
Appeal Decision

Hearing held on 8 June 2016

Site visit made on 8 June 2016

by

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

Decision date: 14 June 2016

Appeal Ref: APP/Q5300/W/15/3138344

The Stables, Warmerdams Nursery, Cattlegate Road, Enfield, EN2 9DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs V Warmerdam against the Council of the London Borough of Enfield.
 - The application Ref 15/01011/FUL, is dated 9 March 2015.
 - The development proposed is conversion of a brick building into a dwellinghouse.
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Decision

1. The appeal is dismissed and planning permission for conversion of a brick building into a dwellinghouse is refused.

Application for costs

2. At the Hearing an application for costs was made by Mrs V Warmerdam against the Council of the London Borough of Enfield. This application is the subject of a separate Decision.

Preliminary Matters

3. At the time of making the planning application the appellant served a formal validation dispute notice on the Council requesting that information relating to affordable housing obligations should be waived from the validation requirements. Although the Council never formally responded to this notice, it confirms that no planning obligations are being sought in this case and so the notice had no bearing on my consideration of this appeal.
 4. The Council did not issue a formal decision in this case but has since confirmed that it would have refused planning permission, had it been empowered to do so, because of the adverse effect to the future horticultural operation and viability of garden centre uses in the Crews Hill Defined Area; and character and appearance of the building, encroachment into the Green Belt and harmful impact on openness. I have determined the appeal on this basis.
 5. Two further putative reasons for refusal were given by the Council relating to access arrangements, including for refuse collections, servicing and deliveries. However, the Council has since confirmed that it would not pursue these reasons following submission of a Transport Statement of Case (May 2016).
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Main Issues

6. The main issues are:
 - (a) Whether the proposal is inappropriate development in the Green Belt for the purposes of the development plan and the National Planning Policy Framework and whether it would have a greater effect on the openness of the Green Belt or its purposes;
 - (b) The effect on future horticultural operations in the Crews Hill Defined Area and the local economy;
 - (c) If the development is inappropriate, 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

Whether inappropriate development and the effect on openness

7. Core Policy 33 of The Enfield Plan Core Strategy (CS) (2010) is clear that the Green Belt will be protected and enhanced but recognises that some diversification and business growth will be necessary in the Crews Hill Defined Area. It is clear that the Development Management Document (DMD) (2014) will set out specific criteria for assessing such proposals within the Green Belt.
8. Policy DMD 82 of the DMD imposes general Green Belt protection, affirming that inappropriate development will not be allowed and that other development must meet a range of criteria. Policy DMD 90 deals specifically with the Crews Hill Defined Area and sets out criteria that will be applied to ensure appropriate uses are allowed. Part 3 of the policy is clear that proposals for residential development, including change of use of existing buildings, will be refused. The justification supporting the policy explains that residential development in the defined area would be likely to adversely affect future horticultural operation and viability of garden centre uses to the detriment of the local economy.
9. Paragraph 79 of the National Planning Policy Framework (the Framework) makes it clear that the Government attaches great importance to the Green Belt and the protection of its essential characteristics, those being openness and permanence. Paragraph 87 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Development is to be regarded as inappropriate development, subject to the express exceptions outlined in paragraphs 89 and 90.
10. Amongst others, these exceptions include the re-use of buildings provided that the buildings are of permanent and substantial construction. The Council accepted during the Hearing that the building subject of this appeal would fall within this description. However, to be exempted from being inappropriate development, such proposals must also preserve the openness of the Green Belt and not conflict with its purposes. Although the existing building would not be extended, the appellant accepted during the Hearing that the presence of parked cars, the proposed terraces, fencing and other domestic paraphernalia would be likely to harm openness to some extent.

11. I consider that the harm to openness of the wider Green Belt would be minimal given the scale and nature of the proposal and the site context, surrounded by large horticultural buildings. However, the creation of an enclosed garden area on currently open paddock land and the introduction of the items above would undoubtedly harm openness, which is epitomised by the absence of buildings or development. Where such harm exists, the proposal cannot meet the exceptions in paragraph 90 of the Framework and I conclude that the scheme would be inappropriate development in the Green Belt. Paragraph 88 of the Framework requires that substantial weight is given to any harm to the Green Belt. In addition, the development would alter the character and appearance of the existing utilitarian building and expand its curtilage, encroaching on the countryside contrary to the purposes of the Green Belt.
12. I have had regard to the extant use of the building as stables, which was not disputed by the Council. Some degree of parking would be likely to be associated with this use, though I heard that the building had been vacant for many years and was no longer suitable for this use. Even if this use were to occur again, the frequency and duration of visits would be somewhat different to a permanent residential presence in my view and this does not alter my conclusions with regard to the overall impacts of the scheme discussed above.
13. The appellant also noted that a number of buildings had been removed from the surrounding area, improving openness. However, these appear to have been removed some time ago with no connection to the current proposal. In any case, I have not been provided with sufficient information regarding the previous buildings to draw any conclusion as to whether they might offset the harm in this case.

Effect on horticultural uses and the local economy

14. As set out above, Policy DMD 90 seeks to preclude residential development in the Crews Hill Defined Area. The appellant suggests that this is in conflict with paragraph 90 of the Framework, though I have already concluded that the proposal does not benefit from this part of the Framework.
15. Crews Hill Defined Area comprises a large array of horticultural uses grouped together, which the Council describes as unique and seeks to protect its contribution to the local economy through the above policy. Both parties noted that the area has undergone significant change and diversification over the years and that the amount of horticultural activity has reduced. It seems to me, that this loss is exactly what Policy DMD 90 seeks to manage. Rather than being in conflict with the Framework, the policy imposes locally specific requirements alongside and I see nothing improper in this approach. The DMD was adopted after the Framework and must have been in general conformity with it to have been found sound at Examination. Individual planning appeals are not the place to re-examine the need for development plan policies and I attach Policy DMD 90 significant weight as part of the statutory development plan.
16. The Council recognised during the Hearing that the building had been vacant for some time and that its extant use was for stables as opposed to any horticultural use. As such, its change of use to residential would not result in any direct loss of horticulture in the area. Whilst this is so, nor would the proposal add to the established horticultural activity or represent a form of diversification supported by the Council's strategy. In my view, the

introduction of a residential unit in very close proximity to a range of established glass houses and horticultural enterprises would be very likely to lead to conflict from the daily activity, noise and disturbance and passing and manoeuvring of large vehicles. Such conflict would in turn be likely to prejudice the ongoing operation of these enterprises, as well as their expansion or diversification. As such, the development would harm the local economy and the proposal is in direct conflict with Policy DMD 90.

Other considerations

17. The development would allow effective re-use of an existing building that is reasonably close to some services and facilities, including a railway station. It would also incorporate energy efficiency measures. However, these are not in themselves benefits and would simply be matters that might reduce the environmental impact of the dwelling.
18. The Framework outlines a need to boost significantly the supply of housing and the proposed development would provide one dwelling, contributing to the choice and availability of local housing stock. However, the Council suggests that it currently has sufficient housing land for the next five years and this was not disputed by the appellant. Whilst housing requirements are not maxima, there is no imperative to provide additional housing in these circumstances. In light of this, and the limited contribution that would be made by one dwelling, I attach this matter limited weight in favour of the development.
19. The Council has concluded that the development would be acceptable in highways, ecology and energy efficiency terms and would not adversely impact on neighbouring residential occupiers. Having considered the submitted evidence in these respects, I have no reason to reach a different conclusion on these matters.

Conclusion

20. I have identified that the proposed scheme would constitute inappropriate development in the Green Belt and would harm its openness and purposes; as well as harming the local economy. I have considered the grounds presented in support of the development but together they do not outweigh the harm the scheme would cause. Consequently, the very special circumstances necessary to justify the development have not been demonstrated.
21. In light of the above, I conclude that the appeal should be dismissed.

APPEARANCES

FOR THE APPELLANT:

Graham Fisher	Agent – Planning Consultant
Nicholas Nicolaou	Structural Engineer
Victoria Warmerdam	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Sean Newton	Principal Planning Officer
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