



Appeal Decision

Site visit made on 11 December 2023

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2024

Appeal Ref: APP/W5780/W/23/3321223

The Manor, Regents Drive, Woodford Green IG8 8RT

- 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 Cooley Architects against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 0130/23, dated 16 January 2023, was refused by notice dated 9 March 2023.
 - The development proposed is for the construction of new fence along side of road.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site address and description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. Following submission of the appeal, the revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. Other than the paragraph numbers, the provisions in the revised Framework relating to 'Proposals affecting the Green Belt' are the same as those that were in the previous version of the Framework when the council made its decision. Therefore, it has not been necessary to seek the views of the main parties on this matter. I have referred to the updated paragraph numbers.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the Framework;
 - the effect upon the openness of the Green Belt and the purposes of including land within it;
 - whether the proposed development would harm the character and appearance of the area;

- 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 appeal site comprises the access road called Regents Drive which leads to The Manor. This is a residential building comprising apartments within the gated community of Repton Park. The proposal is for the creation of one 1.8-metre-high set of railings along the southern side of Regents Drive leading towards The Manor. Regents Drive is heavily vegetated on both sides and leads to a secure gate at the perimeter of The Manor, which itself is enclosed by fencing. The land to the south includes an embankment and woodland within open public access within Claybury Park. The design of the railings would be a similar form and design as existing railings in the vicinity of the appeal site.
6. Policy LP34 of the Redbridge Local Plan 2018 (the Local Plan) and Policy G2 of the London Plan The Spatial Strategy for Greater London 2021 (the London Plan) relate to development within the Green Belt. They both seek to protect the Green Belt from inappropriate development as set out in the Framework.
7. There is no dispute that the proposal is inappropriate development and, having reviewed the evidence, I see no reason to disagree. The fence is therefore inappropriate development. As such there would be conflict with Policy LP34 of the Local Plan and G2 of the London Plan. The proposal also conflicts with paragraph 152 of the Framework which states that inappropriate development is, by definition, harmful to the Green Belt. I, therefore, in accordance with paragraph 153 of the Framework must attach substantial weight to this harm.

Openness and purposes of the Green Belt

8. The essential characteristics of Green Belts are their openness and permanence. Openness can have a spatial as well as a visual aspect. There is extensive vegetation which prevents extensive or long distance views down the embankment or across it. Notwithstanding the presence of gaps between the fence rails, these are spaced relatively close together interspersed with larger support posts. The fence is of considerable length and runs along the length of the access road. Given its rigid tall height, whilst not solid, it would still result in a material presence even if coloured green.
9. The development would be visually contained within close proximity to the appeal site and would have a limited visual impact beyond its immediate surroundings and not be seen in more public or established views. Nonetheless, although vegetation could grow and be seen through it, there would be a contrast with the natural boundary and it would create a more confined environment. As such the fence would diminish the openness of the Green Belt spatially and visually.
10. As a matter of judgment, I do not find the proposed development would conflict with any of the five purposes of the Green Belt. Although there would be a loss of openness, I also conclude that the additional harm to the Green Belt would be moderate in this respect.

Character and appearance

11. This part of the Green Belt contains residential development. There are various roads within Repton Park with trees and other vegetation along them. This particular part is quite enclosed by the vegetation and embankment to the east and therefore prevents views across the immediate area. There are also numerous metal fences similar to the ones proposed in the area.
12. The appeal site is located within the Claybury Conservation Area (the CA). Although there are no concerns raised Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in respect of development affecting CAs, states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.
13. The Council's Built Heritage Consultant advised that the significance of the CA is derived from Repton Park and Claybury Hospital, the former Victorian asylum. Insofar as it is relevant to the appeal site, I also consider the landscape features and woodland around the site and within the CA also form part of its special character. Regents Drive is a more recent access road to The Manor and I see no reason to disagree with the assessment by the council. The fence would follow the existing line of the access road and in design would reflect those in the area without being overly prominent.
14. It is noted that the measures outlined in the submitted arboriculture documents would ensure that there would be minimal impact upon the trees and vegetation adjacent to the fence. Subject to the imposition of a suitably worded planning condition, there would be no harm caused in this respect.
15. Bringing these threads together the development would preserve the character and appearance of the CA, and for the same reasons would be suitable for the local context. As such, notwithstanding the effect upon openness the installation of a fence of the design proposed would not be out of character with this part of the Green Belt.
16. I therefore conclude that the proposed development would not harm the character and appearance of the area and would not conflict with Policy LP26 of the Local Plan. Insofar as it is relevant to the appeal it seeks to ensure development promotes high quality design which respects the local character of the area and conserves the character of heritage assets.

Other considerations

17. The appellant contends the fence would provide perceived and real safety benefits and additional security to individuals and families living in The Manor. Noting that families reside at the Manor, this may include children, I have therefore had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Age is a relevant protected characteristic to which the PSED applies.
18. I can appreciate that the presence of trees and shrubs and the difference in site levels, which are present here, can obstruct views and visibility from the access road. Therefore given that there is public access within Claybury Park that this could be perceived as a security risk. I can therefore appreciate that

- providing a physical barrier could instil a sense of security encouraging more residents and those with children to walk or cycle when otherwise they may not.
19. The above being said, there is no substantive evidence that more people would walk or cycle, particularly during the dark where it would be less attractive to do so. The above is also moderated by the development serving a relatively small number of homes overall. As such the benefits before me are primarily private rather than for the wider public.
 20. However, the real safety benefits have not been fully explained. Although the Metropolitan Police have not objected to the scheme, I have not been provided with any comments from them which would support the proposal. Nor has any evidence of any incidents on the access road, within the grounds of The Manor, Repton Park or the adjacent public land been provided with the appeal documentation which would clearly support additional security measures.
 21. Although there may be established or informal public walking routes near to the application site, Repton Park is not secure around its entire perimeter. The appellant has stated it is possible to access land around the appeal site from the wider neighbourhood. Although other routes may take longer there are also black metal rail fences at the top of the appeal access drive. Although pointed, which would be a deterrent, they are much lower and would not be impossible for some people to climb over.
 22. I also observed that the existing access road had lighting along its length, security cameras and intercom systems. In the course of my site visit I used the latter to reach the security operatives for the wider site. In this regard it is not clear if these measures could be reconfigured and therefore whether the proposed fence in this location is the most appropriate and least impactful solution to achieve security benefits.
 23. Whilst I am mindful of the needs of children and residents it has not been demonstrated that the development is necessary or not being met by the existing security measures. In respect of the PSED and the other considerations put forward, the weight I can attribute to these benefits is limited by the above and absence of substantive justification. Overall I therefore afford these benefits moderate weight.

Other Matters

24. The appellant has drawn my attention to a local authority approval and appeal decisions in other administrative areas which they consider to be similar to or contrast with this appeal proposal¹. Whilst each proposal is judged on its own merits, I have carefully considered these examples, and I note the similarities with the context in that they propose fencing or are needed to provide benefits to residents. I have also noted where the surrounding environs are different in respect of the dismissed appeal example. However, I have not been provided with the full details and they will have been determined under a different set of circumstances, planning policies and other evidence which is not before me in this appeal. There is a degree of subjectivity in consideration of these matters and those put forward in support of those proposals which require site specific judgements to be made and for these reasons I attach limited weight to these.

¹ Appendix 6: Dacorum Borough Council LPA reference 4/00082/16/FUL; Appendix 7 - APP/T4210/A/12/2184820; Appeal Reference - APP/F4410/C01/1057841; Appendix 10 - APP/L5240/W/21/3273082.

Planning and Green Belt Balance

25. Paragraph 153 of the Framework states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. '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.
26. Although the proposal would not conflict with the five stated purposes of the Green Belt and would not harm the character and appearance of the area, the CA or trees, these are neutral matters that do not weigh for nor against the proposal.
27. There would be a reduction to visual and spatial openness. I acknowledge that the level of harm would be limited. However, the proposal would be inappropriate development which would be harmful. This harm carries substantial weight by definition.
28. The other considerations, and the examples of other planning decisions do not clearly outweigh the substantial weight that I give to the harm to the Green Belt, by reason of inappropriateness and effect on openness. This is a high hurdle for any development proposal to overcome.
29. Consequently, the very special circumstances necessary to justify the development do not exist. For the reasons set out above, the proposal would conflict with Local Plan Policy LP34 and the London Plan Policy G2 and therefore the development plan as a whole. It would also conflict with the Framework with regard to protecting Green Belt land and in particular paragraphs 152 and 153.

Conclusion

30. For the reasons given above I conclude that the appeal should be dismissed.

K Williams

INSPECTOR