

## **OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY**

**APPLICATION NO:** P0287.21

**WARD :** Harold Wood

**Date Received:** 17th February 2021

**ADDRESS:** Tomkyns Manor  
Tomkyns Lane  
Upminster

**PROPOSAL:** Proposed driveway entrance gate.

**DRAWING NO(S):**

**RECOMMENDATION :** It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

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### **SITE DESCRIPTION**

The application site comprises of an area of land located parallel to Tomkyns Lane. The plot historically accommodated a detached equestrian barn/stable building set within a generously sized plot. In recent times permission was granted for the conversion of the Barn to a self-contained dwelling (see collation).

The site is located within the Metropolitan Green Belt and the Thames Chase Community Forest. Furthermore the site is within a Site of Nature Conservation Importance.

### **DESCRIPTION OF PROPOSAL**

Consent is sought for the removal of the existing gated access to the site and the formation of brick piers, timber gate and wrought iron railings.

The applicant confirmed in writing that the brick piers will be constructed with Hudson West Hothly bricks, dark grey composite panels and wrought iron painted black. These materials have been chosen to complement the existing barn (the subject of conversion under ref: P1086.19 / P1797.20).

### **RELEVANT HISTORY**

P1797.20 - Variation of condition No. 2 (Plans) of planning permission ref: P1086.19 dated 05/03/2020 to permit replacement drawings to show three additional velux windows to provide adequate daylight and ventilation to bedrooms (Conversion of existing equestrian barn/stables to a residential dwelling, with associated alterations)  
Awaiting Decision

Q0291.20 - P1086.19 - Conditions(s) 4 & 6  
DOC Dischge 21-01-2021  
Complete

N0046.20 - Non-Material Amendment to planning permission P1086.19 dated 05/03/2020 to increase the size of one first floor rear window (Conversion of existing equestrian barn/stables to a residential dwelling, with associated alterations)  
Refuse 14-10-2020

P1086.19 - Conversion of existing equestrian barn/stables to a residential dwelling, with associated alterations  
Apprv with 05-03-2020

## Agreement

P0639.19 - Conversion of existing equestrian barn/stables to a residential dwelling, with associated alterations  
Refuse 19-06-2019

### CONSULTATIONS/REPRESENTATIONS

The application was advertised in the local press and neighbouring occupiers were consulted through direct notification. No letters of representation were received.

### RELEVANT POLICIES

#### LDF

CP14 - Green Belt  
DC22 - Countryside Recreation  
DC45 - Appropriate Development in the Green Belt  
DC61 - Urban Design  
DC69 - Other Areas of Special Townscape or Landscape Character

#### OTHER

LONDON PLAN - 7.16 - Green Belt  
LONDON PLAN - 7.4 - Local character  
LONDON PLAN - 7.6 - Architecture  
NPPF - National Planning Policy Framework

### MAYORAL CIL IMPLICATIONS

There are no contributions required under CIL regulations.

### PRINCIPLE OF DEVELOPMENT

The National Planning Policy Framework (NPPF/the Framework) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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, is clearly outweighed by other considerations.

### GREEN BELT IMPLICATIONS

The National Planning Policy Framework 2019 states that Green Belts should seek to retain and enhance landscapes and visual amenity, mirroring the objectives of Havering's LDF Policy DC45. Policy DC45 of the LDF outlines a number of uses that the Council will support which are identified to have a positive role in fulfilling Green Belt objectives which include agriculture and forestry, outdoor recreation, nature conservation and cemeteries. Whilst new buildings within the Green Belt are perceived negatively and viewed as inappropriate development, Policy DC45 lists a number of exceptions, which align broadly with the NPPF. It is acknowledged that the LDF predates the National Planning Policy Framework (NPPF). The Framework states that local planning authorities should plan positively to enhance the beneficial use of designated Green Belt areas, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land. Para 145 of the NPPF whilst stating that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green

Belt details a number of exceptions, as indicated, those given are broadly in line with the LDF.

Whilst the creation of new buildings and structures within the Green Belt is usually unacceptable except for the purposes specified within the Framework and LDF, the creation of ancillary buildings in association with residential uses and other features such as boundary treatment in association with those uses has long been regarded as being acceptable in principle. Indeed, permitted development rights will generally allow for the creation of outbuildings and the formation of boundary treatment. It is unclear whether the conversion of the existing building to residential has been implemented at this time, however dialogue with the agent and the planning history for the site (including recent DOC applications) are such that it is reasonable to assert (given the more overtly residential appearance) that the front gate is to serve the residential use of the wider site. The site already has an existing gated access and is enclosed by natural borders elsewhere. The provision of brick piers and timber/wrought iron gate would be isolated to the front of the site however would be setback into the site in contrast to the existing gate. Having regard to the surrounding area, it is not unfamiliar with residential uses, some of which are noted to benefit from front gates and boundary treatment which could be likened to that under consideration. These examples of gated access which are not rural or in keeping with working environment are not regarded as being uncharacteristic or harmful given that the prevailing character is a mixture of residential and working uses.

Where they exist they are generally set back from the Lane which reduces their visual prominence. Whilst the piers and gate under consideration would contrast with the gated access retained to the adjoining sit, given that such features are not entirely uncharacteristic or without precedent and mindful that the piers and gate would be set-back considerably from the road, officers do not hold any in principle objection. Officers do not consider that there would be any material harm to the Green Belt, having regard to local character and in particular with regards to matters of openness. The site has historically been enclosed in views from the road and whilst the access would adopt a more overtly residential appearance this of itself is not unacceptable given the intended use of the site.

## **IMPACT ON AMENITY**

There are no immediate amenity considerations present in the current submission, visual amenity aside. Those matters are considered in the preceding section of this report.

## **HIGHWAY/PARKING**

There would be no known highways or parking implications. The front gate would replace existing gated access. It would be set-back further into the site which would enable satisfactory visibility for emerging vehicles.

## **KEY ISSUES/CONCLUSIONS**

Having regard to the above and in doing so all relevant planning policy, material considerations APPROVAL is recommended.

## **RECOMMENDATION**

It is recommended that **planning permission be GRANTED** subject to the following conditions:

### **1. SC4 (Time limit) 3yrs**

The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason:-

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

**2. SC32 (Accordance with plans)**

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

Reason:-

For the avoidance of doubt and to ensure that the development is carried out as approved.

**3. Materials (details no samples)**

The brick piers/gate shall be constructed in accordance with details provided to the Council in writing dated 26-04-2021 and all wrought iron shall be painted black unless otherwise agreed in writing with the Local Planning Authority.

Reason:-

Insufficient information has been supplied with the application to judge the appropriateness of the materials to be used. Submission of a written specification prior to commencement will ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document.

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**INFORMATIVES**

**1 Approval - No negotiation required**

Statement Required by Article 35(2) of the Town and Country Planning (Development Management) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraph 38 of the National Planning Policy Framework 2018.

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| <b>Authorising Officer:</b> Habib Neshat |
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| 26-04-2021 |
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