



Appeal Decision

Site visit made on 22 March 2022

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 May 2022

Appeal Ref: APP/B5480/W/21/3277682

Brookside, St. Marys Lane, North Ockendon, Upminster RM14 3PB

- 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 R Davis against the decision of the Council of the London Borough of Havering.
 - The application Ref P1967.20, dated 29 December 2020, was refused by notice dated 22 April 2021.
 - The development proposed is the demolition of two existing buildings and construction of a single storey 3-bedroom detached dwelling with associated parking and amenity space and construction of associated post and rail fence.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development in the Council's decision notice, and which was also used by the appellant in the appeal form, as this more accurately details the proposed development.
3. Between the determination of the planning application and the appeal coming before me, a new Havering Local Plan 2021 (Local Plan) and a revised National Planning Policy Framework (Framework) were published. The Council has subsequently indicated that a number of policies in the new Local Plan are relevant to this appeal. The appellant's final comments, which post-dated the adoption of this Plan, provided a commentary of this updated policy situation. Both of the main parties have acknowledged the new Framework and neither has considered it to raise any new considerations in relation to this appeal. I am therefore satisfied that the main parties have had an opportunity to consider the implications of the revised policy position.
4. The appellant submitted revised drawings as part of this appeal to overcome the Council's concerns as to the standard of accommodation. The drawing also seeks to clarify the extent of any residential curtilage for the dwelling. However, the amendments represent changes to that scheme both in terms of the internal accommodation and the size of the resulting building. The appeal process should not be used to evolve a scheme, as this could prejudice any interested party who had not been given an opportunity to comment on the material changes. I have therefore made my decision based upon the drawings considered by the Council at the time they made their decision.

Main Issues

5. The main issues are:

- a) whether the proposed development would be inappropriate development in the Green Belt;
- b) the effect of the proposed development on the character and appearance of the area;
- c) the living conditions for future occupiers, with particular regard to the size of the bedrooms; and
- d) would harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development

6. Paragraph 149(g) of the Framework identifies the partial or complete redevelopment of Previously Developed Land (PDL), whether redundant or in continuing use, as not being inappropriate development in the Green Belt. The appellant notes that the site could be considered to be PDL.
7. However, for development to not be inappropriate development under Paragraphs 149(g) of the Framework there is an explicit requirement to consider whether or not the proposal has a greater impact on the openness of the Green Belt than the existing development. In determining the nature and extent of any impact on Green Belt openness it is necessary to assess both spatial and visual impacts.
8. The two buildings which would be demolished comprise a single storey kennels building and a wooden chicken coop. They are positioned along the site's western boundary, with the chicken coop sited behind the kennels. The chicken coop is in a dilapidated condition and partly consumed by weeds and the adjoining hedgerow. Whilst the chicken coop may be beyond conversion to a dwelling under permitted development, in my opinion this would not necessarily prevent it from being considered as PDL.
9. In overall terms the proposal would result in a net reduction in footprint and volume. The replacement dwelling would be sited within land currently occupied by the kennels, with its front elevation being set slightly further back than that of the existing kennel building. Despite this, the proposed dwelling would be a more substantial structure. This would be reflected visually in terms of the solid walls of the dwelling in comparison to the more open wire pens of the kennels. In addition, there would be a substantially larger roof construction. Despite the house being shorter in depth than the kennels, the overall effect would be greater prominence, particularly when viewing the site from various points along St Marys Lane. Thus, a noticeable reduction in openness would be evident.
10. The wooden chicken coop is enclosed by wire and has a corrugated metal sheet roof. It is set against the site's western boundary. Given the nature of its construction the planting along this boundary is clearly visible through the coop when stood to the east of it. Although it is not as tall as the kennels building,

the removal of the coop would have some benefits in terms of the overall openness of the site.

11. However, even if the coop were removed and the land largely became part of the rear curtilage to the dwelling, it seems to me that it is unlikely to remain entirely open. The use of the space as domestic curtilage would result in an accumulation of domestic paraphernalia associated with living and maintaining the property and its garden.
12. The appellant suggests that the historic kennel use could openly store equipment, but it is not clear what equipment would have been stored in the open. It is also not clear where it would be stored although it seems to me that any storage would necessarily have been in quite close proximity to the building itself.
13. The kennel use would have involved some movement of customer vehicles. However, there is no specific information before me to compare the vehicle movements previously associated with the kennels with those that occur from a permanent dwelling of the size proposed. Accordingly, the change of use would not necessarily see an overall reduction in vehicle parking on site or their associated movements to and from the site.
14. Even allowing for the proposed reduction in the parking area to the front of the building, and the existing screening to the site, the development in the form proposed, would accentuate the overall effect on the openness of the Green Belt, when compared to the existing situation. Accordingly, the proposal would conflict with the fundamental aim of Green Belt policy, which is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. On this basis, the proposal would not meet the second limb of paragraph 149(g) and so would not fall within this exception.
15. The Council points out that the proposal would encompass part of the field to the east of the existing kennels, which is not PDL. On this basis it is suggested that the entire proposal would not fall within the remit of Paragraph 149(g). Even if I were to agree with the Council on this point, it would not change my overall conclusion that the proposal would represent inappropriate development.
16. I therefore conclude that the proposal would be inappropriate development in the Green Belt, contrary to Policy G2 of the London Plan and the Framework which, amongst other things, seek to restrict inappropriate development in the Green Belt. By definition, inappropriate development would be harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the Framework states that in considering a proposal substantial weight should be given to any harm to the Green Belt.

Character and Appearance

17. The site is located within the open countryside. The landscape in the area is characterised by a plateau of fields, with the gently undulating land allowing extensive panoramic views. There is a dwelling located to the east of the site. The appellant indicates the nearest building to be at least 50m from the proposed dwelling. A similar distance to the west is a complex of buildings within the Bodiam Farm Kennels and Cattery site, with further dwellings

beyond them. The existing buildings on the appeal site are relatively low key in terms of their appearance and scale. Thus, the site as a whole might appear to the casual passer-by as a small-scale rural enterprise that is not out of keeping with the area.

18. I acknowledge that the wider landscape would suffer minimal harm and there could be enhanced boundary planting. Nevertheless, there would be significant changes by virtue of the new dwelling and the introduction of a garden area which could reasonably be expected to accommodate the normal domestic paraphernalia associated with a dwelling and garden.
19. It therefore seems to me that there would be a clear change to the character of the site from one that is based more towards rural/countryside activities to one which is entirely residential. Even if the full extent of this change were not to be widely seen, it will have an adverse effect on the setting and landscape character of the site and in its immediate environs. I therefore find that the proposal would have an adverse effect on the character and appearance of this area.
20. The proposal would therefore be contrary to Policies 26 and 27 of the Local Plan which, amongst other things, seek to ensure development complements the existing character and landscape of the area. Insofar as the loss of the openness on the site also harms the character and appearance of the area, the proposal would also be contrary to Policy G2 of the London Plan.
21. The proposal would be contrary to Paragraph 130 of the Framework, which amongst other things, seeks to ensure developments are sympathetic to local character, including landscape setting.

Living Conditions

22. The appellant has acknowledged that the scheme put forward to the Council included two bedrooms with insufficiently sized internal floor areas. These rooms fall below the standards set out in the Nationally Described Space Standards (NDSS). As such, the proposal would provide inadequate living conditions for future occupiers.
23. The proposal would therefore be contrary to Policy 7 of the Local Plan and Policy D6 of the London Plan which, amongst other things, seek to ensure new development provides high-quality living accommodation and accord with the NDSS. The proposal would also be contrary to the London Mayor's Supplementary Planning Guidance on Housing (2016) which sets out similar objectives.

Other Considerations

24. The Government is seeking to significantly boost the supply of housing. Alongside this is their broad support for windfall sites. A three-bedroom dwelling would also meet wider, local policy aspirations in terms of providing family accommodation. The scheme would lead to some, albeit time-limited, economic benefit during the construction phase, which may give rise to extra local employment. Longer term there may be an increase in Council Tax receipts. However, given the scale of the proposal these factors attract only limited weight.

25. The appellant also refers to the proposal providing housing to support family connections in the local area. However, there do not appear to be any grounds which would justify permitting this development because of who would benefit, and in any event, it is not clear how this would be secured. Accordingly, this is not a factor which weighs in the scheme's favour.
26. Given the site's location and distance to more sustainable means of transport, it seems to me that future occupants would be largely reliant on private transport. This reliance on private transport would count against the scheme.
27. It is said that the proposal would be a high-quality design that would use materials which reflect nearby buildings. The scheme would utilise the existing access and provide sufficient off-street parking and garden area. There would be no flood risk or impact on neighbours, and it is also stated that the scheme could provide sufficient recycling and cycle storage. However, lack of harm in relation to these matters are not factors in the scheme's favour.

Green Belt Balance

28. The proposal as a whole would constitute inappropriate development in the Green Belt. As such, the Framework requires that the harm by reason of inappropriateness be given substantial weight and that inappropriate development should not be approved except in very special circumstances.
29. As outlined above, the benefits of the proposal carry limited weight. These other considerations do not clearly outweigh the substantial harm I have identified due to inappropriateness. Consequently, the very special circumstances necessary to justify the proposal do not exist.

Planning Balance

30. The Council acknowledges that it is unable to provide a five-year supply of deliverable housing land. Accordingly, I must have regard to paragraph 11 of the Framework. However, footnote 7 to paragraph 11 d) i) provides a clear reason for refusing the proposed development and therefore the presumption in favour of sustainable development does not apply in this case.

Conclusion

31. I conclude that the proposal conflicts with the development plan and other material considerations do not indicate that the appeal should be determined otherwise.
32. For this reason, the appeal is dismissed.

Stewart Glassar

INSPECTOR