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# Appeal Decision

Site visit made on 28 November 2013

**by R J Maile BSc FRICS**

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

**Decision date: 16 December 2013**

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**Appeal Ref: APP/L5240/A/13/2203351**

**Land at Dunmail Drive to the rear of 36 to 60 Honister Heights, Purley, Surrey, CR8 1EX.**

- 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 J Hyatt - Wineham Investments Ltd against the decision of the Council of the London Borough of Croydon.
  - The application, ref: 13/00181/P, dated 18 January 2013, was refused by notice dated 20 March 2013.
  - The development proposed is construction of four two-storey single family dwelling houses.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues in this case are:
  - a) Whether the proposal would be inappropriate development for the purposes of National policy and the policies of the Development Plan.
  - b) The effect of the development upon the openness of the Green Belt.
  - c) If inappropriate development, whether the harm 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 the development.

## Reasons

- a) *Inappropriate development.*
3. The appeal site comprises a parcel of land located between the rear of detached houses in Honister Heights and a public footpath that links Dunmail Drive with Grisedale Gardens. Approximately half of the site has been cleared and it is proposed that the remainder, which includes a number of mature trees, would be retained as amenity land.

4. To the southeast and beyond Dunmail Drive is the campus of Riddlesdown Collegiate, a high school that has been substantially extended and altered during the last few years. The appeal site and the high school are located within the Metropolitan Green Belt.
  5. National policy in the National Planning Policy Framework ('the Framework') contains a general presumption against inappropriate development within the Green Belt. Paragraph 79 states that the Government attaches great importance to Green Belts, with the fundamental aim of preventing urban sprawl by keeping land permanently open.
  6. The Framework further states that development should not be approved except in very special circumstances (paragraph 87). Paragraph 89 sets out a number of exceptions, none of which apply in the subject case, involving as it does the construction of new buildings.
  7. At regional level The London Plan (2011) states that the strongest protection should be given to London's Green Belt in accordance with National guidance (Policy 7.16). Likewise, "saved" Policies SP5 and RO1 of The Croydon Plan (2006) seek to protect the open character of the Green Belt.
  8. Having regard to this policy background, I find on the first main issue that the construction of four new houses as proposed would represent inappropriate development for the purposes of both National and Development Plan policy.
- b) Effect upon openness of Green Belt.*
9. That part of the appeal site upon which it is proposed to erect four detached houses is open and highly visible from Dunmail Drive and from the footpath that traverses the northeast boundary of the site. This forms part of a network of local footpaths within the vicinity that provide access to attractive countryside, including heavily wooded areas nearby.
  10. I therefore find on the second main issue that the erection of four dwellings as proposed with a new access located adjacent to the footpath and a roundabout access from Dunmail Drive would have an unacceptable adverse effect upon the openness of the Green Belt.
- c) Other considerations.*
11. The Officer's Report at paragraphs 5.3 and 5.4 acknowledges that housing applications should be considered in the context of the presumption in favour of sustainable development where Local Planning Authorities have been unable to demonstrate a five year supply of housing land. As at 30 September 2011 the Council's Annual Monitoring Report indicated a shortfall of 1,349 homes (the equivalent to 1.25 years' supply). Accordingly, paragraph 49 of the Framework applies and the appeal should be considered in the context of the presumption in favour of sustainable development.
  12. I have been provided with detailed information relating to the large extensions built within the school campus in recent years notwithstanding its Green Belt location. The erection of such buildings, albeit for educational purposes, would represent inappropriate development contrary to established policy. These new buildings have had a pronounced impact upon the openness of the Green Belt.

13. The four new dwelling houses would be constructed to Level 3 of the Code for Sustainable Homes in order to reduce their carbon footprint and render them sustainable.
14. Dunmail Drive and Honister Heights are narrow roads with a small hammerhead parking area adjacent to the school entrance. This renders the convenient and safe delivery and collection of children exceedingly difficult, particularly during the morning and afternoon "school runs." Development as proposed includes an attempt to ease such problems by providing a roundabout turning area in front of the school gates, as shown on Drawing no. 12 submitted as part of the planning application. There is apparently no space within the school grounds to effect improvements to the chaotic traffic problems that arise at peak times.
15. The appellant has indicated that he would accept a condition to ensure that the dwellings were occupied for a period of five years by residents of the London Borough of Croydon.

### **Green Belt Balancing Exercise**

16. I have found above that the scheme before me would represent inappropriate development by reference to National and Development Plan policy and that it would adversely impact upon the openness of the Green Belt. Paragraph 79 of the Framework emphasises the importance of preventing urban sprawl by keeping Green Belt land permanently open.
17. Conversely, the Framework requires Local Planning Authorities to identify a supply of deliverable sites sufficient to provide for a period of five years (see paragraphs 14, 47 and 49). The Council acknowledges that there is currently a shortfall of 1,349 sites. Whilst the four houses would make some, albeit small contribution to meeting this shortfall, it is preferable that this need should be addressed through the Development Plan process when other, less sensitive sites may come forward.
18. The recent developments at the Riddlesdown Collegiate have clearly breached Green Belt policy. However, no details as to the education needs of the locality have been adduced. The decisions to allow extensions to an existing school may represent the most economical and sensible way forward and, for these reasons, very special circumstances may have influenced the Council's decisions.
19. I acknowledge that the access problems associated with the school would be aided in some small measure by the proposal for a roundabout adjacent to the school entrance. Nevertheless, I am not convinced that of itself this would solve the more fundamental problems associated with parking in Dunmail Drive and Honister Heights, including by local residents and those using the adjacent network of footpaths. The approach roads to the school are narrow and at the time of my site visit were heavily parked, making access to and from the site difficult.
20. The imposition of a condition restricting occupation of the dwellings to residents of the London Borough of Croydon for a period of five years would not, either on its own or in combination with any of the other considerations detailed above, be sufficient to outweigh the totality of harm that would be caused by reason of

inappropriateness. As such, I find that no very special circumstances exist to justify the development.

**Conclusion**

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

*R. J. Maile*

INSPECTOR