The Planning Inspectorate

Appeal Decision

Site visit made on 11 November 2020

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 27 November 2020.

Appeal Ref: APP/B5480/W/20/3249645
Former Hardy Plant Nurseries, Southend Arterial Road, Hornchurch RM11 3UB

- 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 Peter Arrowsmith against the decision of the Council of the London Borough of Havering.
- The application Ref P1756.19, dated 11 November 2019, was refused by notice dated 6 March 2020.
- The development proposed is use of the site for the sale of outdoor cabins to include the erection of metal security fence and dismantlable show cabins; two timber fence enclosures housing and two preparation work shops and an office.

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the shorter description of development from the decision notice for precision and clarity. As the application form is undated, I have taken the submission date from the appeal form. Further, I have also used the address of the site as set out in the decision notice, which refers to its former use, also for clarity.

3. I have been made aware of a previous appeal decision relating to an enforcement matter, on the same site under Ref APP/B5480/C/18/3195604 and I have taken that into account insofar as it is relevant to this appeal.

Main Issues

4. The main issues are:

- Whether or not the proposals would be inappropriate development in the Green Belt, having regard to the Framework and relevant development plan policies;
- The effect on the openness of the Green Belt;
- The effect on the character and appearance of the area;
- Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, whether this would amount to the very special circumstances required to justify the proposal (the Green Belt balance).

Reasons

Whether or not the proposals would be inappropriate development in the Green Belt, having regard to the Framework and relevant development plan policies

5. The appeal site is a former plant nursery located along the Southend Arterial Road, which is a busy dual carriageway, lying to the north and east of Hornchurch. The appeal proposals would result in the creation of a secure storage yard surrounded by 2m high timber fencing, together with show cabins and an office, along with car parking for visitors and staff. The site would then be bounded by a steel security fence with double gates.

6. The wider area is characterised by open fields and woodland occasionally interspersed with roadside dwellings and a limited number of commercial activities. The appeal site falls within the Metropolitan Green Belt, which is protected by Policy DC45 (Appropriate Development in the Green Belt) of the London Borough of Havering Core Strategy and Development Control Policies Development Plan Document (2008) (CS), which seeks to promote development in the Green Belt which is aligned to Green Belt objectives. The policy states that *'Permission for development in the Green Belt will only be granted if it is for the following purposes… agriculture and forestry, outdoor recreation, nature conservation, cemeteries… mineral extraction… [and] park and ride facilities…'* subject to alignment with other national and local guidance and policies.

7. Paragraph 133 of the Framework sets out that the essential characteristics of Green Belts are their openness and their permanence. Paragraph 145 of the Framework also sets out that new buildings within the Green Belt are 'inappropriate' unless, amongst other things, it involves the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

8. The council, in their statement are not clear as to whether the site is previously developed, describing the use (prior to the last unauthorised use) as a 'plant nursery and garden centre', which ceased operation in c.2014 with those structures that had remained on the site as subsequently having been destroyed in a fire. No evidence has been put to me by either party demonstrating that this use was authorised, nor where the boundary of that site would have extended.

9. I am aware that the appellant, in his statement, mentions a previous use as a garden centre. I also note from the previous enforcement appeal that the Inspector refers to the site as 'previously developed' and have therefore considered the site against paragraph 145(g) of the Framework. Clearly, paragraph (g) is an 'exception' to the inappropriate development rule which allows *'limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land…'*

10. A 'building' is defined in s.336 of the Town and Country Planning Act 1990 as including any structure or erection. As well as the office and show cabins, the proposed fencing would also fall into this definition.

11. In light of the fact that there are no buildings or structures of the same scale as that proposed in this appeal, I consider the development would not be aligned to the exception under Paragraph 145(g) insofar as it would have a far greater impact on the openness of the Green Belt than the current situation, resulting in substantial harm.

12. To that end, I consider the existing and proposed development to constitute inappropriate development in Green Belt.

The effect on the openness

13. At the site visit, it was evident that the appeal site had no 'above ground' built form on it, despite having a number of vehicles and various plant and materials stored on it and being partly surfaced with hard standing. The site also had a number of fences around it (although it was not clear whether these fell within the red line boundary of the appeal site), comprising palisade and timber fencing.

14. The proposed new fencing would, in my view result in a reduction of openness, being a somewhat alien addition to the site where there is currently no similar enclosure in place within the appeal site. Further, the introduction of cabins, despite their temporary and less substantial nature, would clearly reduce openness by introducing new built form on to a site with no built form on it currently.

15. I therefore consider that the introduction of the proposed fence and cabins would be in conflict with policy DC45 of the CS.

The effect on character and appearance

16. The rural and informal character of the area more generally is reinforced by hedgerow and trees with glimpsed views of open fields beyond. Whilst I recognise there is some built form within the surrounding areas, the appeal site has no built form on it other than hard standing.

17. The appellant has posited that the proposals would improve the appearance of the site. The amount of 'derelict' vehicles and other paraphernalia on the site are not a justification for the appeal proposals in my view. Indeed, I am not clear as to whether these vehicles and materials are authorised in any case. I consider the introduction of new built form as described would therefore be at odds with the rural character of the surroundings and would result in harm. I therefore consider this to conflict with policy DC45 of the CS as well as paragraph 127 of the Framework.

The Green Belt balance

18. The Framework attaches great importance to Green Belt and substantial weight should be given to any harm that is identified during the determination of proposals. I have found the appeal proposals to constitute inappropriate development and I have also found harm to the openness of the Green Belt.

19. Further, I consider that the proposals would be harmful to the character and appearance of the wider area. In balancing this against the appellants case for the proposals together with the other matters raised, they do not clearly outweigh the harm identified. The very special circumstances necessary to justify the development have not therefore been demonstrated. Consequently,

the proposed development conflicts with the Green Belt protection aims of the Framework and with Policy DC45 of the CS and other relevant parts of the Framework.

Conclusions

20. For the reasons given and having regard to all other matters raised, the appeal is dismissed.

Sian Griffiths

INSPECTOR