



Appeal Decision

Site visit made on 8 April 2021

by R Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2021

Appeal Ref: APP/B5480/W/20/3263601

Rose Cottage, Hubbards Close, Hornchurch RM11 3DH

- 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 Robert Gould against the decision of the Council of London Borough of Havering.
 - The application Ref P0412.20, dated 19 March 2020, was refused by notice dated 10 September 2020.
 - The development proposed is proposed stable block together with machinery/equipment store and post and rail fence, demolition of existing large shed.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development used in the banner heading above is taken from the original planning application form. This differs from the description in the Council's decision notice and the appellant's appeal form but nonetheless accurately describes the proposed development before me.
3. In March 2021, after the main parties had submitted their final statements, the Mayor published the London Plan 2021 (LP). It comprises the spatial development strategy for London and forms part of the development plan. The LP replaces all earlier versions. LP policies D4 and D8, which relate to delivery of good design and public realm, are similar to their predecessors, policies 7.4, 7.5 and 7.6. As these policies have not significantly altered through the plan making process, I have proceeded to determine the appeal on the submitted evidence.

Main Issues

4. The main issues are:
 - whether the development is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework);
 - the effect of the development on the openness of the Green Belt;
 - the effect of the development on the character and appearance of the surrounding area; and

- if the development is inappropriate, 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

Whether the development would be inappropriate development

5. The appeal site comprises around 1.13ha of land including Rose Cottage, a bungalow which lies to the south of Hubbards Close and within the designated Green Belt.
6. Paragraph 133 of the Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The extension or alteration of a building is not inappropriate development in the Green Belt provided that it does not result in the disproportionate addition over and above the size of the original building (paragraph 145 c)).
7. Policy DC45 of the Havering Core Strategy and Development Control Policies Development Plan Document (2008) (DPD) is broadly in accordance with the restrictive approach adopted by the Framework. However, it is inconsistent with the Framework because it specifies a percentage increase in cubic capacity for extensions and alterations to buildings as opposed to setting the test as a 'disproportionate addition.' Consequently, given this inconsistency, I have accorded DPD Policy DC45 limited weight.
8. The appeal proposal is, following demolition of an existing large shed, the construction of stables and an equipment store located to the south east of Rose Cottage. The buildings are not an extension to Rose Cottage, but case law has established that in some cases it is appropriate to regard an outbuilding as an extension to the original building taking account of the distance from, and relationship with, the original building.
9. The Council consider that the part of the appeal site on which the proposed stables and equipment store would be located does not form part of the residential curtilage of Rose Cottage. They have referred me to the site location plan (drawing ref. RG003) submitted with the appeal application which shows no delineation between the dwelling and land to the east which is currently being used for the grazing of donkeys. This is said to contrast with a drawing submitted pursuant to a Lawful Development Certificate relating to extensions and alterations to Rose Cottage issued by the Council in 2012 (ref. D0139.12). The drawing referred to (CC/13/12) has been reproduced in black and white but shows an area delineated around Rose Cottage including an existing outbuilding and driveway in the south west corner. The remainder of the land is annotated as 'land in same ownership as Rose Cottage' and 'existing agricultural buildings and livestock.' It is not clear from this drawing alone whether this served to identify the extent of the residential curtilage or simply the ownership of the site which would be typical of a location plan.
10. However, it was clear from my site visit that the residential use of Rose Cottage extends beyond the land shown on the site location plan CC/13/12. It

also includes an area of lawn between the dwelling and main driveway, a summer house, a small paddock and areas of parking and hardstanding. The proposed stables and equipment store would be located on the southern boundary in an area that is used by the appellant predominantly as external storage and includes a collection of small outbuildings, shipping containers and a fenced storage compound. The Google image in the appellants evidence shows this area, and particularly the hardstanding, has existed in some form since 2010. Although some of the areas are separately fenced, this appeared to simply separate the appellants different animals rather than distinguish or define different uses of the land. Whilst perhaps an unconventional layout, I found all of the areas to have a clear functional and close physical relationship with the main dwelling. I am therefore satisfied from my site visit and the evidence before me that the location of the proposed development forms part of the residential complex of Rose Cottage.

11. DPD Policy DC45 provides some assistance in making a judgement as to whether the proposed stables and equipment store would be a disproportionate addition in its reference to the cubic capacity of the resultant building being not more than 50% greater than the original dwelling. Nevertheless, it does not necessarily follow that if the 50% is not breached the outbuilding is acceptable given the disproportionate test established by the Framework which postdates the adoption of Policy DC45.
12. The appellants case is that the new buildings equate to only 44.4% of the volume of original buildings on site. So, below the 50% threshold in DPD Policy DC45. It is not, however, clear from the evidence before me how this figure has been calculated, which original buildings have been relied upon or whether these are still in situ. Fundamentally, the Council argue that this figure excludes Rose Cottage, which has itself been enlarged under permitted development rights. The appellant does not counter this argument in the evidence.
13. Therefore, in the absence of detailed information regarding the size of the original dwelling and its subsequent additions, I have insufficient evidence to reach a decision, as to whether the proposed development would result in a disproportionate addition. Consequently, it does not comply with the exception listed under paragraph 145 c) of the Framework and the proposed buildings would therefore be inappropriate development in the Green Belt. I attach substantial weight to the harm arising due to the inappropriate nature of the development.

Openness

14. The proposed new stable block would be arranged in a traditional 'U' shape, located around 2m from the southern boundary of the site and broadly aligning with the existing driveway for Rose Cottage. It would be around 16m wide and 12m in depth. The proposed equipment store would also be around 16m in width and although 8m in depth would have a larger footprint than the stables. Both buildings would have a pitched roof of 4m to the ridge and would be set against an existing palisade fence and landscaping on the boundary. The proposed buildings would be substantial structures and in simple, spatial terms they would have a clear and demonstrable effect on the openness of the Green Belt by introducing a greater footprint and volume of development to the site, even allowing for the removal of the existing outbuildings.

15. Furthermore, the combined width of the two buildings of around 32m and their height (of 4m) means they would be visible from Hubbards Close, albeit viewed across the donkey paddock and driveway. Because of their location and scale, they would have a greater visual impact on the openness of the Green Belt than the more modest outbuildings and generally low external storage currently on the site.
16. In combination, this spatial and visual impact would result in moderate harm to the openness of the Green Belt. Openness is identified in the Framework as one of the Green Belt's essential characteristics and substantial weight should be given to such harm.

Character and appearance

17. Although a reasonable size of footprint, the traditional U-shaped single storey design of the proposed stable block means that it is a type of building that is often seen in a countryside or semi-countryside location and as part of a residential setting or complex. Because of its location, the stable would be visible from Hubbards Close with clear views down the existing driveway. The equipment store would appear larger in scale due to its combined width and depth, but both buildings would be finished in featheredge timber cladding and would be seen from a reasonable distance from Hubbard Close over the donkey paddock and against a landscaped backdrop.
18. There would be a visual separation between the proposed buildings and Rose Cottage and, consequently, they would read as part of the wider residential complex rather than competing with the scale or massing of the dwelling itself. Overall, the site would retain its semi-countryside character and the proposed buildings would not therefore appear overly dominant or visually intrusive.
19. I therefore conclude that the proposed buildings would not cause harm to the character and appearance of the area and consequently there would be no conflict with DPD policies CP17 and DC61 or the guidance in the Residential Extensions and Alterations Supplementary Planning Document (2008) in so far as they require development to maintain or improve the character and appearance of the local area. There would also be no conflict with London Plan policies D4 and D8 which seek to deliver buildings that positively respond to local character and requires development to ensure a mutually supportive relationship between the space, surrounding buildings and their uses.

Other considerations

20. I have had regard to the intentions of the appellant to retire and to stable all their horses on site, thereby reducing overall stabling costs. Whilst I have sympathy with this and understand the practical benefits of caring for all animals in one location, I have no real facts of figures before me to attach anything more than limited weight to this as an argument. I also recognise that there would be benefit to the appearance of the site arising from all machinery and equipment being stored within a building rather than externally. I also, however, afford this only limited weight as removing the areas of external storage could be achieved without the development proposed.

Conclusions

21. The development constitutes inappropriate development and would cause moderate harm to the openness of the Green Belt. Paragraph 144 of the

Framework states that substantial weight should be given to this identified harm.

22. As set out above, other considerations put forward in support of the proposal attract only limited weight. Consequently, I find that these other considerations do not clearly outweigh the substantial harm identified to the Green Belt by reason of its inappropriateness and harm to openness. Therefore, I conclude that the very special circumstances needed to justify the development in the Green Belt have not been demonstrated. As such the proposal would conflict with the Framework and DPD Policy DC45.
23. Accordingly, for the reasons give above, the appeal is dismissed.

R. Jones

INSPECTOR