



Appeal Decision

Site visit made on 7 November 2024 by N Unwin BSc (hons) MSc MRTPI

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st December 2025

Appeal Ref: APP/Z5060/W/24/3344225

1 Longview Villas Collier Row Road, Barking and Dagenham, Chadwell Heath RM5 2BS

- 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 Mr Andrew Skinner against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref is 23/01741/FULL.
 - The development proposed is described as the erection of a pair of semi-detached dwellings.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a pair of semi-detached dwellings in accordance with the terms of the application 23/01741/FULL, subject to the conditions set out in the Annex to this decision.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The London Borough of Barking and Dagenham Local Plan 2020-2037 (2024) (BDLP) was adopted by the Council on 18 September 2024. In refusing planning permission, the Council referred to policies within the Core Strategy (July 2010), the Borough Wide Development Plan Document (March 2011), and the draft Local Plan (Regulation 19 Submission Version, December 2021), all of which have now been superseded.
4. Furthermore, a new version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. I have proceeded on this basis and referred to the most up to date development plan and Framework at the time of writing.
5. The appellant has been made aware of the new development plan position in addition to the December 2024 version of the Framework, with both main parties having been provided with additional opportunities to provide further comments.

Main Issues

6. The site is located within the Green Belt, and therefore the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to the Framework and relevant development plan policies; and,

- The effect of the proposed development on the living conditions of future occupiers, having regard to internal space.

Reasons for the Recommendation

Whether Inappropriate Development Within the Green Belt

7. The appeal site forms an area of residential garden associated with 1 Longview Villas. The proposed dwellings would be located within an area of side garden, adjoining Collier Row Road, and the area within which the appeal site is located is designated as Green Belt.
8. The Government attaches great importance to Green Belts. 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. Development in the Green Belt is inappropriate unless certain exceptions are met.
9. Paragraph 154 of The Framework sets out a series of exceptions as to when development within the Green Belt is not considered inappropriate. In this regard, the parties have grappled with the question as to whether the proposal would constitute limited infilling in villages (para. 154 (e)); or limited affordable housing for local community needs under policies set out in the development plan (para. 154 (f)); or limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not cause substantial harm to the openness of the Green Belt (para. 154 (g)).
10. With regards to limited infilling in villages, the appeal site is identified as being located along a relatively short, linear section of road between Marks Gate and Collier Row. This area is not identified as a village within the BDLP, and whilst Collier Row may historically have been regarded as a village before the further development of the area, by the appellant's own admission it ceased to be regarded as such in 1925. For this reason, the proposed development would not meet the requirement to be constitute limited infilling in a village, as set out at para. 154 (e).
11. Turning to the matter of affordable housing, I recognise that the appellant has contended that the proposed dwellings would meet local housing needs and could contribute to affordable housing if required. However, to secure the tenure of the properties in this manner, a legal agreement would be required. I am mindful that no such document has been presented as part of the appeal, and in the absence of the presentation of any security in restricting provision to either affordable housing or housing to meet an identified local community need, the proposal cannot therefore meet the exception set out at para. 154 (f).
12. I am mindful that the Framework defines brownfield or previously developed land at Annex 2, with the definition specifically excluding land in built-up areas such as residential gardens. The land occupies a position between an existing dwelling and a builder's yard and is part of a relatively continuous section of development to the south of Collier Row Road. Resting to a degree on the same conclusions regarding whether the appeal site constitutes land within a village, given the existing level of development surrounding the appeal site, I consider the proposal to be located on land within a built-up area. With neither the appellant nor Council suggesting that the appeal site is anything other than land within a residential curtilage, the

proposal does not therefore meet the definition of brownfield/ previously developed land. For this reason, the proposal cannot represent the limited infilling or the partial or complete redevelopment of previously developed land, as required to accord with para. 154 (g).

13. For these reasons, there are no exceptions in paragraph 154 of the Framework that would apply in this instance.

Whether the appeal site is grey belt land

14. Paragraph 155 of the Framework sets out that the development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate where all of a list of certain further criteria apply.
15. Criterion (a) of para. 155 requires the development to utilise grey belt land and not fundamentally undermine the purposes of the remaining Green Belt across the area of the plan. The framework defines grey belt as land in the Green Belt as comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143.
16. The Council contend that the area of Green Belt within which the appeal site is located, would meet purpose (b) of Para 143 only, in that it prevents Marks Gate merging with Collier Row. Therefore, the proposal does not contribute to the purposes of (a) or (d) of Para 143. However, they go on to confirm that this parcel of Green Belt forms a 'less essential' gap, where development is likely to be possible without any risk of coalescence between centres. Given the appeal site forms a comparatively narrow gap between existing development as part of a larger ribbon of development, I do not consider it to strongly contribute to the purposes of (b) of Para 143. I am therefore satisfied that the proposal would constitute the utilisation of grey belt land and would not fundamentally undermine the purposes of the remaining Green Belt, complying with criterion (a) of para. 155.
17. Turning to criterion (b) of para. 155, there is a requirement for a demonstrable unmet need for the type of development proposed. Footnote 56 of the Framework clarifies that for development involving housing, this includes where the Housing Delivery Test was below 75% of the housing requirement over the previous three years. The most up-to-date Housing Delivery Test: 2023 measurement, published by the Government in December 2024, indicates that at 66% the Council's latest Housing Delivery Test figures are below the 75% threshold. There is therefore a demonstrable unmet need for the type of development proposed and the proposal would comply with criterion (b).
18. Criterion (c) of para. 155 sets out the requirement for development to be within a sustainable location. The appeal site is located close to bus stops on Collier Row Road, with regular buses throughout the day connecting to Hainault Underground Station on the Central Line, and Romford Station for the Elizabeth Line. Access to additional bus routes is available in the settlement of Collier Row, which is a relatively short walk away along a pavement. Collier Row also offers a variety of services. Whilst I recognise that the site is identified as being located within an area with a PTAL 2 score, I am nevertheless satisfied that the location of the proposal would provide access to a genuine choice of transport modes, as well as services, limiting the reliance of future occupiers of the proposal on private vehicle to carry

out their day-to-day activities. Overall, I therefore consider the proposal to be within a sustainable location, complying with criterion (c).

19. I am mindful that the requirements of criterion (d) of para 155 should only be applied where applicable, and if the development meets the 'Golden Rules' requirements of the Framework. It is set out that these would only be applicable to major development as defined within Annex 2 of the Framework. The quantum of development in this instance is such that this requirement would not apply.
20. For these reasons, the relevant criteria contained in the Framework paragraph 155 are met and this development does not fall to be considered as inappropriate development in the Green Belt. As such there would not be conflict with Policy SP6 of the BDLP which seeks to protect and enhance the borough's Green Belt land, to maintain its function, quality and openness.
21. The Courts have found that where a development is found not to be inappropriate development it should not be regarded as harmful either to the openness of the Green Belt or to the purposes of including land in the Green Belt.

Living Conditions

22. The submitted plans show the proposed two-storey dwellings as possessing 3 bedrooms, with the Council accepting that the overall Gross Internal Area (GIA) of about 93 m² would comply with the technical housing standards – nationally described space standard (NDSS) requirement for a 3 bed 5 person (3b5p) dwelling. I also note the GIA would comfortably exceed that required for a 3 bed 4 person (3b4p) dwelling.
23. The NDSS sets out that a 3 bedroom property is required to have at least one double bedroom, and the parties agree that none of the bedrooms would meet the minimum standard of 2.75m width required for at least one of the double bedrooms (the remainder to meet 2.55m width) to comply with the NDSS. The Council also highlight that the smallest of the 3 bedrooms would, at approximately 5.5 m², be considerably smaller than the minimum floor area of 7.5 m² required by the NDSS, in order to equate to 1 bedspace. This is not disputed as fact by the appellant.
24. With regards the double bedrooms, I am mindful that the shortfall in width of approximately 0.15m, would be sufficient to meet the requirement for any additional double bedrooms. Given the overall GIA for the proposed dwellings, I am satisfied that this shortfall can be reasonably balanced against an overall compliance against the GIA for 3b5p dwellings and present a comfortable exceedance of the required GIA for a 3b4p dwelling. Additionally, it is reasonable to expect that any required storage space could also be accommodated within the GIA.
25. Turning to the third bedroom, the smallest room indicated as a bedroom on the proposed plans for each dwelling does not meet the minimum criteria of the NDSS to be considered as a bedspace. Therefore, in practice the proposed dwellings in their current form, and subject to the conclusions I have reached regarding the double bedrooms, would only be capable of being regarded as 2 bed 4 person (2b4p) dwellings, with a required GIA of 79 m², which would be significantly exceeded as per the proposed GIA.
26. I recognise that the Council highlighted in their submissions that had they not contested the principle of development, and that this is a matter that they would

have sought to address with the appellant through amended plans, and I agree that this is a matter which could have been satisfactorily resolved in this manner. However, it was not addressed and the submitted plans continue to show 3 bedrooms, which is the basis upon which the Council assessed the planning application, and the basis upon which I must also.

27. For these reasons, the shortfall in floor area of the smallest bedroom would be such that it could not be considered as providing a bedspace, and the proposed development cannot therefore be regarded as providing 3 bedrooms as shown on the proposed plans. I am satisfied that on balance, the very slight shortfall in the dimensions of the double bedrooms would not be harmful. However, whilst the overall compliance with the minimum GIA for a 3b5p dwelling, or exceedance of the minimum GIA for a 3b4p dwelling would reduce the overall level of harm, I find that the shortfall in floor area for the smallest bedroom would result in a limited adverse impact on the living conditions of future occupiers.
28. The proposed development would, by not fully according with the private internal space standards as set by Policy D6 of the London Plan (March 2021), conflict with the development plan policy, and would not provide in all regards a high standard of amenity for future occupiers in accordance with paragraph 135 of the Framework.

Other Considerations

29. The Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years, with the Council's latest figures at 66%, and therefore paragraph 11 d) of the Framework applies.
30. In respect of paragraph 11d) i) of the Framework, the application of policies that protect land designated as Green Belt do not provide a clear reason for refusing permission, and therefore paragraph 11d) ii) of the Framework applies. This states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
31. Whilst, the proposal would only deliver 2 new homes, these would help to make up for the Council's general under performance in respect of the Housing Delivery Test, and despite the modest quantum of development, this is still a substantial benefit given the scale of the shortfall of delivery. Even allowing for the modest scale of development, the proposal would help to support the Government objective to boost the supply of homes, and to which I attach moderate weight.
32. Although I acknowledge the appeal site being located within an area identified as having a PTAL score of 2, I find that the site is in an overall sustainable and accessible location for housing. This is because of its proximity to Collier Row, which includes some facilities. Nearby bus stops provide regular public transport links to both London Underground and Elizabeth Line services and would allow

residents access to further services and facilities in other areas, in support of a key policy of the Framework.

33. The construction of this development would also generate some limited economic activity, with new residents also supporting existing shops, services and facilities in the area. As such, there would be some limited economic benefits arising from the proposal.

Planning Balance and Conclusion

34. This proposal would utilise grey belt land within the Green Belt and having regard to the provisions of the Framework paragraph 155, the development would not comprise inappropriate development in the GB. However, the proposal would result in harm to the living conditions of future occupiers, to which I have attached limited weight.
35. On the other hand, the proposal would provide benefits which are consistent with the Framework and are afforded moderate to limited weight. As a result, when assessed against the policies in the Framework, the adverse impacts associated with the proposal, would not significantly and demonstrably outweigh the benefits arising from this. Consequently, the presumption in favour of sustainable development applies and this indicates that planning permission should be granted, and the appeal be allowed.

Conditions

36. The drawings are listed for certainty [condition 2]. The agreement of full details of external materials is necessary in the interests of the character and appearance of the area [condition 3]. To protect the operation of the public highway and existing living conditions during construction and demolition, a Construction Logistics Plan and a Construction Environmental Management Plan are necessary [conditions 4 and 6]. To ensure that risks from land contamination to the future users of the land are minimised, a condition relating to further investigation, risk assessment, remediation, verification and unexpected contamination are necessary [condition 5].
37. Conditions 3-6 are pre-commencement conditions as it is fundamental to have these details agreed before development commences on site, with the appellant offering no objection to their imposition.
38. Details of hard and soft landscaping to the front curtilage including surfacing materials, planting, boundary treatments and landscape management plan are necessary in the interests of highway safety, to ensure a satisfactory external appearance and suitable biodiversity impact [condition 7]. Cycle parking is necessary to encourage sustainable forms of transport [condition 8]. The provision of refuse storage and a refuse management plan would be in the interests of the removal of refuse from the site and the amenity of future occupiers [condition 9]. The provision of a detailed Acoustic Report and details of a scheme of acoustic protection to provide noise mitigation is necessary in the interests of the Agent of Change concept and to ensure suitable future living conditions [conditions 10 and 11].
39. A condition to remove permitted development rights for all development underclasses A, B, D & E in Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 has not been

imposed. Planning Practice Guidance advises that area-wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity, and I see no exceptional reason to impose the condition here.

Final Recommendation

40. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

N Unwin

APPEAL PLANNING OFFICER

Inspector's Decision

41. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed, subject to the conditions as listed.

Martin Seaton

INSPECTOR

ANNEX

Conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. The development hereby approved shall only be carried out in accordance with the following approved plans:
 - SKI.SEP.21B pages 1 and 2 - ND
 - TQRQM21289124008976 - 16/10/2021
3. Prior to commencement, full details of external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interest of local character and amenity.

4. Prior to commencement of the development, a Be First/London Borough of Barking & Dagenham Construction Logistics Plan in line with the Transport for London guidelines shall be submitted to and approved in writing by the Council. The details shall include the numbers, size and routes of construction vehicles, provisions within/around the site to ensure that all vehicles associated with the construction works are properly managed to prevent any unwanted disruption to other highway users, and other matters relating to traffic management to be agreed with the licencing officers of the council. Approved details shall be

implemented throughout the project period and any changes to the document must be reported back to the council's planning and highways department.

5. No development shall commence until:

- a. an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
 - i. a survey of the extent, scale, and nature of contamination;
 - ii. an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments; and
 - iii. an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11', and
- b. a detailed remediation scheme, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been prepared and submitted to the Local Planning Authority for approval in writing. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- c. The approved remediation scheme must be carried out in accordance with its terms prior to commencement of the development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority. The report shall include results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met.
- d. If contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in

writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

6. No development shall commence, including any works of demolition, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. This Plan shall incorporate details of:
 - a. the parking of site operatives' vehicles;
 - b. loading and unloading of plant and materials;
 - c. storage of plant and materials used in constructing the development;
 - d. measures to control the emission of dust, dirt, and emissions to air during construction and demolition;
 - e. noise and vibration control; and
 - f. a waste management plan for recycling/disposing of waste resulting from demolition and construction works.

Demolition and construction work and associated activities, other than internal works inaudible outside the site boundary, are only to be carried out between the hours of 08:00 and 18:00 Monday to Friday and 08:00 and 13:00 Saturday, with no work on Sundays or public holidays without the prior written permission of the Local Planning Authority.

Any works which are associated with the generation of ground borne vibration are only to be carried out between the hours of 08:00 and 18:00 Monday to Friday.

Demolition and construction work and associated activities are to be carried out in accordance with the recommendations contained within British Standard 5228:2009, "Code of practice for noise and vibration control on construction and open sites", Parts 1 and 2.

Once approved the Plan shall be adhered to throughout the construction period for the development.

7. Notwithstanding the details submitted with the application, prior to above ground works a scheme of hard and soft landscaping for the front curtilage shall be submitted to and approved in writing by the Local Planning Authority. This shall include:
 - a. Details of surfacing materials
 - b. Planting plans and size and species of planting
 - c. Details of boundary treatments including materials
 - d. Landscape management plan

The hard landscaping and boundary treatments as approved shall be implemented in full prior to first occupation and maintained in accordance with the details provided.

The soft landscaping details as approved shall be carried out in the first available planting season following the date of that permission. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

8. Prior to above ground works, full details of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. This shall demonstrate that the cycle parking is in compliance with Policy T5 of the London Plan and meets the requirements of the London Cycling Design Standards (LCDS).

Prior to occupation, the approved details shall be fully implemented. Thereafter, the cycle parking facilities shall be permanently retained.

9. Prior to above ground works, full details of refuse storage and a refuse management plan shall be submitted to and approved in writing by the local planning authority.

Prior to occupation, the approved refuse storage shall be fully implemented. Thereafter, the refuse storage shall be permanently retained, and the refuse management plan shall be adhered to for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

10. Prior to above ground works, a detailed Acoustic Report prepared by a competent Acoustic Consultant shall be submitted and approved in writing by the Local Planning Authority. The report must identify and manage the impact of introducing a noise sensitive development on any existing uses and the Agent of Change principle should be applied. Any noise-sensitive development proposed near to an existing noise-generating use should include necessary acoustic design measures for example, site layout, building orientation, uses and construction materials.

11. Prior to above ground works, full details of a scheme of acoustic protection of habitable rooms against noise shall be submitted to and approved in writing by the Local Planning Authority, informed by the Acoustic Report approved under Condition 11. The scheme of acoustic protection shall be sufficient to secure internal noise levels no greater than:

- a. 35 dB LAeq in living rooms and bedrooms (07:00 hours to 23:00 hours) with windows closed; and
- b. 30 dB LAeq in bedrooms (23:00 hours to 07:00 hours) with windows closed.

Additionally, where the internal noise levels will exceed 40 dB LAeq in living rooms and bedrooms (07:00 hours to 23:00 hours) or 35dB LAeq in bedrooms (23:00 hours to 07:00 hours) with windows open the scheme of acoustic protection shall incorporate a ventilator system which is commensurate with the Acoustic Ventilation and Overheating Residential Design Guide January 2020. The approved scheme shall be fully implemented before the first occupation of the residential unit to which it relates and shall be maintained at all times thereafter.

External space noise levels shall be assessed in accordance with BS8233.