



Appeal Decision

Site visit made on 11 July 2023

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2023

Appeal Ref: APP/B5480/W/22/3294006

Land adjacent 194-196 Hall Lane, Upminster RM14 1TD

- 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 Nick Morton and Haverbridge Homes against the decision of the Council for the London Borough of Havering.
 - The application Ref P2363.21, dated 14 December 2021, was refused by notice dated 11 February 2022.
 - The development proposed is described as "New detached 4 bedroom family home on land fronting 194-196 Hall Lane Upminster Essex RM14 1TD"
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development cited in the planning application form differs to that contained within the decision notice and appeal form. There is no evidence that this change was formally agreed. As such I rely upon the description of development as contained on the application form for the purposes of the heading above.
3. On 14 January 2022, the Government published the 2021 Housing Delivery Test (HDT) results. The HDT results show that the London Borough of Havering has delivered 46% of its housing requirement over the latest 3-year period. Consequently, the presumption in favour of sustainable development contained within paragraph 11 d) of the National Planning Policy Framework (the Framework) would be engaged.

Main Issues

4. The main issues are:
 - Whether the development 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 openness of the Green Belt; and
 - 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

5. The Council does not rely upon any Local Plan policies on Green Belt within their decision and therefore I have considered the proposal against the London Plan (LP) adopted March 2021 and the Framework. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. LP Policy G2 is broadly consistent with the approach of the Framework, in that there is a presumption against proposals which conflict with the purposes of the Green Belt and maintaining its openness.
6. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 149. These exceptions include criterion e) limited infilling in villages. I have not been provided with a village boundary as defined on a proposals map, however this should not be determinative, and a planning judgement needs to be made to the extent of the village on the ground. This would include the location of the site itself, also its relationship to other existing development in the nearby vicinity.
7. From my site observations, the appeal site consisted of verdant and relatively undeveloped land located on the edge of a predominantly residential area to the south. The residential units are located beyond an established line of trees and vegetation, providing a distinct boundary screen and limiting views from the appeal site. The areas to the east, north and west of the site form part of a larger wider area of open verdant land, albeit with limited and sporadic development, including the adjoining veterinary surgery. This gives the appeal site a peripheral location between the semi-rural character to the north and suburban character to the south. Given its open and green nature, in my view the appeal site would appear more as part of the rural area rather than the built-up environment to the south.
8. Other than the veterinary surgery, there is a distinct lack of communal facilities and services within the immediate area for the existing residents, however the site is located within walking distance of shops and services situated around the London underground train depot and station of Upminster. Whilst located on the edge, the appeal site adjoins the defined and relatively tight-knit suburban grain sprawling away from Upminster station. To my mind, Upminster represents a suburb on the outskirts of London, and whilst I acknowledge that it has a peripheral nature, I do not consider that Upminster could reasonably be described as representing a village setting. Consequently, the proposal would not meet the exception set out in paragraph 149 e) of the Framework.
9. The appellant draws my attention to an allowed appeal¹ nearby at Front Lane also in the London Borough of Havering, where the Inspector opined the appeal site was located within the village of Cranham. The Inspector noted that Cranham had a degree of convergence with Upminster, albeit that the historic identity as a village had been somewhat eroded over time as the City has expanded. Nevertheless, the Inspector was satisfied that Cranham could be considered a village for the purposes of the Framework. The appellant contends that as Upminster has a degree of convergence with Cranham, Upminster

¹ PINS Ref: APP/B5480/W/19/3239587

would subsequently equate to a village. However, for the reasons set out above, I do not consider that Upminster would represent a village setting. In any event, I have determined this appeal on its own merits based on all the evidence presented.

10. Even if I was to consider that the appeal site was within a village, consideration would need to be given as to whether the proposal would amount to 'limited infilling'. Neither term is defined in the Local Plan or the Framework and no definition has been put before me by the appellant. They are essentially questions of fact and planning judgement for the planning decision-maker. With regard to the term 'limited' I would acknowledge that the proposal could be deemed limited, given that it is for a single dwellinghouse, and in terms of scale, mass and layout would be akin to the ribbon of properties fronting Hall Lane to the south of the site.
11. The characteristics of the area which would receive development are a material factor in considering whether the proposal would constitute limited infilling. I consider that the development would not have to occupy the entire space between the buildings to constitute infilling, neither is the consideration related to the quantity of development proposed. I have taken account of the pattern and form of development which exists within the locality in coming to a judgement as to whether the development would be limited infilling.
12. As stated above, the appeal site occupies a peripheral location between the more open character with a looser development pattern to the north and the more tight-knit, built-up environment to the south. The character to the north consists of a limited number of plots with larger and more sporadic gaps between buildings, rather than the more tightly arranged pattern as present along the preceding section of Hall Lane and the wider residential areas of Upminster to the south.
13. The appeal site is bounded by established vegetation and fence lines, which creates a visual boundary between the northern and southern characters described above. Given the change in character and pattern of development after 194 Hall Lane, in contrast with the clear ribbon of development preceding it, the dwelling proposed would not represent a substantially developed frontage, despite the isolated vets surgery. Moreover, extending development beyond the clearly defined and bounded pattern of ribbon development to the south of the site, would to my mind, represent encroachment into the countryside, contrary to the fundamental purposes of including land in the Green Belt.
14. The combination of the extent of the gap between the existing buildings, the scale of the development and the wider built context of the site all lead me to conclude that even if Upminster was considered a village, the development would not constitute the limited infilling in villages which the Framework considers to be not inappropriate development.
15. Bringing these strands together, I find that the proposal would not meet the exception in Framework paragraph 149 e). In not complying with any of the listed exceptions, the scheme would be inappropriate development in the Green Belt, which paragraph 147 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

16. The Framework advises 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. The appeal site occupies a prominent roadside location and given the green, relatively open and undeveloped characteristics, it makes a significant contribution to the openness of the Green Belt.
17. Openness can have both spatial and visual aspects and the proposal would introduce an increased quantum of residential development on to a site which is generally open and free from any significant permanent development. Therefore, the introduction of built form as proposed, would have a significant adverse impact on the openness of the Green Belt in spatial terms.
18. With regard to the visual aspect, the proposed dwelling would have limited public views along Hall Lane given the existing gated treatment and well-established vegetation along the roadside boundary. The site itself also adjoins a ribbon of residential development, which contrast with the much less developed open spaces to the east, north and west. As such, I conclude in visual terms, it would have a limited effect on the visual aspect of openness of the Green Belt.
19. Overall, I have found that there would be harm to both the spatial and the visual dimensions of the openness of the Green Belt.

Other considerations

20. It is common ground between the Council and the appellant that the proposal would be beneficial in terms of meeting the wider housing needs of the London Borough of Havering. The appeal scheme would provide a small windfall development of a single dwelling that would make a modest contribution to the Council's housing undersupply, albeit more important given that the Council is unable to demonstrate a 5-year supply of deliverable housing sites. As such, this attracts modest weight in favour of the development.
21. The proposal would also result in social and economic benefits, during construction. The proposal also benefits from a sufficiently sized unit in a relatively accessible location. To these benefits I apportion modest weight given the limited scale and nature of the proposed development.

Planning balance

22. The 2021 HDT results show that the Council has underdelivered against its housing requirement over the latest 3-year period. Consequently, the presumption in favour of sustainable development contained in the Framework is engaged whereby planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.
23. Paragraph 11 of the Framework states that where the policies that are most important for determining the application are out of date, permission should be granted unless the application of policies in the Framework, that protect areas or assets of particular importance, provide a clear reason for refusing the

development proposed. Footnote 7 sets out that these policies include those relating to land designated as Green Belt.

24. Given my findings in relation to the Green Belt there is a clear reason for refusing the development proposed, I am not required to apply the tilted balance in this respect, albeit that the delivery of housing when there is evidence of under delivery is a benefit to which I have given moderate weight.
25. The proposed development would offer the benefit of delivering an additional home in a relatively accessible location and other benefits such as the contribution that its construction would make to the local economy. I consider that any such benefits would be modest given the scale of the development and I have given this limited weight.

Conclusion

26. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. I have also concluded that the appeal scheme would result in harm to the openness of the Green Belt. Paragraph 148 of the Framework states that in considering a planning application substantial weight should be given to any harm to the Green Belt.
27. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
28. As explained above I give moderate and limited weight to the other material considerations cited in support of the proposal. However, I conclude these circumstances do not clearly outweigh the harm the scheme would cause.
29. Consequently, very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist. The proposal is therefore in conflict with Policy G2 of the LP and the Framework.
30. The proposal would therefore conflict with the development plan and there are no other considerations that outweigh this conflict. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Robert Naylor

INSPECTOR