



Appeal Decision

Site visit made on 27 May 2021

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th July 2021

Appeal Ref: APP/R5510/W/20/3262936

Riverdale, Old Mill Lane, Uxbridge UB8 2JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Praveen Sharma against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 2410/APP/2020/88, dated 11 January 2020, was refused by notice dated 11 May 2020.
 - The development proposed is one single storey barn of area of 288 square metres.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal proposal was made in outline with all matters reserved for future determination. I have had regard to the submitted plan showing the location of the proposed barn in reaching my decision, but have regarded all elements of this drawing as indicative.
3. Since the application was determined, the London Plan 2021 (LP) has been published. Policies 7.16, 7.8, 5.12 and 7.28 of the London Plan 2016 referred to in the Council's decision notice have been replaced by Policies G2, HC1, SI12 and SI14 of the London Plan 2021 respectively. Both parties have been provided with an opportunity to comment on the implications of this.

Main Issues

4. 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 of the proposal on the openness of the Green Belt;
 - the effect of the proposed development on the character and appearance of the area, including the riverside setting;
 - the effect of the proposed development on heritage assets;
 - the effect of the proposed development on flooding;
 - the effect of the proposed development on protected species; and

- if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

5. The land around Riverdale is a large, roughly rectangular area of land with a long frontage to Old Mill Lane. Iver Lane runs along the northern boundary of the site and Fray's River runs along the eastern side of the site close to where it bisects the Grand Union Canal. The entire site is enclosed by a mix of hedgerow and mature trees. Centrally positioned within the site, there is a substantial detached dwelling surrounded by mature gardens and a stable building which does not appear to be in use. Old Mill Lane is a narrow semi-rural lane, characterised by scattered residential development and bordered by vegetation.
6. The appeal site comprises a modestly sized, rectangular area of land and a strip of land linking it to Old Mill Lane. It is located at the southern end of the wider site, within an area of undeveloped land given over to grassland and trees.
7. The entire site is located within the Metropolitan Green Belt and within the Cowley Lock Conservation Area (CLCA).

Whether inappropriate development in the Green Belt

8. The Framework sets out in paragraph 133 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of the Green Belts are their openness and their permanence. Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
9. Paragraph 145 sets out that the construction of new buildings is inappropriate within the Green Belt subject to a number of exceptions. The one relevant to the appeal before me is criteria (a) which allows for the construction of buildings for agriculture and forestry purposes. Policy G2 of the LP protects the Green Belt from inappropriate development in accordance with the Framework.
10. Policy EM2 of the Hillingdon Local Plan: Part 1 – Strategic Policies 2012 (LPP1) sets out that any proposals for development in Green Belt will be assessed against national and London Plan policies. Policy DMEI 4 of the Hillingdon Local Plan: Part 2 – Development Management Policies 2020 (LPP2) expands on this. In summary it sets out that redevelopment on sites in Green Belt will only be permitted where the proposal would not have a greater impact on the openness of the Green Belt than existing development, having regard to the size of the proposal, the amount and distribution of other development on the site and the visual amenity and character of the Green Belt.
11. The appellant has indicated that the barn would be required for the storage of tractors and other machinery. Whilst I accept that the proposed barn would provide storage, I have no firm evidence that this would be used for agricultural or forestry purposes due to its location within the extensive grounds of a domestic residence. It would not therefore fall under the exception set out under paragraph 145(a) of the Framework.

12. For this reason, I conclude that the proposal would be inappropriate development in the Green Belt. It would conflict with Policy G2 of the LP, Policy EM2 of the LPP1, Policy DMEI 4 of the LPP2 and national policy to protect Green Belt. I attach substantial weight to this harm.

Openness of the Green Belt

13. Paragraph 133 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It identifies openness as an essential characteristic of the Green Belt. There is no definition of 'openness' in the Framework although it is commonly taken to mean the absence of built or otherwise urbanising development. An assessment of openness requires a consideration of the scale of the development, its locational context and both its spatial and visual implications.
14. The position of the proposed barn towards the south of the wider site would be enclosed by trees and hedgerows. It would be some distance from public viewpoints along the adjacent towpath, although it would be unlikely to be entirely screened from view during the winter. However, it would be relatively close to Old Mill Lane and the formation of a proposed access whilst only indicative at this stage would open up views into the site and of the proposed barn. In this respect, there would be some reduction in the visual openness arising from the proposal.
15. The indicative plan shows the proposed barn would have a large footprint of 288 square metres. Whilst details of the design of the barn have not been provided, the structure would nevertheless result in a significant increase in built development, physically large in all three dimensions, where there is currently none. The spatial openness of the appeal site would consequently be significantly harmed by the proposal.
16. I conclude that the proposed development would result in significant harm to the openness of the Green Belt conflicting with Policy G2 of the LP, Policy EM2 of the LPP1, Policy DMEI 4 of the LPP2 and the Framework's aims in that regard. I give significant weight to that harm.

Character and appearance

17. Riverdale with its extensive and largely undeveloped grounds and riverside location has a rural character. The riverside to Fray's River is largely undeveloped with the Grand Union Canal beyond. Mature trees are located along the riverbank. Additional boundary vegetation and trees separate the wider site from Old Mill Lane. The limited and mainly residential development along Old Mill Lane is largely confined to the opposite side of the road or further south of the appeal site which reinforces the open, spacious and undeveloped character of the site.
18. The area of land forming the appeal site is overgrown with vegetation and surrounded by trees. The wider site narrows at this point where the river bends. The proposed barn would be positioned in the space between Old Mill Lane and the riverside. It would enclose the southern part of the wider site, adversely affecting its open character and diminishing these visual qualities of the area. The close proximity of the proposed barn to the river would detract from the undeveloped character of the riverside, appearing as an incongruous form of development.

19. The proposed barn would be unrelated to the surrounding dispersed residential development and riverside setting. Whilst full details of its design are matters to be determined, the size and location of the building would both reduce the open character of the site and appear out-of-keeping with its surroundings. As I have already identified, it would be visible from public viewpoints, especially during winter months. In this regard, it would not preserve or enhance the riverside environment.
20. For these reasons, the proposal would significantly harm the character and appearance of the area including the riverside setting. It would therefore conflict with Policy BE1 of the LPP1, Policies DMHB 11 and DMHB 12 of the LPP2. These policies together require development to both integrate with and make a positive contribution to the surrounding area and for new buildings to harmonise with the local context, taking into account views both from and into the site. It would also conflict with Policy DMEI 8 of the LPP2 which requires development along watercourses to enhance the waterside environment and respect the character of the waterway. I have found no conflict with Policy SI 14 of the LP which is concerned with the strategic role of waterways.

Heritage assets

21. The CLCA is a semi-rural area extending from Iver Lane in the north to Packet Boat Lane in the south. The Grand Union Canal runs along its eastern boundary with Fray's River and areas of lakes interspersed by scattered development within sizeable plots and fields making up much of the area. The wider site and the appeal site within it, as a sizeable area of open land along the banks of Fray's River makes a positive contribution to the significance of the CLCA.
22. Based on the indicative drawings, the large footprint and public views of the proposed barn would reduce the open and undeveloped character of the site. This would significantly reduce its contribution to both the CLCA and the riverside setting.
23. As such, the proposal would fail to preserve or enhance the character or appearance of the CLCA and would harm its significance. I attach considerable importance and weight to the desirability of avoiding any such harmful effect in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
24. The Council sets out in its decision that the proposal would significantly impact the rural setting of the Grade II Listed Bridge that carries Iver Lane over the Grand Union Canal. However, the appeal proposal is positioned some distance from that bridge and separated from it by the host property. The proposal would not therefore affect the rural setting of the listed bridge.
25. The harm the proposal would cause to the significance of the conservation area would be significant though less than substantial. Paragraph 196 of the Framework states that where a proposal would lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal.
26. The proposed barn would provide storage for the appellant, However, this is a personal benefit of the proposal. No public benefits have been forwarded by the appellant. There are therefore no benefits of the proposed development that would outweigh the harm to the heritage asset.

27. I conclude that the proposed development would fail to preserve or enhance the character and appearance of the CLCA. It would therefore conflict with Policy HE1 of the LPP1, Policies DMHB 1, DMHB 4, DMHB 11 of the LPP2 and Policy HC1 of the LP. These policies together require development to protect features of positive value including the safeguarding of heritage assets, to preserve or enhance the character or appearance of conservation areas, to make a positive contribution to the area and not harm a heritage asset. I have found no harm to a listed building and therefore no conflict with Policy DMHB 2 of the LPP2 which does not permit development which would be detrimental to the setting of a listed building.

Flooding

28. Paragraph 163 of the Framework advises that new development should ensure that flood risk is not increased elsewhere and that where appropriate, a site-specific flood-risk assessment (FRA) should be provided in accordance with footnote 50. This sets out that a site-specific FRA should be provided for all development in Flood Zone 2.
29. The proposed barn would be in Flood Zone 2. No FRA has been provided. In the absence of this, it has not been demonstrated that the proposal would not be affected by flooding nor that it would not increase flood risk elsewhere.
30. I appreciate that the appellant obtained information from the Environment Agency's website in support of his application. However, this does not remove the requirement for a FRA for development within Flood Zone 2. I also note that the appellant would be willing to provide a FRA as part of a full or reserved matters application. However, such matters should be assessed before planning permission is granted.
31. For this reason, I find the proposal would be contrary to Policy EM6 of the LPP1, DMEI 9 of the LPP2, Policy SI 12 of the LP. These policies together require development to be directed away from Flood Zones 2, for a FRA and for development proposals to ensure flood risk is minimised and mitigated. It would also be contrary to the Framework as referred to above.

Ecology

32. Paragraph 99 of Government Circular 06/2005: Biodiversity and Geological conservation – Statutory obligations and their impact within the planning system (the Circular), states that the presence of a protected species is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat. It goes on to say that it, '...is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision'.
33. The appeal site is an area of undeveloped and natural land, surrounded by trees and close to a natural watercourse. Due to its undeveloped nature, extensive vegetation and proximity to the River, it would be likely to provide habitat to various species. In these circumstances, an ecological survey is required to demonstrate that the proposal would not harm the site's ecology.
34. The appellant has submitted a Wildlife Assessment Check. This confirms that the site is not within a statutorily designated site. However, it advises that

depending on habitats present on site, including watercourses, trees and hedgerows, that an ecologist may need to consider the effects on wildlife from the proposed development. These habitats are present on the site. The appellant has not provided a survey. In accordance with guidance set out in the Circular, this should be provided before planning permission is granted and not as part of a reserved matters application.

35. The appellant has indicated that he was unaware of the requirement to provide an ecological survey and that this was not raised by the Council. However, this is a procedural matter and does not affect the merits of the case.
36. In the absence of survey information, I am unable to conclude that there would be no harm to protected species. The proposal fails to meet the requirements of the Conservation of Habitats and Species Regulations 2017. It would therefore conflict with Policy DMEI 7 of the LPP2 which requires appropriate surveys and assessments to be provided where development is proposed on or near to a site considered to have features of ecological value.

Other considerations

37. I have had regard to the appellant's reason for requiring the barn which would provide storage for machinery required for the upkeep of the plot. I attach limited weight to this personal benefit of the proposal.

The Green Belt Balance

38. I have concluded that the proposal would be inappropriate development and would therefore, by definition, be harmful to the Green Belt. I have also found that it would cause significant harm to the openness of the Green Belt. These are matters to which I give substantial weight as required by paragraph 144 of the Framework.
39. I have also found that the proposal would be harmful to the character and appearance of the area, the riverside setting and would fail to preserve or enhance the character and appearance of the CLCA. In addition, insufficient information has been provided to demonstrate that the proposal would not be adversely affected by flooding, cause flooding elsewhere and not cause harm to protected species. These factors weigh heavily against the development.
40. The scheme would provide a storage building for the appellant. I attach very limited weight to this private benefit. The appellant has not forwarded any very special circumstances and I have found that there are no other considerations that clearly outweigh the harm I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
41. As such the proposal would be contrary to the Framework, Policy G2 of the LP, Policy EM2 of the LPP1 and Policy DMEI 4 of the LPP2 which set out that Green Belt should be protected against inappropriate development.

Conclusion

42. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Rachael Pipkin

INSPECTOR