



Appeal Decision

Site visit made on 22 February 2022

by Mark Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd March 2022

Appeal Ref: APP/B5480/W/21/3279111

1 Risebridge Chase, Romford Essex RM1 4PR

- 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 Louai Mahrous against the decision of the Council of the London Borough of Havering.
 - The application Ref P0290.21, registered 17 February 2021, was refused by notice dated 21 April 2021.
 - The development is proposed new dwelling house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Havering Local Plan 2016-2031 (HLP) was adopted after the Council determined the planning application. Additionally, a new version of the National Planning Policy Framework (Framework) was published after the decision was made. I have been provided with the relevant HLP policies. The appellant and the Council have had an opportunity to comment on the bearing of both the HLP and the current version of the Framework on the proposal during the appeal process.

Main Issues

3. The main issues are:
 - whether or not the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - the effect of the proposal on the character and appearance of the area; and
 - if the development would be 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 required to justify the development.

Reasons

Inappropriate development

4. The site features 2 single storey buildings, hardstanding and soft landscaping. It has a gated access and is enclosed by fencing. One of the buildings has a

mostly pitched roof with front and rear facing gables and the other has a flat roof. The area generally features residential properties, including bungalows, that are set within relatively spacious plots. Commercial land and a golf course are also nearby. It is common ground that the site is within the Green Belt.

5. Paragraph 147 of the Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should only be approved in very special circumstances. This is echoed by Policy G2 of the London Plan (LP). Paragraph 149(g) of the Framework identifies that an exception to inappropriate development is 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. The appellant claims that the scheme falls within this exception.
6. The Council has not expressly disputed that the proposal constitutes limited infilling or that the site is previously developed land. I have no compelling reasons to find otherwise. As such, an assessment of the effect of the proposal on the openness of the Green Belt is required.
7. No drawings of the existing buildings on site have been provided. Additionally, although the appellant states that much of the existing hardstanding would be replaced, limited landscaping details have been submitted. Nevertheless, the appellant identifies that the existing buildings have a combined floor area of 72m² and a volume of 177m³, whereas the proposed bungalow would have a floor area of around 84m² and a volume more than double that of the existing buildings. The existing hardstanding is at ground level and thus its removal would not offset the bungalow's volume. The proposal would therefore have a greater impact on the openness of the Green Belt spatially.
8. The upper parts of the existing buildings are visible above the site's gates and fencing when viewed from Risebridge Chase. The proposed bungalow would have a pitched roof with gabled sides and a ridge that would be roughly parallel with the highway. Although the gates and fencing are proposed to be retained, the bungalow would be more prominent and appear to extend across the site more than the existing buildings when viewed from the highway. Therefore, the bungalow would result in the proposal having a greater visual impact on the openness of the Green Belt than the existing development.
9. It is put forward that the proposal would improve the appearance of the site; however, this is a matter which is separate to considerations of openness for Green Belt purposes. Landscaping would not screen the development to the extent that the impacts on openness would be overcome. Additionally, whilst I have no reason to doubt that the number of vehicles stored on the site or the amount of paraphernalia located on it would be greater following the development than is currently the case, these matters would not address the impacts identified.
10. I conclude that the proposal would have a greater impact on the openness of the Green Belt than the existing development both spatially and visually. The harm to openness would be substantial. The proposal falls outside the exception at paragraph 149(g) of the Framework and thus would be inappropriate development in the Green Belt.

Character and appearance

11. Notwithstanding my findings regarding the proposal's impact on the openness of the Green Belt, I must reach a view on the Council's concerns about the proposal's effect on the character and appearance of the area in general terms.
12. The area within which the site is located has a spacious character. The site contributes positively to the area in this respect because of its size relative to the small scale of the buildings on it. The site also provides a significant gap between the neighbouring dwellings at St Rothwell and 74 Lower Bedfords Road.

Sufficient gaps would be present between the proposed bungalow and the neighbouring dwellings so as to maintain a sense of spaciousness. Additionally, the bungalow would be compatible with the designs of other bungalows in the vicinity and more attractive than the somewhat tired and utilitarian existing buildings. A scheme of landscaping would also lead to further improvements to the site's appearance.

13. I therefore find that the proposal would not harm the character and appearance of the area. In this limited respect, the proposal accords with HLP Policies 7 and 26, which set out that development should be of a high design quality.

Other considerations

1. Paragraph 148 of the Framework explains that very special circumstances to justify development in the Green Belt will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
2. The Council's latest Housing Delivery Test results identify that the delivery of housing in the borough is such that the presumption in favour of development, as set out at paragraph 11(d) of the Framework, is applicable. Furthermore, the Council has not contested the appellant's claim that it cannot demonstrate a 5 year supply of deliverable housing sites.
3. The proposal would provide an additional home on previously developed land, which would contribute to housing delivery and supply and improve the appearance of the site. There would also be economic benefits from the construction of the development and from the occupiers spending on services and facilities in the area. I also have no reason to doubt that the proposal would be sustainably constructed and that landscaping of the site could bring about gains in biodiversity. Additionally, the Council has not disputed that the site is in an accessible location. Furthermore, having regard to the site's proximity to existing dwellings, the site is not in an isolated location for the purposes of paragraph 80 of the Framework. However, as the proposal would only result in a small increase in the amount of housing in the borough, these considerations attract modest weight in favour of the scheme.
4. The appellant puts forward that the proposed bungalow would be smaller than development previously refused at the site. Whilst this may be the case, the proposal would nevertheless have a greater impact on the openness of the Green Belt than the existing development on site. The appellant also contends that similar proposals have been allowed elsewhere in the borough. I have not been provided with full details of schemes at other sites but, in any event, each proposal must be considered on its own merits. It is purported that the approval

of housing at the site would lead to less pressure for development on Green Belt of higher quality elsewhere, but substantive evidence demonstrating this has not been provided. As such, these considerations do not form benefits indicating in favour of the development.

5. Interested parties have suggested that the site may be used for the siting of mobile homes if the appeal is not allowed. However, compelling evidence to substantiate this claim has not been submitted and, in any case, this does not indicate that the harm that would arise from the proposal is acceptable. It is also advanced that the proposal would deter fly tipping along Risebridge Chase. However, firm evidence indicating that this is an issue has not been provided and I cannot be sure that the proposal would deter fly tipping to any meaningful extent. These considerations do not therefore constitute benefits weighing in favour of the development.

Planning Balance and Conclusion

6. The other considerations identified in this case weigh modestly in favour of the proposal. However, the proposal would be inappropriate development in the Green Belt which is harmful by definition. There would also be substantial harm spatially and visually to the openness of the Green Belt. Paragraph 148 of the Framework explains that any harm to the Green Belt attracts substantial weight.
7. Overall, the other considerations do not clearly outweigh the harm identified. Therefore, the very special circumstances necessary to justify development in the Green Belt do not exist. As such, the proposal conflicts with LP Policy G2. Furthermore, whilst paragraph 11(d) of the Framework is applicable, the policies in the Framework that protect the Green Belt provide clear reasons for refusing the development. The Framework does not indicate in favour of the scheme.
8. The proposal is contrary to the development plan taken as a whole. Material considerations do not outweigh the proposal's conflict with the development plan.
9. For the above reasons, the appeal is dismissed.

Mark Philpott

INSPECTOR