



Appeal Decision

Site visit made on 1 December 2022

by Mark Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 DECEMBER 2022

Appeal Ref: APP/B5480/W/22/3297300

Elm House, Southend Arterial Road, Hornchurch, Essex RM11 3UB

- 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 Elm Site Services against the decision of the Council of the London Borough of Havering.
 - The application Ref P1241.21, dated 20 May 2021, was refused by notice dated 13 January 2022.
 - The development proposed is construction of new office building and storage building with storage yard, new car parking forecourt and landscaping and demolition of existing office building and associated structures once new site is operational.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether or not the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (Framework) and any relevant development plan policies; 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 required to justify the development.

Reasons

Whether inappropriate development

3. The site is in commercial use and adjacent to the A127. It features a yard and a car park and includes a single storey building that is located near a property named Knoll Cottage. It is otherwise positioned within a row of commercial properties associated with vehicles, including sales, servicing and washing and which feature buildings such as a garage and ostensibly a former petrol filling station. A footpath runs alongside the site and connects the A127 to Lincoln Close and the wider area via an open green space to its rear. It is common ground that the site is located within the Green Belt.
4. 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. Exceptions to inappropriate development are specified at

paragraphs 149 and 150 of the Framework. Policy G2 of the London Plan echoes the Framework's approach to Green Belt considerations.

5. The appellant has put forward that the proposal falls within the exceptions at paragraph 149(d) and (g) of the Framework. The former provides for the replacement of a building, if the new building is in the same use and not materially larger than the one it replaces. The latter provides for limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development. It has been put forward that the Council should have its own definitions of what should constitute materially larger buildings. However, there is no issue with the Framework being relied upon in relation to the exceptions to inappropriate development.
6. The proposed building would be in the same use as the existing one, but the appellant has confirmed that the proposed building would be taller and larger in footprint and volume. There would also be an increase in floor space. Notably, the proposed building would be approximately 74 percent larger in volume, which would be a considerable change. In all respects, the proposed building would clearly be materially larger than the existing one. Therefore, the scheme does not fall within the paragraph 149(d) exception.
7. The appellant contends that the site includes previously developed land and there is no compelling evidence to the contrary. However, an assessment of the effect of the proposal on the openness of the Green Belt is required to establish whether the paragraph 149(g) exception is satisfied.
8. The proposal would have a substantial impact on the openness of the Green Belt spatially as a result of the increase in the size of the building compared to the existing one.
9. The proposed building would be set back from the A127 in comparison with the existing one and thus be less prominent when travelling along the highway beside the other commercial properties and Knoll Cottage. However, it would extend across most of the width of the plot and be readily visible due to its size, especially from in front of the site. Further, the building would project much closer to and be more prominent from the footpath. Moreover, it would restrict views through the site from the A127 and the footpath to the trees and vegetation within the open green space. Similarly, it would also restrict views from the open green space to the verdant landscape beyond the A127.
10. Improvements to the appearance of the site and the building and additional landscaping would not address the adverse impacts, particularly as there would be unrestricted views through the site's accesses, and the site plan shows that there would be limited space for landscaping to the rear of part of the building and alongside the footpath. Reducing the hard surfacing within the site would also not address the issues identified. Consequently, the proposal would have a substantial impact on openness in visual terms.
11. The proposal would have a greater impact on the openness of the Green Belt than the existing development. Accordingly, the proposal falls outside the exception at paragraph 149(g) in addition to the one at 149(d). Therefore, the proposal constitutes inappropriate development in the Green Belt. The harm to the openness of the Green Belt would be substantial.

Other considerations and whether very special circumstances exist

12. Paragraph 148 of the Framework explains that very special circumstances 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.
13. The proposal would enable the continued operation of the business at the site, facilitate its growth and provide additional jobs, including work experience opportunities, in a location with good access to the strategic road network. I note that the Member of Parliament for Romford supports the proposal for these reasons. Moreover, Policy 19 of the Havering Local Plan, the London Plan and the Framework support the growth of local businesses, employment and the economy. The proposal would also make efficient use of previously developed land and the building would be sustainably constructed and energy efficient. Additionally, notwithstanding the harm to the Green Belt, the appearance of the site would be improved, and new landscaping could bring about biodiversity benefits. In addition, I have no reason to disagree with the claim that the existing building is no longer fit for purpose, albeit this does not justify the precise scale or form of the development proposed. Together, these considerations attract significant weight.
14. The appellant claims that the proposal would be in an accessible location and bring about improvements to the amenity of neighbours and highway safety. However, no firm details have been provided which indicate that there are high levels of services, facilities or public transport options in the immediate vicinity. In addition, there is no substantive evidence that the existing building is causing significant harm to living conditions which this proposal would address. Furthermore, there is no objective evidence that the proposed access arrangement would improve highway safety, with the Council noting that no tracking drawings have been provided. As such, there is nothing convincing before me indicating that there would be notable benefits in these respects.
15. The appellant has put forward that the adjacent properties and planning permissions¹ they have benefitted from set a precedent for this proposal, including its impacts on the Green Belt, and indicate that very special circumstances exist. Other sites and schemes nearby and in the borough of Brentwood² have also been referenced. I have not been furnished with full details of the properties or permissions. However, none are directly comparable as they are not in exactly the same location as the site and do not involve uses or schemes of the same characteristics as the proposed development. The relevant considerations for assessing the extent of harm to the Green Belt, the benefits of development and whether very special circumstances exist differ significantly. Therefore, the other properties and permissions referenced have little bearing on this decision.
16. Taken together, there are other considerations in this case that weigh significantly in favour of the development. However, the proposal would be inappropriate development in the Green Belt, which is harmful by definition. There would also be substantial harm to the openness of the Green Belt. Paragraph 148 of the Framework explains that any harm to the Green Belt

¹ Including appeal ref: APP/B5480/W/16/3148191

² Including application ref: 19/00315/OUT

attracts substantial weight. Overall, the harm that would arise from the development is considerable.

17. I find that the other considerations raised do not clearly outweigh the harm identified. Therefore, the very special circumstances necessary to justify the development in the Green Belt do not exist. The development thus fails to accord with London Plan Policy G2, which states that proposals that would harm the Green Belt should be refused except where very special circumstances exist. Additionally, the Framework does not indicate in favour of the proposal.

Conclusion

18. For the reasons given above, the proposal conflicts with the development plan as a whole. Material considerations do not outweigh the proposal's conflict with the development plan. Accordingly, I conclude that the appeal is dismissed.

Mark Philpott

INSPECTOR