



Appeal Decision

Site visit made on 14 January 2025

by **L Francis BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 February 2025

Appeal Ref: APP/B5480/W/24/3348727

Corner Farm, Fen Lane, North Ockendon, Upminster, Havering RM14 3RB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Marlyn Properties Ltd against the decision of the Council of the London Borough of Havering.
 - The application Ref is P0658.24.
 - The development proposed is the demolition of existing commercial barns and shed to create four new detached dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was updated in December 2024, during the consideration of the appeal. The Council and the appellant were given the opportunity to comment upon the revisions insofar as they relate to the appeal. I have taken the responses received by both parties into account.
3. The revised Framework has introduced a requirement for affordable housing within the 'Golden Rules' set out in paragraph 156. The Council's decision notice included the absence of affordable housing provision as a stand-alone reason for refusal. Given that the requirement for affordable housing is now included within part of the Framework relevant to this appeal, I shall consider affordable housing within the Green Belt section and not as a separate main issue.

Main Issues

4. In light of the above, the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, including any effect on openness and whether it meets the 'Golden Rules' having regard to the Framework and any relevant development plan policies;
 - the effect of the proposal on the character and appearance of the area; 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 appeal site comprises 2 large barns and a shed located to one side of an area of hardstanding. There is a single storey house to the south of the hardstanding, and the former farmhouse to the west, each house has its own defined garden area and does not form part of the appeal site. Fen Lane runs alongside the site to its north and east sides. There is a substantial, largely deciduous, hedgerow to the site's boundary with Fen Lane.
6. The scheme would involve the demolition of the barns, the shed and alterations to the hardstanding to allow for 4 new 4-bedroom dwellings, associated gardens, landscaping and parking.
7. The Framework identifies that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 of the Framework sets out the categories of development which are exceptions to this.
8. Both parties acknowledge that the barns and hardstanding comprise previously developed land given that a certificate of lawful existing use for Class B8 storage was issued in 2018. However, as referred to in the Officer Report, the site also includes a strip of grassland between the rear of the barns and Fen Lane. The Framework acknowledges that it should not be assumed that the entire curtilage of the developed land would need to be regarded as previously developed. As it does not contain any permanent or fixed structures or hardstanding, I do not regard the strip as being previously developed land (PDL).
9. In light of this, I shall consider paragraph 154g, that allows limited infilling or the partial or complete redevelopment of PDL, which would not cause substantial harm to the openness of the Green Belt. However, the part of the site that is not regarded as being PDL requires that I consider the appeal against paragraph 154h(v), which relates to the material change of use of the land. Furthermore, following the revisions to the Framework, I shall also consider the appeal against paragraph 156 (the 'Golden Rules'). Policy G2 of the London Plan 2021 broadly reflects the approach of the Framework in that it requires the Green Belt to be protected from inappropriate development.
10. Openness is an essential characteristic of the Green Belt; it can be perceived both spatially and visually. Due to their height relative to the border hedgerow, I saw on my site visit that the 2 barns are clearly visible from Fen Lane. They are well separated and appear as two distinct structures. Although the ridge height of the proposed houses would be lower than the ridge height of the taller barn (barn 1 as labelled on the drawings), they would still be higher than barn 2. Due to their height and limited separation, the proposed dwellings would present a more continuous built mass at a higher level than existing barn 2 for the length of the appeal site running north-south along Fen Lane. Accordingly, in views from Fen Lane, there would be a reduction in visual openness as a result of the proposed scheme.
11. Viewed from within the site itself, as the proposed houses would not have the same depth as the barns and there would be formal landscaping and parking in place of the front section of both barns, there would be a lesser effect on visual openness compared to the current arrangement within the appeal site.

12. In spatial terms, although the footprint of the buildings would be reduced as a result of the proposal, the western part of the barns would be replaced with hardstanding, car parking and formal landscaping. This area would be read as domestic curtilage. Nevertheless, there would be a limited effect on spatial openness.
13. Taken together, the overall reduction in footprint and volume of the built form on site would not cause substantial harm to the openness of the Green Belt. Insofar as it relates to the area of previously developed land, the scheme would be in line with the exception set out in paragraph 154g.
14. As described above, the residential curtilage would extend over previously undeveloped land. There would be a change of use which would fall to be considered under paragraph 154h(v). Such development is not inappropriate provided openness is preserved and it does not conflict with the purposes of including land within the Green Belt.
15. The Framework describes the Green Belt as serving five purposes. Paragraph 143c sets out one of those purposes is 'to assist in safeguarding the countryside from encroachment'. The effect of development as encroachment on the countryside may be in the form of loss of openness or intrusion, and through the loss of openness, there can be an intrusion or encroachment into the countryside. The rear gardens of the 4 houses would encroach onto the strip of undeveloped land between the barns and Fen Lane. Tended garden spaces and residential paraphernalia associated with domestic gardens would diminish the spatial and visual openness of the undeveloped land. This part of the proposal would therefore not preserve openness and would be contrary to the purposes of including land within the Green Belt.
16. Paragraph 156 sets out the 'Golden Rules' for major development involving the provision of housing. The area of the appeal site, at over 0.5 hectares means that the proposal would constitute major development under the Framework's definition. The Golden Rules require a) affordable housing in line with development plan policies produced in accordance with paragraphs 67-68 of the Framework, or as set out in paragraph 157; b) necessary improvements to local or national infrastructure; and c) the provision of new, or improvements to existing, green spaces that are accessible to the public.
17. There is no development plan policy before me which addresses the requirements of Framework paragraphs 67-68 (which set out that a specific affordable housing requirement should be set for major development involving the provision of housing, either on land which is proposed to be released from the Green Belt or which may be permitted on land within the Green Belt). Turning to paragraph 157 therefore, the requirement would be an affordable housing contribution at 15% above the highest existing affordable housing requirement which would otherwise apply to the development, subject to a 50% cap. Policy H4 of the Havering Local Plan 2016-2031, adopted in 2021 (HLP) requires the provision of affordable housing where development proposals comprise 10 or more dwellings or exceed a site area of 1000 square metres. The policy specifies a minimum of 35% affordable housing. Based on a 15% uplift therefore, the affordable housing requirement for the appeal site would be 50%.
18. The appellant has offered to provide a payment in lieu of on-site provision, to be secured by section 106 planning obligation. No obligation has been provided with

the appeal. It is the appellant's responsibility to submit a document that secures the appropriate contributions and there is no mechanism before me that would secure an appropriate financial contribution in lieu of the provision of affordable housing. This is in the context of the Golden Rules where they relate to grey belt land and as otherwise required for development that does not accord with the Golden Rules.

19. The proposal does not address any necessary improvements to local or national infrastructure, or the provision of new, or improvements to existing, publicly accessible green spaces. The scheme would not therefore comply with the 'Golden Rules' as set out in Framework paragraph 156.
20. In conclusion, I have found that the encroachment of the rear gardens onto undeveloped land would conflict with the purposes of including land in the Green Belt and would not preserve its openness, contrary to paragraph 154h(v); furthermore, the proposal would not meet the 'Golden Rules' set out in paragraph 156, including the provision of affordable housing. The proposal would therefore comprise inappropriate development in the Green Belt and would be contrary to London Plan Policy G2. The failure to provide affordable housing would also conflict with HLP Policy 4. Although I have found the proposal would not conflict with paragraph 154g, this does not overcome the harm to the Green Belt I have identified above.

Character and Appearance

21. The land surrounding the appeal site is largely open and flat, with far-reaching views of the surrounding countryside. There is sporadic development locally, with a golf course located on land to the west and south, along with a hotel building on higher land further west. Within the surrounding area, there are other agricultural holdings, some commercial uses, along with other dwellings standing alone or within clusters of dwellings lining streets. There is no defined pattern of development locally, but the overall character is rural, with extensive fields, hedgerows and small areas of woodland in the area surrounding the appeal site. The buildings located around the central area of hardstanding including the barns, shed and houses opposite do not have a particularly formal layout. The barns have a functional appearance that one expects to find in this particular context.
22. The proposal would comprise a formal, symmetrical layout, with parking, landscaping and hardstanding to the front with rear gardens running out to the boundary with Fen Lane. Due to their height and limited separation, the proposed dwellings would present an almost continuous built mass for the length of the appeal site, which, particularly during winter months would be highly visible from Fen Lane. The overall scale and bulk of the houses and their layout would introduce an overly dominant form of development at odds with the rural characteristics of the site and surrounding landscape.
23. Whilst I note the houses are designed to reflect the features of Essex barns, the extent of glazing would not reflect typical barn fenestration and would not sit comfortably within the rural context of the site. Moreover, to the rear elevations, glazing to the kitchen/diner and bedroom above would appear as a double-height glazed gable to each house. When lit, particularly during the winter months when leaf cover would be minimal, these elements would be highly visible in a dark, rural setting and would be an intrusive and incongruous feature which would be discordant with the character and appearance of the landscape.

24. I conclude therefore that the proposal would be harmful to the character and appearance of the area due to its layout, scale, bulk and detailed design. It would conflict with HLP Policy 26, which amongst other things, supports development proposals that respect or complement the distinctive qualities, identity and character of the local area as well as responding to distinctive local building forms and patterns of development.
25. Whilst the Council refer to HLP Policy 7 in their reason for refusal, this policy relates more to design quality with specific regard to the living environment for future residents. Given that it does not directly relate to character and appearance, I do not consider it directly determinative on this issue.

Other Considerations

26. The proposal would deliver a net gain of 4 new accessible and family sized dwellings. This would support the Government's aim of significantly boosting the supply of homes and would contribute to the Council's housing stock, as such I attach moderate weight to this benefit. There would be temporary and ongoing economic benefits from the development through construction and use of local shops and services, but given the scale of the proposal, those benefits would be limited. The use of rooftop solar photovoltaic panels and air source heat pumps would be a benefit to the sustainability of the proposed dwellings and biodiversity would be enhanced through the creation of a wildflower meadow and additional landscaping; I attach these benefits moderate weight.
27. The Council consider the proposal is otherwise acceptable in terms of its effect on ecology and biodiversity, highway matters and its effect upon the living conditions of nearby residents. The evidence does not lead me to disagree with these conclusions. The absence of harm in these respects is a neutral factor which does not weigh in favour of, or against the proposal.

Green Belt and Planning Balance

28. I have found that the proposal would be inappropriate development in the Green Belt, a matter to which the Framework requires me to attach substantial weight. The appeal proposal would also be harmful to the character and appearance of the area. I have judged the magnitude of this harm as significant.
29. Paragraph 232 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. According to the Framework the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning development process should achieve. It also requires that developments are sympathetic to local character and are visually attractive in terms of good architecture and layout. Therefore, the conflict between the proposal and HLP Policy 26 should be given significant weight in this appeal.
30. The Council is unable to demonstrate a 5-year supply of deliverable housing sites. The 2023 Housing Delivery Test stands at 61%, indicating that the delivery of housing was substantially below the requirement over the previous 3 years. Consequently, paragraph 11 d) of the Framework is applicable. However, paragraph 11 d) i) provides an exception where there are circumstances where the application of policies in the Framework to protect areas or assets of particular importance provide a strong reason for refusing the proposal. Footnote 7

establishes that this includes the Green Belt. As I have found that the proposal would cause harm to the Green Belt, the appeal proposal does not benefit from the presumption in favour of sustainable development.

31. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It advises that 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.
32. The other considerations do not clearly outweigh the substantial weight that I give to the harm to the Green Belt, by reason of inappropriateness. Consequently, the very special circumstances necessary to justify the appeal scheme do not exist.

Conclusion

33. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, the appeal should be dismissed.

L Francis

INSPECTOR