



Appeal Decision

Site visit made on 5 October 2020

by R J Jackson BA MPhil DMS MRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2020

Appeal Ref: APP/R5510/W/20/3244945

Lanz Farm, 33 Harmondsworth Lane, West Drayton, Hillingdon UB7 0JQ

- 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 Komfort Services against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 44185/APP/2016/3912, dated 20 October 2016, was refused by notice dated 11 October 2019.
 - The development proposed is detached single storey building for use as garages.
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Decision

1. The appeal is dismissed.

Procedural matters

2. During the consideration of the application by the Council amended plans were submitted which also altered the description of the proposed development. The agreed description of the proposal as determined is set out in the heading, and I have determined the appeal on this basis.
3. Following the issuing of the decision the Council adopted the Local Plan Part 2 – Development Management Policies (the LPP2). This superseded the Hillingdon Local Plan: Part Two – Saved UDP Policies which was referred to on the decision notice. I have therefore not used the policies in the latter document in making this decision.
4. At the same time as making the site visit, I also undertook a site visit in relation to appeals against the refusals of planning permission and listed building consent in respect of a proposal for a two storey extension to the farmhouse¹. These appeals are the subject of a separate decision.

Main Issues

5. As the site is within the Green Belt, the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect on openness of the Green Belt;

¹ APP/R5510/W/20/3245669 and APP/R5510/Y/20/3249336

- the effect on the setting of Lanz Farmhouse, a Grade II listed building; and
- would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

6. Policy DMEI 4 of the LPP2 indicates that inappropriate development in the Green Belt will not be permitted unless there are very special circumstances. The policy also allows for extensions and redevelopment on sites in the Green Belt subject to various criteria, but as this proposal is for a new building and is not to replace an existing building or part of the redevelopment of the overall site this part of the policy is not applicable.
7. The explanatory text to Policy DMEI 4 states that the Framework provides guidance on what is acceptable or not in the Green Belt and "this is reflected below for clarity". This includes "limited infilling or the partial or complete redevelopment of previously developed sites ... which would not have a greater impact on openness of the Green Belt and the purposes of including land within it than the existing development".
8. Paragraph 145 of the Framework indicates that the construction of new buildings should be considered to be inappropriate in the Green Belt but sets out a list of exceptions. These include "limited infilling in villages" (sub-paragraph 145 e)) and "limited infilling or the partial or complete redevelopment of previously developed land" subject to various criteria relating to openness (sub-paragraph 145 g)). To fall within the exception provided for in sub-paragraph 145 g) the appeal site in question must therefore represent previously developed land.
9. The site for the proposed development would not represent limited infilling in a village. It is located on the edge of the built-up part of the village of Sipson and would extend the area covered by buildings. To my mind, to be infilling a proposal must fill (at least partially) a space or hole between two other buildings or structures, and this would not be the case here.
10. The definition of "previously developed land" as set out in the Glossary to the Framework excludes "land in built-up areas such as residential gardens". The proposed building site lies in close proximity to Lanz Farmhouse, which is a dwelling, and forms part of the area around it. I have nothing in front of me to indicate that the lawful use is anything but residential. Looked at from Harmondsworth Lane this overall appeal site forms part of the built-up area of Sipson and thus, within the definition set out in the Framework, the site is not previously developed land. Therefore, the proposal cannot fall within the exception allowed for in sub-paragraph 145 g) of the Framework.
11. Consequently, as the proposal is for a new building and does not fall within any of the exceptions, the proposal would represent inappropriate development in the Green Belt. Paragraphs 143 and 144 of the Framework make clear that inappropriate development is, by definition harmful to the Green Belt, should not be approved except in very special circumstances, and substantial weight should be given to any harm to the Green Belt.

The effect on openness

12. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The assessment of openness requires a consideration of both spatial and visual aspects.
13. Although the current area of the proposed building is used for parking, the construction of a building of the size proposed would reduce the spatial openness of the area in that it would be physically larger in all three dimensions, although the effects would only be to a moderate extent. I will next consider the visual aspects of openness.
14. The appeal site is the farmhouse, Lanz Farmhouse, together with two barns, a more historic one to the west and a more modern one to the south, and the area to the west. To the west of the historic barn is an area of open storage upon which are also sited a number of storage containers. To the south of the modern barn is an area laid to grass and beyond that, outside the appeal site, is a planted earthen bund.
15. As noted above the appeal site forms part of the village of Sipson, and the character and appearance of that area is predominantly of residential frontage development with some smaller outbuildings and garages behind. In that regard, and in very broad terms, the proposed development would be in keeping with the overall character of the wider area.
16. The proposal would therefore not affect the visual aspect of openness, but, as identified above, would adversely affect the spatial aspect. This would be to a moderate extent, but notwithstanding that, would still be harmful and should be given substantial weight.

The effect on the setting of the listed building

17. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in considering whether to grant planning permission for development which affects the setting of a listed building special regard shall be given to the desirability of preserving the setting of the building.
18. Paragraph 193 of the Framework indicates that great weight should be given to the conservation of a heritage asset and this is irrespective of the level of harm that may occur. Paragraph 194 of the Framework indicates that any harm to the significance of a heritage asset, or from development within its setting, should require clear and convincing justification.
19. The application was accompanied by a Heritage Statement which considered, insofar as is material for this appeal, the significance of the setting of the listed farmhouse and the more historic barn, a former threshing barn, which is listed by being in the curtilage of the farmhouse as at 1 July 1948.
20. The Heritage Statement indicates that the farmhouse is probably of earlier origin than that set out in the listing description, with the earliest parts dating to the sixteenth century. The significance of the setting of the farmhouse and historic barn relate, in part, to their connection with the rural landscape and farmland. In this regard I consider that the Heritage Statement underestimates the aesthetic value of the setting of the listed building, and thus its

significance, in that it predominantly considers the relationship with the street scene rather than farmland. Historically, the farmland to the south would have been very much part of its setting of the farmhouse and the historic barn. This directly contributes to the special interest of both buildings.

21. The location of the proposed building would effectively close the aspect of the farmland between the historic and new barns, and thus harmfully reduce the connection between the farmland and buildings. It would also create a physical separation between the historic barn and farmland which it would have served. This would cause harm to the setting of the listed building and its curtilage building as designated heritage assets, although within the terms of the Framework this would represent less than substantial harm.
22. That being the case, paragraph 196 of the Framework indicates this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. No public benefits have been identified and this proposal would not affect the viable use of the farmhouse or historic barn, which has permission for conversion to dwellings.
23. Consequently, the proposal would be harmful to the setting of the heritage assets, and therefore contrary to Policy DMHB 11 of the LPP2 which requires development to safeguard the settings of heritage assets. It would also be contrary to Policy 7.8 of the London Plan which requires development affecting the setting of heritage assets to conserve their significance. This harm should be given great weight in line with paragraph 193 of the Framework.

Conclusion

24. The proposal represents inappropriate development in the Green Belt and would spatially adversely affect openness. This should be given substantial weight. The effect on the overall character of the wider area would be neutral. Further, the proposal would be harmful to the setting of heritage assets to which great weight should be given.
25. The appellant considered that the proposal would have represented not inappropriate development and did not put forward any specific considerations in support of the appeal in the event that I considered, as I have, that the proposal would represent inappropriate development.
26. I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. It would therefore be contrary to Policy DMEI 4 of the LPP2 as set out above, and paragraph 7.16 of the London Plan which indicates that inappropriate development in the Green Belt should be refused except in very special circumstances.
27. For the reasons given above I conclude that the appeal should be dismissed.

RJ Jackson

INSPECTOR