



Appeal Decision

Site visit made on 21 May 2024

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th June 2024

Appeal Ref: APP/Q5300/W/23/3326358

Parkside House, Ferny Hill, Enfield EN4 0QA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr A Nicholas against The Council of the London Borough of Enfield.
 - The application Ref is 23/01225/OUT.
 - The development proposed is redevelopment of the site to provide 7 x bungalows.
-

Decision

1. The appeal is dismissed and planning permission for redevelopment of the site to provide 7 x bungalows is refused.

Preliminary Matters

2. The appeal is submitted against the failure of the Council to determine the planning application within the statutory timescale. The Council has advised that, had it been able to do so, it would have refused planning permission for the three reasons set out in its statement. I have had regard to the three reasons for refusal in so far that it provides clarity on what grounds the Council would have refused planning permission had it been able to do so. The main issues below are therefore taken from the Council's statement of case.
3. The appeal scheme is for outline planning permission with detailed approval sought for access. Matters relating to layout, scale, appearance, and landscaping are reserved for future approval. I have had regard to the proposed site plan (drawing 5/10) and proposed plans and elevations (drawing 10/10) but only as far as they provide an illustrative but informative indication of the layout, appearance, and scale of the proposed seven dwellings.

Main Issues

4. Given the evidence in the Council's Statement of Case, the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies and the effect on openness;
 - the effect of the proposal on heritage assets; 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 & the effect on openness

5. The appeal site comprises the host dwelling, Parkside House, and associated outbuildings in the form of stables, a barn, greenhouse and two garages. The house is a large detached dwelling which is two-storeys in height. The outbuildings are a mix of single-storey and two-storey. The outbuildings are all clearly ancillary to the occupation of the house as a dwelling and are clustered around the house so as to form a single group.
6. The buildings are surrounded by extensive landscaped gardens, including a hard-surfaced tennis court. There is one neighbouring property which shares the same access but is in separate ownership. Beyond the two houses the site is surrounded by open countryside and lies within the Green Belt.
7. Core Policy 33 of The Enfield Plan Core Strategy 2010-2025 (CS) seeks to protect and enhance Enfield's Green Belt and provides some local additional exceptions to the general constraint against development in the Green Belt, none of which apply to the appeal before me. The additional exceptions set out in this policy are generally consistent with the National Planning Policy Framework (the Framework).
8. Policy DMD 82 of Enfield's Development Management Document, adopted 2014, (DMD) also seeks to resist inappropriate development in the Green Belt. In that regard Policy DMD 82 is consistent with the advice in the Framework.
9. The appellant has also drawn my attention to Policy G2 of The London Plan, The Spatial Development Strategy for Greater London, 2021 (LonP) which also seeks to protect the Green Belt from inappropriate development and advises that development proposals that would harm the Green Belt should be refused except where very special circumstances exist.
10. Paragraph 154 of the Framework says new development in the Green Belt is inappropriate, though it sets out the categories of development which may be regarded as not inappropriate. One of these, subsection d) of 154, advises that the replacement of a building is not inappropriate provided the new building is in the same use and not materially larger than the one it replaces.
11. The appeal proposal is to replace the existing house and its cluster of outbuildings with seven new dwellings. The proposed development would be in the same use as the existing dwelling and outbuildings.
12. Although the Council has questioned whether the calculation of the existing buildings should include the greenhouse as it was not shown on the submitted plans, I saw the greenhouse and attached potting shed at my visit and have, therefore, included these structures in the consideration of the existing buildings. Taking the existing house and outbuilding as one building for the purpose of paragraph 154d), if I were to accept the appellant's figures, the appeal proposal would only result in a 1.5% increase in floorspace. Therefore, the proposed buildings would not result in a floorspace that is materially larger than the buildings which they are to replace.
13. I acknowledge that paragraph 154d) is often applied to instances where a cluster of detached buildings are replaced by a single building, or a cluster of buildings. However, in those instances the existing buildings and the proposed

buildings could be read as a single building even if, in fact, they were not. Although in this case the existing buildings can sensibly be read as one building, the appeal proposal, albeit an outline planning application, proposes seven dwellings which would not be read as a single building and are clearly not intended to be read as a single building. The proposed development would, therefore, not be considered together or comparable with what is proposed to be replaced.

14. For the above reasons, I find that the proposed development would not constitute the replacement of a building and would not comply with the exception set out in paragraph 154d) of the Framework.
15. Both main parties agree that the site is previously developed land, as defined in Annex A of the Framework. Albeit an existing dwelling, outbuildings and garden land, the garden is not within a built-up area. Paragraph 154g) allows for redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development.
16. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. The existing structures do have a visual and spatial impact on the openness of the Green Belt but I consider that the impact is limited because of their clustering. Furthermore, extensive areas of the landscaped gardens to the front, side, and rear of the existing structures, albeit not visible from public viewpoints, could be characterised as being open, in that they have limited built development. As undeveloped garden, which is within an area of similar uses and open fields, the site currently contributes positively to the openness of the Green Belt.
17. Both main parties agree that the proposed development would not have a significant impact on the visual aspect of the openness of the Green Belt due to the screening surrounding the site. Having visited the site and surroundings, I have no reason to disagree. The site is wholly enclosed with the existing landscaped gardens and trees and the proposed development would not be visible from public vantage points.
18. The spatial aspect of openness is an absence of development, rather than an absence of sight of the development. Although the submitted layout plan is indicative, it is informative as to how the site would be developed. To accommodate the seven dwellings proposed the development would need to be spread across much of the appeal site, not just in the location of the existing buildings. The proposed development would not be more coherent than the existing buildings and would clearly need to introduce development on parts of the site which are currently landscaped gardens. The development would result in built development spread across much more of the appeal site than the existing cluster of buildings.
19. Therefore, by introducing development on to parts of this extensive site where currently there is no development, the appeal proposals would be eroding the sense of openness that the site currently offers. This would have a significant spatial impact on the openness of the Green Belt which would be significantly greater than the impact of the existing buildings, and so would not fall under the exception in paragraph 154g) of the Framework. The limited views of the appeal proposal would not alter the spatial harm.

20. As set out above, the proposal would have a spatial impact which would result in a significant loss of the openness of the Green Belt. This would be contrary to paragraph 142 of the Framework which identifies the essential characteristics of Green Belts as their openness and their permanence. I give substantial weight to the harm to the Green Belt, as set out in the Framework.
21. Consequently, for the above reasons, and having regard to the National Planning Policy Framework and the relevant development plan policies, if considered under paragraph 154d) the proposal for seven dwellings would be inappropriate development, and if considered under paragraph 154g) the proposal would be inappropriate development in the Green Belt that would harm the openness of the Green Belt. The proposal would, therefore, not comply with any of the exceptions set out in paragraph 154 of the Framework. Furthermore, the proposed development would result in harm to the spatial openness of the Green Belt, contrary to paragraph 142 of the Framework.
22. The proposal would, therefore, conflict with Policy G2 of the LonP, Core Policy 33 of the CS and Policy DMD 82 of the DMD which, taken together seek to protect the Green Belt.

Heritage assets

23. I acknowledge that there is a disagreement between the main parties as to whether the existing dwelling is a non-designated heritage asset or not. Although the appellant asserts that the overall heritage value of the house is considered to be low, their own Heritage Statement¹ does not seek to argue that the existing house is not a non-designated heritage asset and so I have treated it as such.
24. The site is shown on the 1866 map as 'Park Villa' and set within a wooded area. The Heritage Statement includes a photograph from 1986 which is recognisable as part of the existing dwelling on site. Although the dwelling has been altered and extended it is of some, albeit limited, architectural interest with some surviving older parts.
25. Even if I were to accept the appellant's case, that the house is of low overall heritage value, being a non-designated heritage asset it has some value. The appeal proposal would result in the total loss of the property and its heritage significance, albeit that the significance is limited. The direct effect on the non-designated heritage asset is high.
26. Paragraph 209 of the Framework advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account. A balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
27. In this case the significance of the asset is limited due to the changes that have been made to the existing dwelling. However, the harm that would result from the development would be the total loss of the asset. Consequently, the total loss of the property would have a significant effect on the historic significance of the non-designated heritage asset.
28. For the above reasons, the proposal would result in the total loss and therefore harm to the significance of the non-designated heritage asset. The proposal

¹ AB Heritage Parkside House, Enfield Heritage Statement AB Heritage Project No: 62187, dated 10/10/2022

would be contrary to Core Policy 31 of the CS, which, amongst other matters, seeks to preserve, respect, and enhance all of the Borough's heritage assets.

29. The proposal would also be contrary to the advice in Section 16 and specifically paragraphs 196 and 209 of the Framework which, taken together, set out the desirability of sustaining and enhancing heritage assets and requires a balanced judgement to be had when considering the loss of non-designated heritage assets.

Other matters

30. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I have found that the proposal would not fall under the exceptions for a replacement building found in the Framework. It would also be inappropriate development due to the adverse impact on the spatial aspect of openness of the Green Belt, when considered as redevelopment of previously developed land.
31. Substantial weight is given to the harm to the Green Belt and very special circumstances will not exist unless the harm to the Green Belt, and any other harms, are clearly outweighed by other considerations. The proposal would also result in harm through the total loss of the non-designated heritage asset.
32. I acknowledge that the proposal would provide additional housing within the context of the Framework aims of boosting housing supply. The development would also optimise the capacity of the site and provide appropriately sized plots and gardens for each of the proposed dwellings. However, for the reasons given above, it would not respond well to the site's Green Belt locational context, as required by Policy D3 of the LonP and Policy DMD 7 of the DMD.
33. There would also be social and economic benefits both during and post construction. However, given the small scale of the development and, albeit close to Cockfosters, the development would be heavily reliant on the private car for access to day-to-day services and facilities. Consequently, the social and economic benefits would be limited.
34. The scheme would also have a neutral effect on biodiversity and trees, a neutral effect on the living conditions of the occupiers of the neighbouring property, and not significant harm to highway safety. However, these matters weigh neither for, nor against, the proposal.
35. For the above reasons I find that the other considerations in this case do not clearly outweigh the harm that I have identified to the Green Belt and other matters. Consequently, the very special circumstances necessary to justify the development do not exist.

Planning Balance

36. I consider that the harm and policy conflict I have identified would be such that the proposal would conflict with the development plan as a whole. The Council has confirmed that it is unable to demonstrate a five-year supply of deliverable housing land. I must, therefore, consider paragraph 11d) of the Framework.
37. However, as set out at footnote 7, if the policies in the Framework relating to the Green Belt provide a clear reason for refusing the development proposed,

then the 'tilted balance' is not engaged. In this case, I have found that the harm to the Green Belt would not be outweighed by the public benefits, and this provides a clear reason for refusing the proposal. Consequently, the presumption in favour of sustainable development, as set out in paragraph 11d) of the Framework, does not apply.

Conclusion

38. The proposal conflicts with the development plan taken as a whole, and the Framework. There are no other material considerations, including paragraph 11d) of the Framework, which would indicate that the proposed development should be determined other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed, and the planning application be refused.

K Townsend

INSPECTOR