



Appeal Decision

Site visit made on 18 July 2023

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th January 2024

Appeal Ref: APP/T2215/W/22/3312223

Land at former Heathside Nursery and 64 Leyton Cross Road, Wilmington DA2 7AN

- 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 J Neville of Millwood Designer Homes Ltd against the decision of Dartford Borough Council.
- The application Ref DA/22/00772/FUL, dated 23 June 2022, was refused by notice dated 31 October 2022.
- The development proposed is the demolition of 6 no. existing commercial buildings and an existing bungalow with detached garage, including the removal of hardstanding areas and lattice tower mast; creation of new vehicular access and the erection of 27 no. residential dwellings with amenity space, landscaping, parking and infrastructure, as well as the provision of public open space.

Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. The appeal site lies within the Green Belt. The Council's decision notice included three reasons for which it had refused planning permission. There was some overlap between the first and second reasons in terms of matters specifically relating to the Green Belt, and between the second and third reasons in respect of the character of the area. The third reason also included matters relating to residential amenity and the provision of affordable housing. The five main issues I have identified below reflect, and separate out, the full breadth of the matters covered by the three reasons in the decision notice.
3. The Government published revised versions of the National Planning Policy Framework ("the Framework") on 5 September 2023, replacing the July 2021 version extant when the application was determined, and again on 19 December 2023. The changes did not have any significant bearing on the main issues in this appeal, and it was therefore not necessary to seek comments from the main parties on the amendments. Where I have referred to specific paragraphs of the Framework, the numbering is that of the December 2023 version.
4. During the course of the appeal the appellant submitted a completed Unilateral Undertaking ("UU") in respect of the provision of affordable housing. I return to this later in the decision.

Main Issues

5. Based on all the evidence before me, I consider that the main issues are:

- Whether the proposal would be inappropriate development within the Green Belt having regard to the Framework and any relevant development plan policies, and its effects on the openness and purposes of the Green Belt;
- The effect of the proposal on the character and appearance of the area;
- The effect of the proposal on living conditions for nearby residents, with particular regard to noise disturbance;
- Whether or not the development would make an appropriate provision for affordable housing; 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 necessary to justify the development.

Reasons

6. The appeal site lies adjacent to the Leyton Cross residential area, on the west side of the settlement of Wilmington and approximately 2.7km south-west of Dartford town centre. It encompasses Heathside Nursery, a former commercial horticultural nursery, and 64 Leyton Cross Road ("No 64"), a detached bungalow.
7. The site has an area of around 1.98ha. It contains two large glasshouse buildings towards the northern boundary, two smaller glasshouses (one of which I saw was largely overgrown by trees and shrubs) and two further single-storey buildings, along with a large area of hardstanding; these make up the former nursery, which is entered via a gated driveway off Cherry Tree Lane. No 64 and its detached garage are on the western side of the site, and have direct vehicular access from Leyton Cross Road. There is a 27.5m tall lattice tower communications mast close to the eastern site boundary. The north-west corner of the site is an area of grassland; there is also an area of grassland within the southern part of the site; the "red line" edge of this part of the appeal site runs across an open field rather than following a marked boundary.
8. Immediately north of the site is a terrace of late 19th or early 20th century houses on Leyton Cross Road, and a more modern development of detached houses on Cherry Tree Lane. East of the site is a large field, with public footpath DR119 running along its eastern boundary; to the west, on the other side of Leyton Cross Road, is the Hayden Football Club sports ground. To the south, beyond the field bisected by the red line site boundary, is the Joyden's Wood residential area.
9. The proposed development is the demolition of the former nursery buildings, the bungalow and garage at No 64, and the removal of hardstandings and the telecommunications mast. A new vehicular access would be created from Leyton Cross Road, and 27 residential dwellings erected, along with amenity space, landscaping, parking, and public open space. The proposed dwellings

would be a mix of detached, semi-detached and terraced houses, together with four apartments in a two-storey block facing onto Leyton Cross Road.

Relevant national and local planning policy in respect of the Green Belt

10. Paragraph 142 of the Framework advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, with the essential characteristics of Green Belts being their openness and their permanence. Paragraph 143 sets out the five purposes of the Green Belt: checking the unrestricted sprawl of large built-up areas; preventing neighbouring towns merging into one another; assisting in safeguarding the countryside from encroachment; preserving the setting and special character of historic towns; and assisting in urban regeneration, by encouraging the recycling of derelict and other urban land.
11. Paragraph 154 of the Framework states that, other than for listed exceptions, the construction of new buildings in the Green Belt should be regarded as inappropriate. Paragraph 154 g) provides for limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, in two circumstances. The first of these is where it would not have a greater impact on the openness of the Green Belt than the existing development. The second is where it would not cause substantial harm to the openness of the Green Belt, in cases where the proposal would re-use previously developed land *and* [my emphasis] contribute to meeting an identified affordable housing need within the area of the local planning authority.
12. Previously developed land is defined in Annex 2 of the Framework as “land which is or was occupied by a permanent structure, including the curtilage of the developed land”, although the Framework also notes that it should not be assumed that the whole of the curtilage should be developed, “and any associated fixed surface infrastructure”. It excludes, among other things, “land that is or was last occupied by agricultural or forestry buildings”, and “land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape”.
13. Policy CS13 of the 2011 Dartford Core Strategy (“the DCS”) states that “in order to protect the openness of the Green Belt the Council will resist inappropriate development, in accordance with PPG2, through its development control decisions”. Policy DP22 of the 2017 Dartford Development Policies Plan (“the DDPP”) states that “inappropriate development in the Green Belt will be resisted in accordance with national planning policy”. Policy DP7 of the DDPP, though not specifically dealing with the Green Belt, sets out requirements for infill residential development, including that the historical pattern and form of development is preserved, and that “access into the development does not create an undue disruption to the character and appearance of an existing road frontage”.
14. The Council is currently preparing a new Dartford Local Plan (“the DLP”), the policies of which will eventually replace those of the DCS and the DDPP. Draft Policy M13 of the emerging DLP repeats the wording of the existing Policy DP22 in respect of inappropriate development in the Green Belt; that it “will be resisted in accordance with national planning policy”. Among other things, emerging Policy M11 repeats the requirements of the existing Policy DP7 in respect of infill development.

15. Although Policy CS13 of the DCS refers to national planning policy (in PPG2) at the time of its adoption, its requirements are more restrictive than those of the Framework today, and it is therefore out-of-date. Accordingly, I give Policy CS13 only limited weight in the overall balance. Policy DP22 of the DDPP, however, requires an assessment of whether or not a proposal would be “inappropriate development” to be carried out with regard to the national planning policy requirements set out in the Framework. Policy DP22 does not provide direction on how the exceptions set out in paragraph 154 of the Framework should be interpreted or applied, but nor is there any conflict between the policy and the Framework; I therefore give it full weight in the overall balance.
16. The DLP is not yet adopted, although its emerging policies were referred to on the decision notice issued by the Council, and it is nevertheless a relevant material consideration. The evidence before me indicates that “Stage 2 Examination Hearings” were completed in mid-2023. Given the stage of the plan’s preparation I afford draft Policies M13 and M11 (and the other policies of the DLP to which I refer later on) moderate weight for the purposes of determining this appeal.

Whether inappropriate development in the Green Belt

17. Heathside Nursery ceased operating commercially in 2008, and it is understood that the site was then predominantly vacant until around 2012. After that date parts of the site were used for the storage of cars prior to their being taken elsewhere to be sold. The Council’s evidence indicates that smaller-scale horticultural use of some of the glasshouses took place during the same period, though the appellant has confirmed that this use ceased in early 2019¹. Applications for lawful development certificates for the car storage use were refused in 2019 and 2020². Planning consent was then granted in April 2021 for a material change of use of land and buildings on part of the application site from the previous horticultural nursery operation to Use Class B8 (Storage & Distribution) (“the 2021 permission”)³.
18. The appellant suggests that, as the appeal site is close to existing residential development in Cherry Tree Lane and Leyton Cross Road, the development would “form an infill to the existing residential area”. Some of the development plan policies with which I was provided address infill development (albeit not specifically in respect of the Green Belt), but neither they nor the Framework provide a definition of “limited infilling”. In my experience, I consider that it would generally mean the filling of gaps in an otherwise built-up frontage. Both the scale of the proposed development, and its carrying into open fields towards the southern edge of the appeal site, mean that in my view the proposed appeal scheme could not sensibly be described as “limited infilling”.
19. There is disagreement between the Council and the appellant as to whether the 2021 permission has been implemented, as the horticultural use of the site would otherwise exclude it from the Framework’s definition of previously developed land. The appellant also argues that, as the site has been used for car storage for more than ten years, its established use is in any case B8 (storage and distribution) purposes. The evidence before me on the question of

¹ The Council’s evidence initially suggested that it ceased early in 2018.

² LPA Refs: 19/00894/LDC and 20/00440/LDC

³ LPA Ref: 20/00475/COU

the current lawful use of the site is not conclusive; at the time of my visit the site did not appear to be actively being used that purpose, although the appellant has stressed that the use has not ceased. However, for the reasons that follow, it is not necessary for me to reach a definitive conclusion on that particular point.

20. Even if I were to accept the appellant's argument that the entire area of the 2021 permission should be considered as previously developed land, this has an area of around 0.8ha. The area of previously developed land would be increased slightly by the inclusion of No 64 (which would add an additional 650m², by the Council's reckoning), but even so the maximum extent of land which *might* be treated as previously developed would amount to less than half of the 1.98ha covered by the appeal scheme. I acknowledge that the total extent of the appeal site includes areas which would be used for landscaping rather than being built on, but it is also apparent from the submitted design and access statement and drawings that new buildings would be erected beyond the limits of any previously developed land. Even the appellant has described the scheme as "focusing the proposed dwellings *predominantly* [my emphasis] on the area of previously developed land".
21. The wording of Paragraph 154 g) of the Framework is clear. It refers specifically to the partial or complete redevelopment of previously developed land, not to the partial or complete redevelopment of land that is *partly* previously developed. The entirety of the appeal site is not previously developed land, nor is the proposal for "limited infilling". It is not therefore necessary, at least in respect of determining whether the proposed development would be covered by Paragraph 154 g) of the Framework, for me to consider either the effect on the openness of the Green Belt or whether the scheme would meet an identified affordable housing need (though I return to both matters below).
22. The proposed development would not fall within the exception described in Paragraph 154 g) of the Framework, and would be inappropriate development in the Green Belt. By definition, it would be harmful to the Green Belt, and this is a matter to which I afford substantial weight in the planning balance. The proposal would also conflict with Policy CS13 of the DCS, Policy DP22 of the DDPP, and draft Policy M13 of the emerging DLP, which seek to prevent inappropriate development in the Green Belt.

Openness of the Green Belt

23. Openness is the absence of development and has both spatial and visual aspects. In assessing the effects of the proposal, I have had regard to the way in which the site is currently developed.
24. Most of the existing built mass within the appeal site comprises the two largest glasshouses which, along with the smaller glasshouse, are single-storey and low-rise. The two other buildings within the former nursery, and the bungalow No 64, are slightly taller than the glasshouses, though still single-storey, with maximum heights of around 4m. The front of No 64 is largely exposed to Leyton Cross Road, though I saw that the dense hedgerows and trees alongside the road on either side of the bungalow mean that it reads as an isolated or intermittent development, rather than part of a continuous built frontage. The former nursery buildings are visible from outside the site; from Cherry Tree Lane and parts of Leyton Cross Road and, to a lesser extent, from

- public footpath DR119 to the east of the site. Trees and hedgerows on and around the appeal site provide considerable screening, and while the spatial openness of the site is already therefore reduced by the existing buildings, the low profile of most of the buildings reduces their visual impact considerably.
25. The appeal scheme would see the volume of buildings on the site rising from approximately 13,401m³ to around 17,187m³, an increase of about 22%. The existing buildings on the site occupy a footprint of approximately 4,270m², and the proposed dwellings would have a footprint of around 2,804m², around 34% smaller⁴. Although the new dwellings would be on a smaller footprint than the existing buildings, they would be more spread out across the site. As a result, the spatial loss of openness arising from the development's physical presence would be considerable.
26. The proposed dwellings would be two or two-and-a-half storeys in height, with ridge heights between 7.3m and 10m high. They would be taller than the existing buildings on the site (other than the mast). They would be closer to the site boundaries – on the west and south sides much closer – than the existing buildings. While hedgerow and tree planting would provide some visual softening, the height and siting of the new dwellings means that they would be more prominent than most of the existing buildings. Existing areas of hardstanding within the site would be removed, although the development would also introduce driveways and car parking, boundary fences and domestic gardens with various associated paraphernalia.
27. Notwithstanding the dispute between the main parties about their current use, the horticultural form of the buildings on the appeal site is of a type which is an expected feature of the countryside, including the Green Belt; indeed, agricultural buildings fall within the list of exceptions set out in Paragraph 154 of the Framework as being not inappropriate development. On the other hand, the proposal would represent the encroachment of a suburban built form into the countryside and would reduce the visual openness of the Green Belt, particularly in close and medium-range views.
28. An obvious exception to the prevailing low built form on the site is the lattice tower mast; this is prominent particularly in longer views where it can be seen rising above the surrounding trees and hedgerows. Nevertheless, such features are not totally unexpected even in the Green Belt, and the mast is not so large or intrusive as to completely overwhelm or dominate its surroundings. In my view the potential benefit arising in longer-range views from the removal of the lattice tower mast would, in terms of visual openness, be offset by the greater visual impact of the proposed dwellings which I have described above.
29. Overall, I conclude that the proposed development would lead to a harmful loss of spatial and visual openness of the Green Belt. While this would be small in the context of the Green Belt as a whole, once again the Framework is clear that substantial weight should be given to any harm to the Green Belt.

Purposes of the Green Belt

30. As I have described in paragraphs 25 to 27 above, the appeal scheme would see the existing glasshouses and other buildings (which are agricultural in their

⁴ These figures are all by the appellant's calculation and have not been disputed by the Council, although the figure of 22% seems to me to understate the percentage increase in volume compared to the existing buildings on the site.

character, if not their present use) replaced with dwellings, including on parts of the site which are not currently built upon. The appeal site sits in a gap between the Leyton Cross built-up area north-east of the site (part of, but slightly detached from the core of, Wilmington) and the Joydens Wood built-up area to the south. By the Council's reckoning the gap is around 250m wide between No 63 Leyton Cross Road to the north of the appeal site and 26 Hook Green Lane to the south.

31. The breadth of this gap would be narrowed, and the separation between the built-up areas reduced, by the proposed development. While the appeal site is partly previously developed land, the encroachment of dwellings into the countryside would be particularly apparent towards the southern edge of the site, where they would be erected on an open field.
32. The proposal would therefore conflict with the first three purposes of the Green Belt described in Paragraph 143 of the Framework (and which I have set out at paragraph 10 above).

Character and appearance

33. The appeal site is not within an area protected (either locally or nationally) for the scenic quality of its landscape. Its location on the south-western edge of the Leyton Cross built-up area means that it has some "urban fringe" characteristics. This is particularly noticeable at and around the site entrance from Cherry Tree Lane, where terraced housing on Leyton Cross Road ends and the glasshouses on the appeal site become visible. However, as I have already described above, the existing buildings on the site are largely low-rise, and the boundary hedgerows and trees provide some screening. Because of this, and the wider topography, at present the site is therefore relatively well-contained within the wider landscape; it serves to mark a transition between the built extents of Leyton Cross and Wilmington and the narrow rural band which separates them from Joydens Wood.
34. In considering the effects of the proposal on the openness of the Green Belt above, I have already described the development having an urbanising, or at least suburbanising, impact on the site and its surroundings. This would be particularly noticeable because the proposed buildings would generally be taller than those on the site at present, spread more widely across the site, and closer to the boundaries. The dwellings closest to Leyton Cross Road and on parts of the open field within the southern part of the site would erode the rural character of that part of the area. The topography of the area means that the greatest impact of these effects would be localised rather than wide-ranging. Nevertheless, the magnitude and permanence of the change would have an adverse effect on the character and appearance of the area.
35. The existing buildings on the appeal site are described by the appellant as tired, dilapidated, and underused. None of the evidence before me, including what I saw on site, leads me to disagree with that selection of adjectives. I also accept that the materials proposed for the new buildings (including red stock brick, weatherboarding, plain tile roofs and tile hanging) would be of a high quality, and both the materials and the form of the proposed dwellings would reflect the local vernacular style. The appeal site's containment within its wider landscape, however, serves to limit the impact of the existing buildings; they are not widely seen, and their poor condition therefore causes relatively little harm to the character or appearance of the surrounding area at present. While

I recognise that the redevelopment, or sensitive replacement, of the existing buildings on the site would be a benefit of the scheme, this does not amount to a justification for the expansion of residential development into open countryside. While I therefore acknowledge the positive aspects of the scheme's design, overall I do not consider that they would outweigh the harm which I have found on this issue.

36. I conclude that the proposed development would cause harm to the character and appearance of the area. It would therefore conflict with Policy CS13 of the DCS, Policies DP2, DP7 and DP22 of the DDPP, and draft Policies M1, M2, M11 and M13 of the emerging DLP. Together, and among other things, these policies seek to ensure that new development responds to and reinforces positive aspects of the locality, relates well to its surroundings in terms of the height, scale and density of development, and protects the open character of the Green Belt. For the same reasons, there would be conflict with the provisions of Chapter 12 of the Framework (in particular, Paragraph 135) which seek to achieve well-designed and beautiful places.

Living conditions

37. The Council's officer report set out its concerns about the potential noise impacts of the proposed development; it referred to "increased activity on the site by way of comings and goings of vehicles [which] would have some impact upon the amenities enjoyed by the occupants of existing residents, particularly with regard to the use of the access ways around the site". The Council's appeal statement noted that although this was "not considered sufficiently severe as to amount to a reason for refusal in its own right", nevertheless "noise and disturbance would be anticipated to be greater than for the historical horticultural use or the storage use of 0.8 hectares of the appeal site [under the 2021 permission]".
38. The existing housing closest to the appeal site on Leyton Cross Road or Cherry Tree Lane is suburban in form and character. While I recognise that the occupiers of those dwellings may not welcome a further residential development on their doorsteps, no substantive evidence was put before me to demonstrate that the proposed residential development (which would also be suburban or semi-rural in character) would lead to "general noise" or disturbance such that it would be incompatible with the existing housing in the area. Specific concerns relating to construction noise, for example, could have been managed by condition had the proposal been otherwise acceptable.
39. I conclude that the proposed development would not cause unacceptable harm to living conditions for nearby residents. On this matter therefore, I find no conflict with Policies DP5 and DP7 of the DDPP and Policies, M2 and M11 of the emerging DLP which, together and among other things, seek to ensure that new development protects the amenity of existing residents, including from unacceptable noise disturbance.

Affordable housing

40. Policy CS19 of the DCS seeks the provision of affordable housing in rural areas where two or more dwellings are proposed at a rate of 50%. That policy pre-dates the introduction of the requirement set out in Paragraph 65 of the Framework that the "provision of affordable housing should not be sought for residential developments that are not major developments". The Council

acknowledged, and I agree, that that policy was now out-of-date having regard to national planning policy; accordingly any conflict with it would carry very limited weight in the overall balance.

41. Draft Policy M7 of the emerging DLP seeks the provision of 35% affordable housing on developments of 10 or more dwellings in locations including the Green Belt. There was no suggestion that M7 is not compatible with national planning policy, though for the reasons set out in paragraph 16, any conflict with policies of the emerging DLP would carry only moderate weight in the overall balance.
42. The development would provide nine dwellings designated as “affordable”; calculated with reference to the net gain of 26 dwellings, this would just comply with the 35% requirement of draft Policy M7. The four one-bedroom apartments and one one-bedroom house would be for affordable rent, and four other houses (one-, two- and three-bedroom) would be for shared ownership. These would be secured on site by the submitted UU. The UU was provided to me in counterpart form with three copies, one each signed on behalf of Leyton Cross Holdings Limited (the site owner), Millwood Designer Homes Limited (the appellant and prospective developer), and United Trust Bank Limited, a lender with a charge over the land. While it would be preferable for the agreement to comprise a single document executed by all of the relevant parties, taken together these documents form a valid deed and so would be enforceable.
43. The Council noted that more than half of the dwellings proposed on the development would have four or five bedrooms, but that none of those would be provided as affordable units. It therefore considered that the proposal would not offer a good mix of types and sizes of affordable housing, and that the affordable provision would not be well-aligned with housing need within Dartford. I have not been given full information about the breakdown of housing need in the borough, but the summary table the Council provided show that it is overwhelmingly weighted towards properties with one, two or three bedrooms, which together these account for 95% of the identified need. Only 5% of need is for dwellings with four or more bedrooms. For a scheme providing nine affordable dwellings, 5% would represent less than half a dwelling which is of course not a practical proposition (and, in any case, would round down to zero).
44. On this basis, I consider that the proposed development would make an acceptable provision of affordable housing. It would therefore comply with the requirements of draft Policy M7 of the emerging DLP, which I have set out above, and with Policy DP9 of the DDPP which seeks the on-site provision of affordable housing in residential developments with a mix of types and tenure to reflect local need.
45. The development would not provide the level of affordable housing sought by Policy CS19 of DCS, but for the reasons set out in paragraph 40 above I give that conflict very little weight in the overall balance.

Other considerations

46. The appeal site is not one which has been allocated for residential development by the development plan. Policy CS10 of the DCS and Policy DP6 of the DDPP set criteria against which housing proposals for such “windfall” sites will be assessed. These policies seek to locate windfall development on previously-

developed brownfield sites, in locations within easy walking distance of a range of community facilities, and which reduce reliance on private cars; the Council's 2014 Housing Windfall Supplementary Planning Document ("the SPD") provides further guidance. As I have already set out above, only part of the appeal site can be considered previously developed land.

47. The Sustainability Statement submitted as part of the planning application indicates that Joydens Wood Primary School is less than 500m from the site, with the closest local facilities (a post office, store, dry cleaners, laundrette and hair salon) some 950m away on Woodside Drive in Joydens Wood. These distances are given "as the crow flies"; the actual walking distances are likely to be somewhat greater, so that other than the primary school the nearest local facilities are rather more than the 10 minute walk (approximately 800m) which the SPD considers acceptable.
48. There are bus stops within 100m of the site on Leyton Cross Road which are served by two routes, and additional stops 675m or so away on Oakfield Lane served by a further three routes. However, only the B12 (serving Leyton Cross Road) runs reasonably frequently, every 20 minutes from Monday to Saturday, and half-hourly on Sundays. The 429 (serving Oakfield Lane) runs five times per day (four times on Saturdays, and not at all on Sundays), while the remaining three services run only once per day from Monday to Friday. The nearest railway stations are at Bexley and Crayford; they offer services to central London and elsewhere, but both are more than 3km from the appeal site. The appeal site is not one which in my view could sensibly be said to be in an easy walking distance of a range of facilities, and its limited public transport connections mean that future occupiers of the site would be likely to be overwhelmingly dependent on the private car for transport.
49. Taking all these points together, I do not consider that the site is a "sustainable residential location" for the proposed development in the terms set out in Policy CS10 of the DCS or Policy DP6 of the DDPP; the development would therefore conflict with those policies. For windfall sites, Policy CS10 of the DCS also requires an assessment of whether the benefits of the development outweigh the disbenefits; this is a matter addressed in the overall planning balance below.
50. There is no dispute between the main parties that the Council can demonstrate a housing land supply of more than five years. Nevertheless, there would still be benefits arising from additional housing supply, including social and economic benefits from construction, support for local services and expenditure from future occupiers. Having regard to the scale of the development, these are factors in the scheme's favour which amount to modest benefits.
51. The proposal would make a useful contribution to the provision of affordable in the borough, as discussed in the preceding section. Accordingly, I attach significant weight to this benefit.

Other Matters

52. The appellant drew my attention to a 2022 appeal decision in Essex⁵ in which the Inspector considered the exception set out in Paragraph 154 g) of the Framework. That decision relates to a situation in which the Inspector agreed

⁵ PINS Ref: APP/V1505/W/22/3296116

with the main parties that all of the Green Belt land within the site was previously developed, and noted that in those circumstances, the threshold for the proposal to be considered as inappropriate development is substantial harm to the openness of the Green Belt, which they described as being “a high bar”. However, for the reasons set out in paragraphs 18 to 21 above, I have found that the proposal before me is not for limited infilling or the partial or complete redevelopment of previously developed land. The Essex appeal does not therefore appear to be directly comparable to the circumstances before me.

53. The appellant also referred to an appeal in Buckinghamshire⁶ and the Inspector’s “pragmatic approach” in that case to assessing effects on openness. I note that Inspector’s comment that “the removal of the largest utilitarian metal-clad building close to the eastern boundary would significantly improve openness overall” on that site. As I have explained in paragraph 25 above, however, the scheme before me would see taller buildings than currently exist on the site erected closer to the site boundaries, with different effects on openness. Again, the Buckinghamshire appeal does not appear to be directly comparable to the circumstances in this appeal. Neither of the other decisions to which I was directed weigh in favour of the current appeal proposal.

Planning Balance and Conclusion

54. Paragraph 152 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 states 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.
55. I have found that the proposed development would be inappropriate development in the Green Belt, would cause harm to the openness of the Green Belt, and would conflict with three of the five purposes of including land within the Green Belt. These are matters to which I attach substantial weight, as required by Paragraph 153 of the Framework. The proposal also conflicts with Policy CS13 of the DCS, Policy DP22 of the DDPP, and draft Policy M13 of the emerging DLP which seek to protect the Green Belt in line with national policy.
56. Furthermore, the proposal would cause harm to the character and appearance of the area, and in this respect would conflict with Policy CS13 of the DCS, Policies DP2, DP7 and DP22 of the DDPP, and draft Policies M1, M2, M11 and M13 of the emerging DLP. I have also found conflict with Policy CS10 of the DCS or Policy DP6 of the DDPP in respect of whether the appeal site is a “sustainable residential location” for the proposed development. As I have explained above, I give only limited weight to conflict with Policy CS13 of the DCS, and moderate weight to conflict with policies of the emerging DLP, but otherwise I attach significant weight to conflict with the development plan.
57. I have found that the development would not cause unacceptable harm to neighbours’ living conditions, and that it would make an adequate provision of affordable housing.

⁶ PINS Refs: APP/N0410/W/20/3265148 and APP/N0410/Y/20/3265149

58. I have also considered and weighed the matters in the scheme's favour which have been put to me by the appellant, including significant benefits which would arise from the provision of nine affordable housing units. However, I conclude that the substantial weight to be given to the Green Belt harm, and the other harm identified above, arising from the development is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances.

59. I therefore conclude that the appeal should be dismissed.

M Cryan

Inspector