



Appeal Decision

Site visit made on 12 June 2023

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 JULY 2023

Appeal Ref: APP/B5480/W/22/3310897

Mylands Farm, Broxhill Road, Havering-Atte-Bower, Romford RM4 1QH

- 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 N Maskell against the decision of the Council of the London Borough of Havering.
 - The application Ref P1130.21, dated 9 June 2021, was refused by notice dated 27 June 2022.
 - The development proposed is demolition of two-storey residential annexe and separate storage building. Redevelopment of previously developed land to provide two new residential dwellings and a cart lodge with associated hard and soft landscaping.
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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 having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies, including an assessment on the effect of the proposal on the openness of the Green Belt.
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

3. Policy G2 of the London Plan (LP) states that the Green Belt should be protected from inappropriate development. Paragraph 149 of the Framework states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions.
4. One such exception is g) 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. Previously developed land (PDL) is defined in Annex 2 of the Framework. Pre-application advice set out that there was nothing to suggest that the land would not be accepted as PDL, however the pre-application advice

indicated that only some areas of the site as shown could meet with the Framework's definition. The proposal is a revised scheme to that submitted for pre-application advice.

5. At the time of my site visit the appeal site was occupied by a two-storey annexe building, glasshouse building, two static caravans, substantial hardstanding and part of Mylands Farm garden and curtilage. I note that the static caravans are not shown within the existing plans and do not form part of the appellant's submission. Within the appeal site and the area between Mylands Farm and the appeal site, the site is open with no physical boundary treatment.
6. Directly adjacent to the annexe and glasshouse building is a boundary wall with a steel security fence to the upper section and a galvanised steel palisade security fence which clearly demarks the eastern boundary of the site. The development proposes to encroach into the area to the east of the buildings, but I understand that this area is used as an area of garden for the annexe. The proposed buildings, and associated gardens, would not extend further east than the existing buildings and this area is proposed to be soft landscaping enclosed by estate railings with native hedging.
7. The site is not within a built-up area and Mylands Farm is a private family home that has long since ceased to have any association with farming. The glasshouse many years ago was in horticultural use, but the building has been utilised for storage for many years and the yard between it and Broxhill Road is used for commercial activities. My attention has also been drawn to a legal judgement in relation to residential gardens in non-built-up areas¹.
8. On the evidence before me and on the balance of probability, I am satisfied that the appeal site is PDL. Accordingly, whether the proposal would constitute inappropriate development will depend on whether it would have a greater impact on the openness of the Green Belt than the existing development.
9. Paragraph 137 of the Framework confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
10. The appellant highlights that the proposal would result in a reduction in the development envelope on the site, and an increase in the amount of green space. They also assert that the visual effect would be improved, and tree and shrub planting would be introduced. The wider area is predominantly characterised by countryside with woodland, Bedfords Park and existing development including Watgate and a covered reservoir.
11. The site currently retains relatively open characteristics with the buildings concentrated in part of the site with limited boundary treatment whereas the proposed development would result in buildings distributed across the site with associated boundary treatment. I disagree with the appellant's assertion that the existing glasshouse is intrusive, and the development would be less visible. The existing glasshouse building is in keeping with the characteristics of the area. The proposed dwellings would be significantly taller than the glasshouse building, and also noticeably taller than the annexe. The scale and massing of

¹ Dartford BC v SSCLG [2017] EWCA Civ 141

the proposed development would be greater than the existing built development.

12. The proposed dwellings would be set back from Broxhill Road and would be sited largely within the development envelope of the existing hardstanding and buildings, but the large cart lodge would be adjacent to Broxhill Road. Proposed plot 1 would be set off the boundary, however it would project further towards the south than the existing glasshouse building. Proposed plot 2 would be sited partly on the footprint of the current annexe building. The orientation of the building would differ to that of the annexe in that the main bulk and massing of the building would be sited closer to Broxhill Road.
13. The proposal would result in two dwellings with associated gardens and domestic paraphernalia, a large cart lodge adjacent to Broxhill Road and boundary treatment (including close-boarded fencing, brick walls and railings) which due to their siting, scale and massing would have a greater impact on the openness of the Green Belt than the existing development.
14. Towards the southern and western boundaries, the appeal site is well screened by mature trees. The boundary wall, mature trees and hedgerows provide screening when viewed from Broxhill Road. The development would not be widely visible, particularly from public vantage points. Nonetheless, there would be glimpsed views of the development along Broxhill Road. As a result of the height, scale and siting of the buildings, they would be more visible than the existing development when viewed from Broxhill Road. The proposed soft landscaping would provide some screening but that would take many years to mature.
15. For these reasons, the proposed development would have a greater impact, visually and spatially, on the openness of the Green Belt than the existing development. The proposal would conflict with the fundamental aim of Green Belt policy, as stated in the Framework, to keep land permanently open. Taking into account the existing built development and limited visibility of the site, the proposal would result in limited harm to the openness of the Green Belt. In arriving at this conclusion, I have considered the highlighted legal judgements². Consequently, the development would not fall under any of the listed exceptions and would be inappropriate development in the Green Belt, having regard to the Framework and Policy G2 of the LP.

Other considerations

16. The appellant sets out that they intend one of the dwellings to be for the long-term occupation by himself and his family and the second dwelling would be marketed as for self-build or custom housing. The Council does not dispute that it has not granted permission for sufficient self-build plots to meet demand. I give this consideration limited weight due to the small scale of the development and as it is not clear whether the proposal would comply with the relevant legal definition of self-build and custom housing.
17. Based on the latest Housing Trajectory, the Council cannot currently demonstrate a five year supply of deliverable housing sites. Whilst the position with regard to housing delivery and supply is uncertain, consideration has been given to the effect of the tilted balance referred to in Paragraph 11(d) of the

² Turner v SSCLG & East Dorset Council [2016] EWCA Civ 466 and R (Liverpool Open and Green Spaces Community Interest Company) v Liverpool City Council [2020] EWCA Civ 81

Framework. The proposal would contribute to housing supply. Nonetheless, the benefits associated with the appeal scheme would carry limited weight given the small scale of the development.

18. My attention has been drawn to other developments nearby, including at Upper Bedfords Farm and Watergate. Limited information has been provided to make a robust comparison between those developments and the scheme before me. Nonetheless, the Watergate application has not been determined yet and the circumstances of the sites (including nature of the built development, and associated volumes and footprint) cannot be directly compared. In any event, I have determined the appeal proposal on its own merits, and I give this consideration neutral weight.

Whether very special circumstances exist

19. The proposal would be inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. Paragraph 148 of the Framework is clear that substantial weight should be given to any harm to the Green Belt and 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. Policy G2 of the LP states that development proposals that would harm the Green Belt should be refused except where very special circumstances exist.
20. The other considerations relating to self-build/ custom housing and the Council's housing supply position are given limited weight. The consideration relating to other nearby developments is given neutral weight. When drawing this together, the other considerations advanced in support of the appeal do not clearly outweigh the totality of the harm that I have found. Therefore, the very special circumstances necessary to justify the development do not exist. Consequently, the scheme would conflict with Policy G2 of the LP and chapter 13 of the Framework, which seek to protect the Green Belt, and the proposed development would amount to inappropriate development in the Green Belt.

Planning Balance and Conclusion

21. Given the Council's housing delivery position, consideration has been given to paragraph 11(d) of the Framework. Paragraph 11 of the Framework, in the context of the presumption in favour of sustainable development, indicates that planning permission should be granted unless i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.
22. The harm to the Green Belt that I have identified above, including that the proposal would result in inappropriate development, provides a clear reason for refusing the development proposed³. Therefore, the presumption in favour of sustainable development does not apply in this instance.
23. As set out above, I conclude that the proposal would amount to 'inappropriate development'. There are no very special circumstances to outweigh the harm caused. Consequently, the scheme would conflict with Policy G2 of the LP and chapter 13 of the Framework. The benefits associated with the development would be limited. The benefits do not outweigh the deficiencies that would arise

³ See paragraph 11(d)i) – footnote 7 of the Framework

as a result of the conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.

24. For these reasons, I conclude that the appeal does not succeed.

L Wilson

INSPECTOR