



Appeal Decision

Site visit made on 28 October 2025

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2025

Appeal Ref: 6000381

Bush Farm, Bramble Lane, Upminster, Havering RM14 2XL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant planning permission.
 - The appeal is made by Mr Peter Seales against the decision of the Council of the London Borough of Havering.
 - The application Ref is P0119.25.
 - The development proposed is described as 'sub-divide the plot, demolish existing tractor store and construct a detached, 4 bed half chalet new build with 2 parking spaces and a private rear garden'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council refers to various structures on the site. Within the context of this appeal under section 78 of the Act, it is not my remit to formally determine whether the structures are lawful. If the appellant wishes to ascertain whether they are lawful, an application can be made under section 191 of the Act. Nevertheless, I have had regard to the presence of the structures on the site in my overall decision.

Main Issues

3. The main issues in this appeal are:
 - whether the appeal site is grey belt land and whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies;
 - whether the proposed scheme would provide acceptable living conditions for future occupants, with particular regard to internal space;
 - the effect of the proposed development on protected species, with particular regard to bats; and
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Grey belt and inappropriate development

4. The appeal site lies within the Green Belt. Policy G2 of the London Plan 2021 (LP) states that the Green Belt should be protected from inappropriate development, and development proposals that would harm the Green Belt should be refused except where very special circumstances exist.
5. Paragraphs 154 and 155 of the Framework list the types of development that are not inappropriate in the Green Belt, subject to certain conditions. These include development of homes utilising grey belt land where it would meet several criteria (paragraph 155) and the partial or complete redevelopment of previously developed land which would not cause substantial harm to the openness of the Green Belt (paragraph 154(g)).
6. Grey belt is defined in the Framework as land in the Green Belt comprising previously developed land or any other land that, in either case, does not strongly contribute to any of purposes (a), (b) or (d) in paragraph 143 of the Framework. There is no dispute that the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan under paragraph 155(a) of the Framework. Further, the parties agree that there is a lack of a five year supply of deliverable housing sites, thus there is a demonstrable unmet need for the type of development proposed in terms of paragraph 155(b) of the Framework.
7. However, the Council indicates that the site has a low public transport access level of 0, meaning that future residents would have a high reliance on personal transport. The appellant does not dispute this and at my site visit I observed that the site lies on a country lane with no services or bus stops apparent nearby. As the proposed development would not be in a sustainable location under paragraph 155(c) of the Framework, it would not fall within the exception in paragraph 155.
8. The definition of previously developed land in the Framework refers to land which is occupied by a permanent structure, including the curtilage of the developed land. It excludes land in built-up areas such as residential gardens and land that is or was last occupied by agricultural buildings.
9. The site is not in a built-up area. Amongst other things, it contains a corrugated storage building described as a 'tractor store' and a largely gravelled surface. The land is not part of an agricultural holding, though the store has the appearance of an agricultural building. It accommodates various items including machinery for land maintenance and vehicles. The appellant considers that the outbuildings and associated hardstanding comprise previously developed land.
10. As set out in the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness is the counterpart of urban sprawl and often connotes the absence of development. It is an open textured term and can have both spatial and visual dimensions.
11. The appeal site comprises the store, static and touring caravans and various storage containers, with boundary fences and gates. The proposal is to demolish the store and construct a detached dwelling on a different part of the site. The proposed house would provide substantial accommodation over two levels, including large areas of living space on the ground floor and four bedrooms above.
12. No substantive details of the size and position of the existing structures on the site have been provided. Nonetheless, the Council states that the proposed dwelling

would have a footprint over 1.5 times more than the store, indicating that it would be much higher, wider and deeper than the existing building. The appellant does not dispute this and the Council's assertion that the new house would have a significantly greater bulk, scale, massing and footprint than the relatively modest pitched roof tractor store. Thus, from the information before me, the proposal would result in a significant increase in permanent built development on the site, leading to a substantial loss of spatial openness.

13. The proposed house would be some distance from Bramble Lane. Although there are trees alongside the lane, the new building would be visible from the road through gaps in the vegetation, particularly in autumn and winter months when many trees are not in leaf. In addition, it would be evident from neighbouring land. As such, the proposal would also harm visual openness.
14. The effect on openness is not only related to the size of the proposal but also its purpose and the intensity of its use. The introduction of a dwelling on the site would result in the creation of a garden and domestic paraphernalia. Further, the proposal would result in more people accessing the site and using the hardstanding for the manoeuvring, turning and parking of vehicles. Such features and activities would also unacceptably affect spatial and visual openness.
15. Therefore, regardless of whether the site is previously developed land, the proposal would substantially harm the openness of the Green Belt and would not fall within the exception in paragraph 154(g) of the Framework.

Living conditions

16. Policy D6 of the LP requires housing development to be of a high quality design and provide adequately sized rooms. It sets out various standards to achieve this, including a minimum floor to ceiling height of 2.5m for at least 75% of the gross internal area of each dwelling. Policy 7 of the Havering Local Plan 2021 (HLP) provides support for residential development that meets these standards.
17. The proposed dwelling would have standard 2.4m floor to ceiling heights for rooms on the ground and first floor, below the predominantly 2.5m room heights required by Policy D6. Therefore, whilst the proposed dwelling would provide the required gross internal floor areas, due to the insufficient floor to ceiling heights it would fail to provide the size of accommodation required by the LP and HLP.
18. Consequently, I conclude that the proposed scheme would provide unacceptable living conditions for future occupants, with particular regard to internal space. This would be contrary to Policy D6 of the LP and Policy 7 of the HLP where they seek a high quality living environment for residents of new developments, including minimum floor to ceiling heights.

Protected species

19. Bats are a European Protected Species protected by law¹, and public authorities have a statutory duty to conserve biodiversity². ODPM Circular 06/2005 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. Further, Natural England's standing advice for bats states that a survey is required if the development site includes any built structures that provide roosting opportunities for bats.
20. The Council is concerned that the existing store contains features associated with a risk to roosting bats during the work and these features would be lost through the proposed demolition of the building. Thus, it considers that a preliminary bat roost assessment (PRA) by a suitably licensed ecologist should be undertaken to inform the need for any further bat surveys and mitigation measures.
21. In the absence of a PRA, and based on the information before me, the presence of roosting bats cannot be ruled out and I cannot be certain as to the extent to which they may be affected. Furthermore, if protected species were affected, I cannot be certain as to what mitigation, if appropriate, may be required.
22. The Council did not request an ecological assessment during its consideration of the proposed scheme and the appellant states that this could be secured via a suitably worded condition. However, this would not be appropriate in light of the legal protection given to bats and the need to determine potential impacts on them in advance of any permission.
23. Therefore, I conclude that it has not been demonstrated that the proposed development would not harm protected bats. This would conflict with Policies 10 and 30 of the HLP where they seek to protect biodiversity and require the impact of proposals on protected species to be fully assessed, including identifying appropriate mitigation measures where necessary.
24. The Council's relevant reason for refusal refers to Policy G7 of the LP. However, as this relates to the retention of trees and woodland and the proposal would not affect these, it is not directly relevant to the impact of the appeal scheme on protected species.

Other considerations

Contribution to housing land supply

25. The Framework seeks to significantly boost the housing supply and highlights the important contribution small and medium sized sites can make. The 2023 Housing Delivery Test results confirm delivery at 61% over the previous three years in the Council's area, less than the 75% referred to in the Framework. Further, the Council accepts that it has a 3.5 year housing land supply, below the five year requirement set out in the Framework.

¹ Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981

² Section 40 of the Natural Environment and Rural Communities Act 2000

26. The proposal would contribute one home to the supply of housing in Havering, making a modest difference to addressing this shortfall. Therefore, I attribute moderate weight to this benefit in this instance.

Biodiversity net gain

27. Despite some concerns about the statutory biodiversity metric information submitted, the Council does not dispute that statutory biodiversity net gain could be achieved. This carries weight in favour of the proposal, but given its relatively small scale, this benefit would be limited.

Other Matters

28. The Council did not find harm or development plan conflict in relation to several other matters, including character and appearance, flood risk, accessible housing provision and highway safety. However, even if I were to agree with the Council on these points, the absence of harm would be a neutral matter which would not carry weight in favour of the scheme.

Whether there would be Very Special Circumstances

29. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There would also be unacceptable living conditions for future occupants, and it has not been demonstrated that the proposal would not harm protected bats. Substantial weight should be given to the harm caused to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
30. I give moderate weight to the provision of an additional dwelling and limited weight to the provision of biodiversity net gain. However, the other considerations would not clearly outweigh the harm to the Green Belt by reason of inappropriateness and other harm. Consequently, the very special circumstances necessary to justify the proposed development do not exist. As such, it would be contrary to Policy G2 of the LP and the Framework.

Planning Balance and Conclusion

31. Paragraph 11(d) of the Framework is engaged as the Council is currently unable to demonstrate a five-year housing land supply. In such circumstances, this states that development should be approved unless the application of policies in the Framework that protect areas of particular importance provides a strong reason for refusing the development. In this appeal, the application of the Framework's Green Belt policies provides a strong reason to refuse the development. The proposal would also conflict with the Framework where it requires a high standard of amenity for future users and the protection of priority species. It would also be contrary to Policies D6 and G2 of the LP and Policies 7, 10 and 30 of the HLP.
32. Consequently, the proposal conflicts with the development plan and the material considerations, including the Framework and the very special circumstances test therein, do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

A Wright INSPECTOR