would have a greater impact upon the openness of the Green Belt than the existing development. It follows therefore that the proposal cannot meet the exception under Framework paragraph 145(g) and would constitute inappropriate development.

Whether other considerations amount to very special circumstances

12. The appellant has drawn my attention to the efforts made in respect of maintaining the area's character through design and a tailored palette of materials. Notwithstanding that character and appearance is a main issue in this appeal, I have found the design and layout of the proposal to be a component of the development having a greater impact on the openness of the Green Belt than the existing built form.
13. The main parties have commented that there is a lack of a five-year housing land supply in the Borough, albeit there is a disparity over the extent of any shortfall. Nonetheless, this consideration cannot, on its own, amount to a very special circumstance and the Framework encourages reuse of previously developed land to boost the supply of housing in any event.
14. The Framework states substantial weight is given to any harm to the Green Belt. Taking the two above considerations together, these would not amount to a case of very special circumstances to justify the harm caused by reason of inappropriateness. The proposal would therefore be contrary to policy DC45 of the London Borough of Havering Local Development Framework Core Strategy and Development Control Policies Development Plan Document 2008 (the Local Plan), which seeks to protect the Green Belt from inappropriate development.

Character and appearance of the area

15. The appeal site is within an open countryside location, physically separate from the urban edge of Upminster and opposite a small number of houses at the junction with Bird Lane. On the west side of Hall Lane, open fields extend from the from the residences in River Drive up to and enveloping the appeal site.
16. The existing buildings comprise of barns and stables that are of varying height, scale and proportion but have a prevailing agricultural appearance. Although the structures closest to the highway are large and imposing, they are nonetheless of an appearance synonymous with rural countryside character and their heights are staggered following the natural sloping topography of the surroundings.
17. The proposed development would introduce two storey dwellings orientated around a large hard-surfaced turning head in a cul-de-sac form. The housing typologies proposed, despite the use of local materials, are more representative of a suburban environment than a rural character, which would contrast significantly with the rural surroundings of the appeal site. The development would appear as an isolated cluster of modern housing in an

urban form, visually intrusive within the landscape and dominant in the views when entering or leaving Upminster via the A127.

18. The proposal would therefore be harmful to the character and appearance of the area, contrary to policy DC61 of the Local Plan, which seeks developments that maintain, enhance or improve the character and appearance of a local area.

Highway Safety

19. There are two accesses that currently serve the existing operational livery at the appeal site, with entrance gates and post and rail fencing set back from the carriageway edge by a modestly wide grass verge. From my site visit it appeared the northern entrance was more frequently in use and served as the main vehicular entrance to the appeal site.
20. The proposal would close the southern access to vehicles and would provide some revision to the nature of the northern access, though retaining its position. The proposed dwellings at plots 1 and 9 in particular would have mixed-maturity hedgerows on the road facing boundaries, providing privacy as for those dwellings as well as seeking to soften the appearance of the development.
21. I noted from my site visit that Hall Lane not only curves around the frontage of the appeal site but also has a pronounced slope from south to north, with a lamp post and directional signage within the grass verge. Visibility in both directions when exiting the appeal site, onto a busy thoroughfare, appeared to be somewhat impaired at the present time. The incorporation of proposed semi-mature landscaping across this boundary would, with particular regard to the southern aspect, reduce this visibility further by providing a solid boundary rather than the current post and rail fencing that allows views through it. These obstructions, combined with the shed that is shown tight to be boundary on plot 9, may give rise to conditions where a car has to pull further forward towards Hall Lane to view any oncoming traffic. This would give rise to an unacceptable level of danger to highway safety for all users of the highway.
22. I acknowledge that a UU has been submitted to secure a pedestrian crossing on the southern side of the appeal site, which may have the effect of slowing traffic if implemented and subsequently used by future residents. However, there is no evidence before me regarding its design, suitability or that it would adequately serve its purpose safely. The Highway Authority has a maintained objection regarding the proposal, and I have no reasoned justification to consider otherwise.
23. On this basis the proposal would have an unacceptably harmful impact on highway safety contrary to policies DC32 and DC34 of the Local Plan, which together state new development which has an adverse impact on the functioning of the road hierarchy will not be allowed.

Other Matters

24. In the absence of a five-year housing land supply, I am directed to paragraph 11(d) of the Framework. Planning permission should be granted unless policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. In this instance the proposal constitutes inappropriate development in the Green Belt, to which

substantial weight is given. In light of my findings regarding the lack of a case for very special circumstances, the policy of the Framework provides the clear reason for refusal.

25. The appeal site is within walking distance of bus stops, accessed using a footpath on the eastern side of Hall Lane, and is within cycling distance of Upminster train station. However, I note that the site has been given a Public Transport Accessibility Level (PTAL) of 0, generating a need for more on-site parking to recognise a lack of connectivity to public transport. It is likely that users of the development would have a reliance on private transport to access shops, services and facilities, weighing against the proposal in environmental terms.
26. I acknowledge a number of planning matters, such as effects on neighbouring occupiers, are not in dispute between the parties. However, the absence of harm is neutral in the planning balance and does not justify the proposal on other grounds.
27. My attention has been drawn to other properties where redevelopments in the Green Belt have taken place. However, none are in the immediate context of, or share the same circumstances as, the appeal site. I have determined the appeal on its own merits in any event.

Conclusion

28. For the reasons given above, I dismiss the appeal.

David Wallis

INSPECTOR