



Appeal Decision

Site visit made on 28 February 2022

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 March 2022

Appeal Ref: APP/M5450/D/21/3282366

Knoll House, The Grove, Stanmore HA7 4LD

- 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 M Akhtar against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/1713/21, dated 30 April 2021, was refused by notice dated 4 August 2021.
 - The development proposed is described as, "Replacement of two existing piers and gates".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area; and
 - if the proposal would be inappropriate development, 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 it.

Reasons

Whether Inappropriate Development

3. The National Planning Policy Framework (the Framework) establishes that the construction of new buildings within the Green Belt is inappropriate, subject to exceptions set out in paragraph 149 of the Framework. Similarly, paragraph 150 of the Framework provides a closed list of certain other forms of development which are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
4. These principles are reflected in Core Policy CS1 of the Harrow Core Strategy (adopted 2012) (Core Strategy), which provides that, amongst other things, the quantity and quality of the Green Belt shall not be eroded by inappropriate uses or insensitive development, and in Policy DM16 of the Harrow Council

Development Management Policies (adopted 2013) (DMP) which provides that, amongst other things, proposals for inappropriate redevelopment which would harm the Green Belt will be refused in the absence of clearly demonstrated very special circumstances. These policies assist in safeguarding the 5 purposes of the Green Belt.

5. The Council have argued that the proposal does not fall within any of the exceptions listed in paragraphs 149 and 150 of the Framework. Similarly, the appellant has not identified any relevant exceptions which might apply to the proposal. Considering this, and taking account of the type of structures proposed, based on the evidence before me I consider that the proposal would not fall within any of the exceptions listed in paragraphs 149 and 150 of the Framework.
6. The proposal would therefore constitute inappropriate development in the Green Belt for the purposes of the Framework, Core Policy CS1 of the Core Strategy, and Policy DM16 of the DMP. Inappropriate development is, by definition, harmful to the Green Belt. Moreover, it follows from this finding of inappropriateness, that the proposal would conflict with the purpose of the Green Belt in terms of its assistance in safeguarding the countryside from encroachment.

Openness

7. The Framework denotes openness as an essential characteristic of the Green Belt. The openness of the Green Belt has a spatial aspect as well as a visual aspect. 'Open' can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible from the public realm.
8. On the evidence before me, the currently-erected piers and gates on site are the subject of ongoing enforcement action. Minimal details have been provided as to what may have previously existed on site. Therefore, I have taken the 'baseline' for my assessment of openness as being the site and its surroundings, as if the currently-erected piers and gates were not in place.
9. In this context, the proposed piers and gates would entail a slight reduction in openness in visual and spatial terms, due to the solid nature of the proposed piers and the sizeable width and height of the proposed gates. As such, although their reducing effect on the openness of the Green Belt would be limited and localised, the proposal would result in harm to the openness of the Green Belt.

Character and Appearance

10. The appeal site is situated within a wider semi-rural area. The local area is verdant in nature, and the immediate area surrounding the site has quite an intimate and fairly enclosed character. Whilst not uniform in this respect, the frontages between what is termed 'Gate 1' on the plans and the property known as Stocks, generally consist of unobtrusive and fairly rustic-appearing brick walls, with wooden fencing being commonplace. Similarly, I observed that the access gates to Wildwoods and Brousgings, whilst not being small structures, are fairly unobtrusive in their context, due to the materials used.
11. In contrast, for both Gates 1 and 2, the proposal would introduce 2 substantially-sized red brick and sandstone piers, with a large gate which

would incorporate a solid black panel behind the lower part of its bars. As such, due to its scale, design, and materials, the proposal as a whole would unduly contrast with the mostly understated and fairly rustic nature of the frontages and access gates found in the immediate vicinity. Consequently, the proposal would appear overly-strident in its context, with urbanising features which would appear incongruous within its semi-rural setting. This would particularly be the case for Gate 1, considering the prominence that Gate 1 would have in the street scene. Hence, the proposal would cause harm to the character and appearance of the area.

12. It is noted that the access gates to Stocks and The Barn are more prominent in their appearance than many other gates nearby, but their overall designs are quite different to that proposed. Furthermore, whilst I accept that the proposal would be arguably less dominant in appearance than those gates which currently exist on site, the evidence before me indicates that those structures are the subject of ongoing enforcement action. Accordingly, neither of these matters changes my findings.
13. I therefore find that the proposal would have an unacceptable and harmful effect on the character and appearance of the area. It would conflict with Policy CS1 of the Core Strategy and Policy DM1 of the DMP which collectively provide that, amongst other things, proposals which fail to achieve a high standard of design and layout, or which are detrimental to local character and appearance, will be resisted.
14. The proposal would conflict with Policy D3 of The London Plan (published 2021) which provides that, amongst other things, development proposals should respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality. It would also conflict with paragraph 130 of the Framework which provides that, amongst other things, planning decisions should ensure that developments are sympathetic to local character.

Other Considerations

15. The Framework makes it clear at paragraph 148 that substantial weight is given to any harm to the Green Belt. It establishes that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
16. The proposal would provide benefits in terms of increased security and privacy at the appeal site. These benefits would likely be greater and more effective than that which would be provided from development that could potentially be erected via permitted development rights. These benefits would also accrue through a development that would not be drastically larger than that which could potentially be erected under those rights. In relation to these issues, I observed all the other nearby examples shown on the photographs submitted by the appellant. Nevertheless, there is minimal evidence before me to suggest that a less harmful scheme in design terms could not achieve the same aims, and as these would mainly be private benefits, these matters, taken together, have been given no more than moderate weight in favour of the proposal.

Balancing of Considerations

17. The proposal would be inappropriate development in the Green Belt and would result in a reduction in its openness. Further, the appeal scheme would conflict with the purposes of including land within the Green Belt for the reasons I have given. These matters carry substantial weight. Additionally, the proposal would give rise to harm to the character and appearance of the area. The harms would lead to conflict with the development plan in the terms I have set out.
18. For the above reasons I attach no more than moderate weight to the benefits of the proposed development which make up the other considerations. Thus, when taken together, 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 proposal do not exist. The proposed development would not therefore accord with the Green Belt aims of Core Policy CS1 of the Core Strategy, or Policy DM16 of the DMP, or the Framework, as set out above.

Conclusion

19. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal is dismissed.

Alexander O'Doherty

INSPECTOR