
Appeal Decision

Site visit made on 22 August 2016

by Kenneth Stone BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2 September 2016

Appeal Ref: APP/L5240/W/16/3148389

Land adjacent Dunmail Drive, Purley, Surrey

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M Pomroy against the decision of the Council of the London Borough of Croydon.
 - The application Ref 15/04493/P, dated 5 October 2015, was refused by notice dated 11 December 2015.
 - The development proposed is described as 'security gates and agricultural turning area'.
-

Decision

1. The appeal is dismissed.

Procedural matters and background

2. The description of the proposal on the application form is as set out above. At the time of my visit the gate posts, gates, and an area of hard standing had been created with hard core laid on the land. The Council's decision notice refers to the proposal as the retention of security gates and agricultural turning area. However, 'retention' is not within the definition of development as set out in s55 of the Town and Country Planning Act 1990 and the agricultural turning area as described in the plans submitted with the application has not been fully completed. I therefore deal with the appeal as being in respect of the construction of the gates and turning area.
3. Reference has been made to a previous planning permission 12/02678/P for the construction of an access road and turning area granted permission on 11 February 2013 however I have not been provided with the full details of this decision, and subsequent details of conditions that were approved.
4. The posts and gates form a means of enclosure and an access to open land which the appellant uses for grazing horses. The land is otherwise enclosed by post and rail wooden fencing, barbed wire fencing and mature hedgerows and trees around its boundaries.
5. The site is located in the Green Belt and this is not disputed by the parties. The National Planning Policy Framework (the Framework) sets the relevant national policy context. The Council do not refer to a development plan policy in this regard and therefore I use the Framework as my policy context. In this context it is necessary to first establish whether the proposal represents inappropriate development in the Green Belt before going on to consider any other harm, including the effect on the openness of the Green Belt and the

visual amenities of the area. If it is inappropriate development, paragraph 87 of the Framework says that it is by definition, harmful to the Green belt and should not be approved except in very special circumstances. Such 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.

Main Issues

6. Following on from above the main issues are:

- Whether the proposal represents inappropriate development in the Green Belt for the purposes of the Framework;
- The effect of the proposal on the openness of the Green Belt and the character and appearance of the area, including the Green Belt; and
- Whether any harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development

7. Paragraphs 89-90 of the Framework set out those categories of development which may be regarded as not inappropriate, subject to certain conditions. These comprise buildings and other facilities as listed in paragraph 89 and operational and other forms of development as itemised at paragraph 90. The term 'building' in planning refers to any structure or erection and it therefore includes fences or gates. The gates and posts are therefore a structure providing a means of enclosure and hence covered by the term buildings, but such are not covered by any of the exceptions in paragraphs 89 or 90. The hard surfaced turning area could be described as an engineering operation, and therefore fall under paragraph 90, however it forms part of the whole and I do not seek to disentangle the development applied for into constituent parts as each element is reliant on the other for the purpose for which the development is required. For the purposes of the Framework the development must therefore be regarded as inappropriate development in the Green Belt.

Any other harm

8. The Council contend that the proposal would affect the openness of the Green Belt and the visual amenities of the area, including the Green Belt. I deal with these matters in turn below.
9. The application site is an open field used for the grazing of horses. It is enclosed for the most part by open low level fencing of post and rail or post and wire. Away from the frontage toward the rear and along Dunmail Drive and the adjacent field this is reinforced with tree and hedgerows. The surrounding area is of similar open character interspersed with tree and hedgerows and the wider open area sits adjacent to the built up suburbs of Purley and the surrounding residential areas.
10. The proposed gates are significantly higher than the surrounding fencing and means of enclosure and are evident in the locality. However, given their limited length and size they represent only a limited impact on the overall

openness of the Green Belt, defined as representing an absence of built or otherwise urbanising development. The turning area whilst of a significant size in its immediate setting, does not enclose additional space as a ground feature, and does not further contribute to a reduction in the openness of the area. As a whole the weight I attribute to the harm arising from this minor built development, identified as any other harm, is limited accordingly.

11. In terms of the character and appearance of the immediate surroundings the proposal would provide a substantial and significant area of hard surface at the entrance to an open field. This would appear as an open scar in the green environment and given the open nature of the surrounding area and topography would be visible from long distances on the road opposite. The gate and supporting posts have a heavy industrial appearance, their height, size, material and form in association with the extended turning area would appear particularly urbanising and out of character in this semi-rural location.
12. Accordingly I conclude that the proposal would materially harm the character and appearance of the area, including the visual amenities of the Green Belt. Consequently it would conflict with policies SP1.2, SP4.1 and SP7.2 of the Croydon Local Plan and Policies 7.4, 7.6 and 7.16 of the London Plan which collectively seek high quality development that reflects the character of the area and seek to protect green spaces.

Other considerations

13. The appellant contends that the turning area is required to facilitate the use of the site for the grazing of horses and that it is required given the size of the vehicle used to delivery hay bales to the site and the transportation of horses. It is further contended that the existing permission already allows for the access and a turning area on the site and that the increased dimensions are only required in the interests of enabling a vehicle to be brought onto the site and exit the site safely. I am unsure whether the appellant has explored other options for servicing the site, including the use of alternative vehicles or trailers and therefore I am not convinced the purpose for which the access and turning area are required are the only way in which that purpose could be achieved. I therefore give this consideration limited weight.
14. There is an extant permission and one which it appears has been partially implemented. However, I have not seen the full detail of this and the approved conditional matters. The Council have noted that the gate and posts in that permission are lower and the turning area less extensive. Whilst the existence of an extant permission is material and I give this some weight it would appear that approval is for a substantively less intrusive scheme which the Council has found acceptable. I therefore also afford this consideration limited weight.

Green Belt balance

15. Paragraph 88 of the Framework requires decision makers to ensure that substantial weight is given to any harm to the Green Belt. I have identified that the development would be inappropriate development in the Green Belt and hence by definition there is harm to the Green Belt by reason of its inappropriateness, to this I add the limited harm to the openness and the harm arising to the character and appearance of the area from the development. Other considerations must clearly outweigh this harm, and I have considered those that have been drawn to my attention above. I have however concluded

that each has only limited weight and therefore in combination I find that they do not clearly outweigh the harm which I have identified. The very special circumstances needed to justify the proposal do not therefore arise.

Overall conclusions

16. For the reasons given above I conclude that the appeal should be dismissed.

Kenneth Stone

INSPECTOR