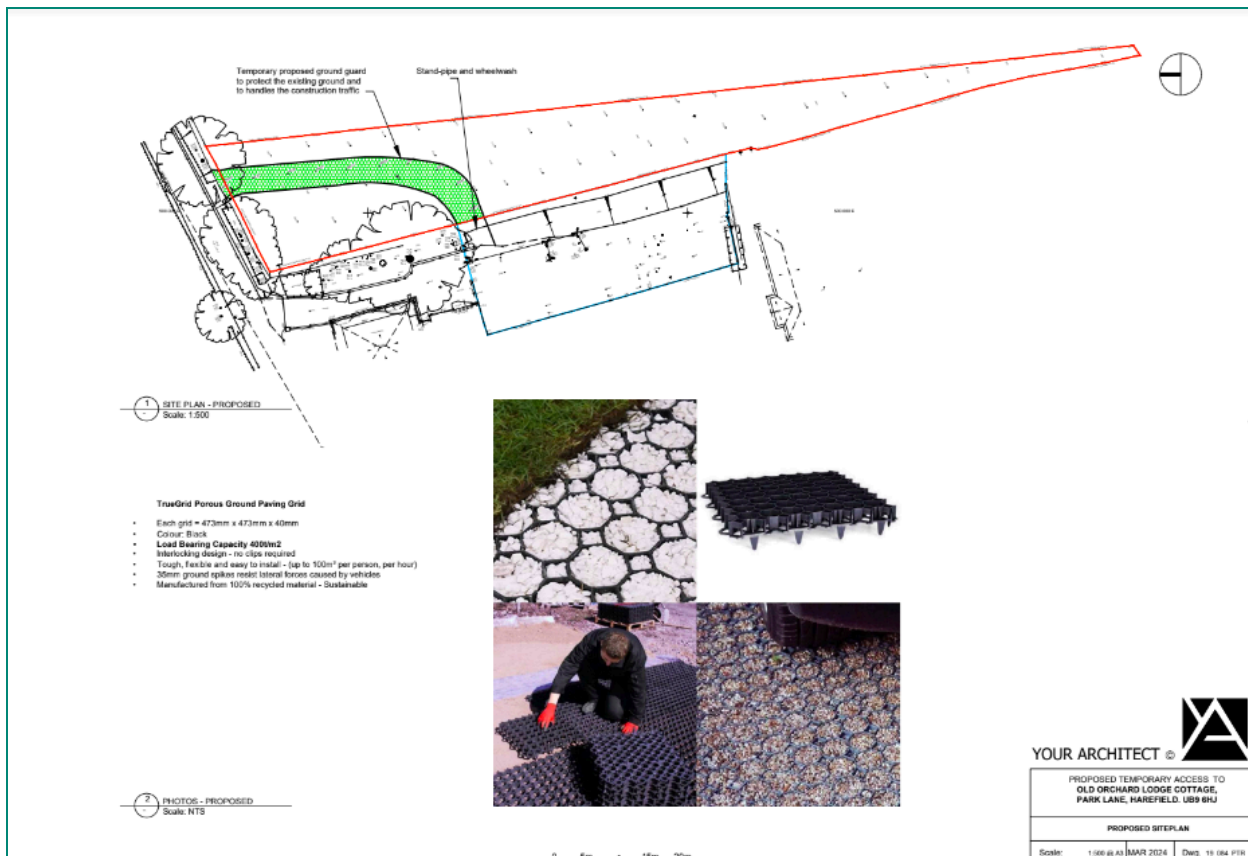


## SUPPORTING PLANNING STATEMENT

4th March 2024

### Temporary Access Track To Facilitate Implementation Of Planning Permission Reference 12385/App/2023/2652, For The Erection Of A Two-Storey, Detached Dwelling House With Associated Parking And Landscaping At: Old Orchard Lodge, Cottage Park Lane, Harfield



Prepared by MacMarshalls Rural Chartered Surveyors & Planning Consultants  
on behalf of Mr Ammar Khaliq



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## 1. INTRODUCTION

- 1.1. This statement has been prepared and submitted alongside a planning application for a temporary access track to facilitate the construction of a detached dwelling permitted under planning reference 12385/App/2023/265.
- 1.2. The statement provides assessment and justification in respect of the scheme having regard to local and national policy and guidance.

## 2. THE APPLICATION SITE & BACKGROUND INFORMATION

- 2.1. Following a material start having been made on an earlier permission for a dwelling (Reference 69790/APP/2021/2451) planning permission was most recently granted in November 2023 for a revised dwelling on the grounds of the now demolished Old Orchard Lodge Cottage.
- 2.2. The site for the dwelling is located at the fringe of Harefield Village amongst a group of properties comprising the Old Orchard Lodge, the Old Orchard Cottage and Old Orchard Public House. Old Orchard Cottage is located to the north west, and Old Orchard Public House is located to the south, the latter two properties benefitting from separate vehicular access points, to the west.
- 2.3. The dwelling is to be accessed via an existing shared, narrow, private drive to the south side of Park Lane. The access is shared with Old Orchard Lodge which is located immediately to the north of the site. Old Orchard Lodge itself is positioned immediately adjacent to the shared access, and a mature oak tree is located immediately opposite. Stone pillars and walls, and mature boundary hedges are adjacent to and slightly set back from Park Lane. Visibility is restricted.
- 2.4. The application site comprises part of a field within the ownership of the applicant. It is located immediately to the east of the permitted dwelling(s) and Old Orchard Lodge, separated in part by a mix of hedgerows and trees. Mature trees bound its northern side with Park Lane.
- 2.5. The site lies within the Green Belt and Harefield Village Conservation Area as identified in the Hillingdon Local Plan: Part One - Strategic Policies (November 2012).

## 3. PLANNING HISTORY

- 3.1. **12385/APP/2018/1199 Installation of driveway**  
Refused 14th June 2018 for the following reasons:

1. *The proposed access and driveway represents inappropriate development within the Green Belt and by reason of its overall size and scale would represent a visually intrusive form of development which would be detrimental to the open character and appearance of the Green Belt.*

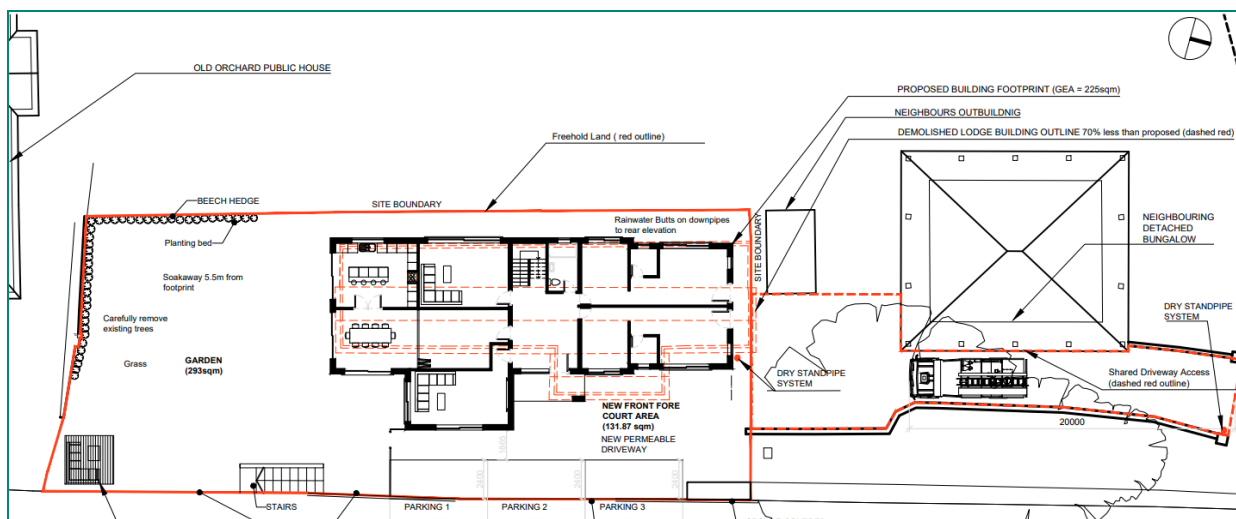
2. The proposal, by reason of the position, size and scale of the proposed access/driveway would be detrimental to the character, appearance and visual amenities of the street scene and would fail to either preserve or enhance the character or appearance of the surrounding Harefield Village Conservation Area.

3.2. The site of the extant dwelling has a fairly extensive planning history, however, other than noting that there are earlier permissions for a dwelling on the land, including 69790/APP/2021/2451 which is considered extant, other history is not of particular relevance to the determination of this application.

3.3. **12385/APP/2023/2652 Erection of a two-storey, detached dwelling house with associated parking and landscaping**

Approved 10th November 2023

An excerpt of the approved site plan for the dwelling is shown below, demonstrating the relationship of the dwelling with that of Old Orchard Lodge, the narrowness of the shared access drive, and the proximity of Old Orchard Lodge to that shared access drive.



#### 4. THE PROPOSAL

4.1. The owners of the site have run into difficulties in constructing the dwelling on site due to the shared access with the neighbouring property. The current situation is that the owners of that neighbouring property are preventing construction traffic from entering the site or making it difficult for them to access the site.

4.2. The applicant understands that the present access situation is far from ideal. It is too narrow to efficiently accommodate construction traffic, has poor visibility splays at its junction with Park Lane, is too close to the neighbouring property, and also has the potential to harm the mature oak tree by way of large construction vehicles passing over its route system.

- 4.3. Reducing the amount, frequency, type, and size of construction traffic is simply not viable, will unduly prolong construction time and extend noise and disturbance associated with vehicle movements and the construction of the dwellinghouse in general, to the detriment of all parties.
- 4.4. Accordingly, a temporary planning permission is sought (12 months) for the creation of an access track to the east of the existing shared access. Access would be taken from Park Lane to the east of the existing shared access. It would be sited between two trees, and would extend into the field for a distance of approximately 50 metres, and connecting with the application site for the approved dwelling.
- 4.5. Due to the existing topography there will be no requirement for any significant alteration to land levels. Recognising that the access track is only intended for a temporary period, it will be formed using a hardcore base and road planning's above to provide an appropriate surface for vehicles to use.
- 4.6. It is proposed to retain all removed topsoil in the paddock adjoining the track, which will then be put back as part of the scheme for restoration of the land to its former condition.
- 4.7. The application is accompanied by a tree report inclusive of tree protection measures to ensure there will be no harm to the adjacent trees, or the mature oak which is sited immediately adjacent to the shared access. No hedges will be impacted as a result of the proposed track.

## **5. PLANNING POLICY**

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 5.2. The Development Plan for the area comprises the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020): The National Planning Policy Framework (the Framework) and The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) are material planning considerations.
- 5.3. The following policies and guidance are considered relevant to the determination of this application:

DMEI 2 Reducing Carbon Emissions  
DMEI 4 Development on the Green Belt or Metropolitan Open Land  
DMEI 7 Biodiversity Protection and Enhancement  
DMEI 9 Management of Flood Risk  
DMHB 1 Heritage Assets  
DMHB 11 Design of New Development  
DMHB 12 Streets and Public Realm  
DMHB 14 Trees and Landscaping

DMHB 4 Conservation Areas  
DMT 1 Managing Transport Impacts  
DMT 2 Highways Impacts  
LPP D4 (2021) Delivering good design  
LPP D5 (2021) Inclusive design  
LPP G2 (2021) London's Green Belt  
LPP G7 (2021) Trees and woodlands  
LPP HC1 (2021) Heritage conservation and growth  
LPP SI1 (2021) Improving air quality  
LPP SI12 (2021) Flood risk management  
LPP SI13 (2021) Sustainable drainage  
LPP SI2 (2021) Minimising greenhouse gas emissions

## PLANNING ASSESSMENT

### Principle/Green Belt

- 5.4. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness and permanence are essential characteristics of the Green Belt.
- 5.5. It goes on to say that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 5.6. 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.
- 5.7. Paragraph 155 of the Framework sets out that engineering operations do not constitute inappropriate development within the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
- 5.8. Firstly, in respect of the purposes of including land within the Green Belt, it is acknowledged that the proposal, to a small degree, conflicts with criteria c) to assist in safeguarding the countryside from encroachment. However, this is mitigated by the scheme's temporary nature.
- 5.9. In respect of openness, paragraph: 001 Reference ID: 64-001-20190722 of the National Planning Practice Guidance (NPPG), states; *"Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgement based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:*

- *openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
- *the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- *the degree of activity likely to be generated, such as traffic generation.”*

5.10. Having regard to the above, the creation of the track in itself would again have some impact on openness, albeit, being very minor, as set out below:

5.11. Owing to the siting of the proposed access, its visual impact will be very limited. The access track would not be readily noticeable from public vantage points owing to existing trees, hedges, and buildings in the area. It would be apparent only for a limited period when passing along that part of Park Lane that the access is taken from. Spatially, the access has been limited to that essential to ensure that it can serve its function as a track to enable the efficient construction of the approved dwelling house. It will not be overly engineered, or unnecessarily long or wide.

5.12. The development is entirely remediable, and is for only a very limited time period. The applicant is happy to accept conditions to ensure that the temporary track is removed and restored to its former condition. Very limited engineering operations will be required for its formation, remediation will be simple, quick, and entirely effective.

5.13. There would be no additional traffic generated by the temporary development. In fact, it will reduce the amount and duration of vehicular activity associated with the development, enabling it to be constructed far more quickly than if it was required to continue via the existing narrow, shared access.

5.14. As the scheme constituted inappropriate development for the reasons set out above, it is necessary to set out the very special circumstances.

#### ***Very special circumstances***

5.15. As stated previously, the Framework states that ‘*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.

5.16. In this case there are clear very special circumstances:

5.17. Construction traffic associated with the approved dwelling has resulted in conflict with the occupiers of the neighbouring property, such that it has resulted in them obstructing access, in turn this would prolong the period of time required to construct the track, causing additional amenity issues. This is a situation that cannot continue. The proposed temporary access removes all neighbour amenity issues and conflict entirely.

- 5.18. The existing shared access is narrow, and is not suitable for construction and delivery vehicles necessary for the efficient construction of the dwelling. The proposed temporary access removes this problem entirely.
- 5.19. The proximity of Old Orchard Lodge to the access track puts it in danger (particularly the overhanging verandah) of damage from construction vehicles. The proposed temporary access removes this problem entirely.
- 5.20. The current shared access results in conflict with pedestrians, vehicles and construction traffic, as it results in a piling up of traffic on Park Lane, causing further issues for the surrounding road users. The proposed temporary access removes this problem entirely and would mitigate conflict and disruption between road users and construction traffic.
- 5.21. Visibility splays at the junction with Park Lane and the shared access track are severely limited. The proposed access provides for greater visibility splays, and removes any conflict with pedestrian and vehicular movements associated with Old Orchard Lodge, and the public house which has an access literally just around the blind bend, thereby improving highway safety.
- 5.22. The duration of the construction phase will be significantly greater if the existing access continues to be the only option. The proposed temporary access will put the construction timetable on track to be completed within 12 months.
- 5.23. The extended duration of the construction phase and any required alterations to construction vehicle types, deliveries, and frequencies will have an unnecessarily prolonged negative impact on the environment, including the conservation area. The proposed access track will reduce the duration of this impact.
- 5.24. Visibility is limited owing to existing boundary treatments on both sides of the access point. The proposed access will increase visibility splays for the betterment of highway safety, and remove any conflict with pedestrian and vehicular movements associated with old Orchard Lodge.

#### **Design/Visual Amenity/Heritage Impact/Countryside Impact**

- 5.25. The access track has been purposefully designed to ensure that it is minimal and temporary in nature. It will not be overly engineered and will be kept in a simple form that enables it to function appropriately and effectively to serve construction traffic, but also to ensure that the land can be easily restored. Owing to its siting, as discussed previously, it will not be a prominent feature from public vantage points due to existing boundary treatments and the curvature of the road.
- 5.26. A tree impact assessment has been submitted which shows that the trees on either side of the access will be retained and as set out in the assessment, protective fencing will be installed around those trees, and the root protection area of the mature oak. There will only be a very short term impact on the



character and appearance of the conservation area, and the scheme of restoration will ensure that there is no permanent harm at all, indeed, the resulting scheme of restoration can ensure an enhancement. Further, there is a clear public benefit in permitting the remapray access in that it will significantly reduce construction time associated with the extant permission whilst improving highway safety associated with the comings and goings of construction vehicles and the potential conflict with other road users. The impact on the character and appearance of the area will be very minimal and entirely temporary.

### **Neighbour Amenity**

- 5.27. There will be no direct impact on any neighbours by reason of the size, location and design of the track. As set out previously, it is required in part to reduce the impact on, and any conflict with, the nearest neighbour, and will do so greatly. The scheme is acceptable in terms of neighbour amenity.

### **Biodiversity**

- 5.28. Paragraph 186 of the Framework states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 5.29. In this instance the proposed development will not have any significant short term impact on biodiversity, and no long term impact. Ecological enhancements can be achieved via the restoration programme. Biodiversity net gain is not applicable to applications submitted prior to 2nd April 2024.

### **Highway Safety**

- 5.30. The temporary access for construction vehicles will be far better suited for its use than the shared access that is currently needed to be utilised. It is wider, and will have increased visibility splays for the benefit of all. There will be no conflict with traffic associated with the neighbouring property. Further, it will enable the dwelling to be completed in a much greater time than it otherwise would using the existing access, again reducing the period of time that construction vehicles will be coming and going from the property and its junction with Park Lane. The previously refused scheme for a permanent access point in the same location raised no concerns in relation to highway safety, and there is no reason why this should be any different for what is a temporary scheme for construction traffic only. If considered necessary the applicant is willing to have wheel washing facilities on site to ensure there is no detriment to the highway by reason of soil/mud debris. There is a clear benefit in permitting its temporary use to enable the efficient and safer construction of the permitted dwelling. The scheme is acceptable in terms of highway safety.

## **6. CONCLUSION**

- 6.1. It is recognised that the proposed temporary access track would, albeit to a very limited extent, constitute inappropriate development within the Green Belt by virtue of it conflict with one of the Green

Belt's five purposes, that being to assist in safeguarding the countryside from encroachment. It is also accepted that there would be a very modest and very minimal spatial and visual impact on openness. The scheme would therefore constitute inappropriate development within the Green Belt.

- 6.2. In accordance with paragraph 153 of the Framework, 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.
- 6.3. A range of very special circumstances have been set out, relating to significant highway safety benefits, significant neighbour amenity benefits, reduced construction time, and reduced environmental harm.
- 6.4. Subject to conditions to ensure that the land is restored to its former condition (and/or enhanced) following the expiration of twelve months there will be no harm to the conservation area, the visual amenities of the area, or ecology/biodiversity.
- 6.5. Accordingly, very special circumstances exist that clearly outweigh the very limited and entirely temporary harm to the Green Belt, and any other harms. It is therefore respectfully requested that the LPA grants planning permission for the proposed development.

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