



Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement

Appeal By:

Mr Peter Timms

Proposal:

Demolition of existing structures and erection of a replacement single storey bungalow, hardstanding, access track and associated hard and soft landscaping.

Appeal Site:

Whitehouse Northwood Road Harefield

Our Ref: 66100/APP/2023/1506

Your Ref: APP/R5510/W/24/3338381

1. Introduction

- 1.1 This appeal statement is submitted by the London Borough of Hillingdon, as the Local Planning Authority (LPA), in respect of the appeal against its refusal to grant 66100/APP/2023/1506
- 1.2 The LPA refused planning permission on 25-05-23 for the following reason (as stated on the decision notice):
- (1) The proposed development constitutes inappropriate development which is, by definition, harmful to the Green Belt and would have an adverse impact on the openness of the Green Belt. In the opinion of the Local Planning Authority, there are no very special circumstances that would clearly outweigh the harm caused to the Green Belt. The proposed development is therefore contrary to Policy EM2 of the Hillingdon Local Plan: Part One- Strategic Policies (2012), Policy DMEI 4 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policy G2 of the London Plan (2021) and Section 13 of the National Planning Policy Framework (2021).
 - (2) By virtue of its location and its remoteness from existing services and facilities and, in particular, from existing infrastructure in the area, the proposal represents an environmentally unsustainable form of development. In addition, the proposed development fails to promote opportunities to travel by non-car-based modes of travel and it fails to provide safe, and suitable access for all users. The proposal is therefore contrary to Policy DMT 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policy T3 of the London Plan (2021) and Sections 2 and 9 of the National Planning Policy Framework (2021).
 - (3) The proposed development, by virtue of its siting, scale, width, mass, height and associated paraphernalia, would appear as an incongruous and highly conspicuous form of development that would be at odds with the rural setting of the site. The proposal would therefore cause unacceptable harm to the character, appearance and visual amenities of the area, contrary to Policy BE1 of the Hillingdon Local Plan: Part One Strategic Policies (2012), Policies DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies D1, D3 and D4 of the London Plan (2021) and the National Planning Policy Framework (2021).
 - (4) In the absence of an Arboricultural Impact Assessment, Method Statement and Tree Protection Plan, it has not been demonstrated that the proposed development could be constructed without undue loss of trees at the site which currently provide high visual amenity value. The potential harm caused to the trees would cause unacceptable harm to the character, appearance and visual amenity of the area. The proposal would therefore be contrary to Policy BE1 of the Hillingdon Local Plan: Part One Strategic Policies (2012), Policies DMHB 11, DMHB 12 and DMHB 14 of the Hillingdon Local Plan Part 2: Development Management Policies (2020), Policy G7 of the London Plan (2021) and the National Planning Policy Framework (2021).
 - (5) In the absence of a preliminary ecology report, there is insufficient information to demonstrate that the proposed development would not cause any harm to protected species (which includes bats). The proposal therefore fails to demonstrate that no harm would be caused to protected species and their habitats, contrary to Policy G6 of the

- 1.3 The LPA's case is set out in the Planning Officer's delegated report, which should be read in conjunction with this statement. A copy of the delegated report and a copy of the relevant planning policies have already been provided.
- 1.4 This statement will not repeat the delegated report and will focus on addressing matters raised in the Appellant's statement of case.

2. LPA Comments on Appellant's Statement of Case

Reason for refusal 1

- 2.1 The main issue which resulted in the refusal of the appeal scheme relates to the inappropriate development within the Greenbelt. The appellant references the recent planning permission granted for a conversion of existing building to C3 residential dwelling (66100/APP/2022/2374). This planning permission was solely for a change of use to a building that was in existence for a significant period of time. It is significantly different from the demolition of the building and a rebuild with a much larger footprint. The existing building positioning and its overall size and scale in the context of the Greenbelt was considered not to cause any additional harm to the openness of the landscape. The current scheme subject of this appeal is significantly larger and involves removal of an existing building which has not yet been converted to C3 use.
- 2.2 The Appellant statement does not put forward any significant justification to sway the LPA on this reason. The statement confirms that this change of use has not been implemented to date and as such, the scheme involves the demolition of a non-residential use and erection of a larger C3 building which impacts the overall openness of the Greenbelt. The approved change of use previously approved from a store, garage, office and part-time residence (for up to 50 days a year) to a Class C3 dwellinghouse did not involve any extensions of the footprint that would impact the openness of the Greenbelt.
- 2.3 The LPA would stand by the view that the existing building remains as a non-C3 use and given the restrictive policy seeking to protect the Greenbelt from inappropriate development were justified to refuse on these grounds. The exceptional circumstances in part d of Paragraph 154 of the NPPF should not apply as the use has not been formally implemented.
- 2.4 Paragraph 143 of the NPPF highlights unrestricted sprawl and safeguarding the countryside from encroachment as two of the five purposes for the Greenbelt. As indicated in this policy, the greenbelt policies, seeks to prevent sprawl of development and protect the openness of the Greenbelt. Para 154 part d also only allows for a replacement of a new building in the same use and not materially larger. The building proposed would have been significantly larger in footprint than the modestly sized existing building. The proposed dwelling would have a total footprint of 116 square metres, compared to 53 square metres of the existing single storey building used as a general store/farm office/part time residence for up to 50 days per year. The fallback position involving the conversion to a C3 use was based on specific site circumstances and was unlikely to have been granted if it had included an extension to its footprint. The current scheme subject of this appeal is substantially different given its scale and size compared to the existing building. For this reason, as well as the details within the delegated report, the LPA would stand by the first reason for refusal on principle grounds.

Reason for refusal 2

- 2.5 The second reason for refusal raised concerns regarding the sustainability of the site given its remoteness. The intensification of the land and creation of a larger footprint of development is likely to generate more need for unsustainable transport. This reason has been addressed within section 7.6 of the Officers delegated report. It highlights London Plan requirement (Policy GG2) to prioritise sites which are well connected to existing and planned public transport as well as plan for good local walking and cycling. The site is in a remote location with a PTAL score of 1 (Very Poor). The site location outside the local Village of Harefield. The highway leading up to the site is both poorly lit and poorly accessible area to pursue walking and cycling as a mode of transport. As such, there would be an over-reliance on private vehicles as a mode of transport for short journeys. This is considered unsustainable and whilst the Appellant refers to a fallback position, this has not been implemented and significantly more modest in scale. The intensification of the site with a larger dwelling that general supports a potential greater occupancy is likely to add additional unsustainable trip journeys. For this reasoning as highlighted in the delegated report, the LPA would stand by this reason for refusal.

Reason for refusal 3

- 2.6 The third reasoning deals with the overall design, siting and scale. The LPA would point the Inspectorate to the submitted images within the Appellants' statement of case which demonstrates the prevailing character remains open countryside. The existing fields and openness of land which is largely divided by hedgerows and trees dominates the landscape. The existing buildings are situated discretely and remain a modest overall size in terms of footprint and scale. The existing building sits comfortably adjacent to a hedgerow and landscaping. The largely allows it to appear modest in scale and generally does not impact significantly on the prevailing green landscape.
- 2.7 By removing this building and erecting a much larger bungalow in terms of footprint, scale and size, it would erode the open character of the countryside. The overall size and design of the replacement building would visually be more jarring and detract from landscape. The height of the replacement building would be larger and an increase in glazing would lead to the dwelling been visually more dominant than the current circumstances.
- 2.8 The Appellant notes within paragraphs associated with table 7.18 of their statement that the proposed dwellings footprint would only represent a modest increase on the existing building. The LPA would dispute this point and notes that the appellant includes a number of outbuildings which are not within the vicinity of the building with their calculations. There are no records to confirm these uses are non-agricultural. In the Glossary of the NPPF, Previously Developed Land excludes land that was last occupied by agricultural associated or forestry buildings. Were these outbuildings to be omitted, it would demonstrate that the building footprint would be over double the size of the existing building. With or without the inclusion of these smaller outer buildings, it would still represent a substantial increase on the current size. Its overall size and height would create an incongruous addition to the wider landscape. This would also be exasperated by the associated paraphernalia with a domestic dwelling of this size.
- 2.9 On this basis, the replacement building would appear incongruous within the open landscape to the detriment of the site rural setting.

Reason for refusal 4 & 5

- 2.10 The LPA have addressed this within the main section of the delegated report. The appellant indicates that both an Arboricultural Impact Assessment and Preliminary Ecological Appraisal have been submitted as part of the appeal documentation. This documentation has not been received by the LPA. As such, it has not been possible to comment on this additional evidence. It is however highlighted in the report that the site has significant landscaping within the immediate area of the dwelling. Significant concerns would remain in regard the impact the dwelling would have on the long-term future of these trees and also the wider ecological concerns given its rural setting.

3. Other Matters

- 3.1 The appellant raises very special circumstances within the final section of the statement including case law and the physical disability of the appellant's partner.
- 3.2 The LPA would rely on the National, London Plan and local Hillingdon Planning Policies in the determination of this application. Whilst there may be a fall-back position on the site for a change of use to residential C3 from the existing use, this has not been implemented. The LPA would argue that the approval is slightly different in context given it utilises an existing building which has been in situ within the landscape for a significant period of time. The statement above and delegated report provides further justification as to why the replacement building would impact the openness of the site.
- 3.3 The LPA are sympathetic to the personal circumstances of the Appellants' physical disability and take all equality legislation into account within the decision-making processes. Notwithstanding the personal circumstances associated with the applicant partner's health, it would represent a significant reason to weigh against the harm caused to the openness of the countryside. There is limited information within the applicant's submission that demonstrates that the house would be fully compliant with Part M (4) of the building regs. Even with a fully compliant accessible dwelling, this would still fall short of the harm to the Greenbelt.

4. Conclusion

- 4.1 The appeal scheme would form an inappropriate development within the Greenbelt without exceptional circumstances put forward. The LPA would respectfully request that the appeal is dismissed.

Appendices

Appendix 1 – Planning Officer's Delegated Report (already provided)

Appendix 2 – Copies of Relevant Planning Policies (already provided)

Appendix 3 – The LPA's Recommended Conditions (enclosed)