

Appeal Decision

Site visit made on 19 September 2016

by Elizabeth Lawrence BTP MRTPI

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

Decision date: 10 October 2016

Appeal Ref: APP/G5180/W/16/3151872

28 Barfield Road, Bickley, Bromley, BR1 2HS

- 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 Justin Laurence against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/00216/FULL1, dated 14 January 2016, was refused by notice dated 31 May 2016.
 - The development proposed is for a private access to rear garden in order to prune the vast amount of trees and mowing the extensive area of land with a proper lawn mower.
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Preliminary matters

1. The red lines shown on the submitted drawings indicate that most of the proposed access is on land outside the application site. Most of the proposed access is shown edged blue, which usually relates to land outside the application site, but within the same ownership as the application site. In this instance the land edged blue is owned by the railway authority. Notwithstanding this, the actual extent of the application site is clear from the drawings and associated documents and the correct notices were served on the railway authority in relation to both the planning application and the Appeal. Although it would appear that no notice was served on the owners of the rear section of the Appeal site I am satisfied that they are aware of the proposal. Accordingly, these errors/omissions have not affected my ability to determine this Appeal.
2. Whilst not referred to in the description for the proposed development, to facilitate the proposed development part of the existing side extension to the dwelling at 28 Barfield Road (No.28) would need to be demolished. As this is a matter that could be dealt with by condition it similarly has not affected my ability to determine this Appeal.

Decision

3. The appeal is dismissed.
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Main Issues

4. The main issues include:
 - a) Whether the proposal amounts to inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (NPPF) and development plan policy.
 - b) The effect of the proposal on the openness of the Green Belt.
 - c) If the proposal does amount to inappropriate development, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, including any public benefits, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal amounts to inappropriate development in the Green Belt

5. The NPPF explains that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Also, that when considering any planning application local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.
6. The NPPF lists various types of new development that may not be inappropriate in the Green Belt. It includes engineering operations provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The list does not include the change of use of land. Policy G1 of the London Borough of Bromley Unitary Development Plan 2006 similarly lists various forms of development that may not be inappropriate in the Green Belt. It states that the material change of use of land and engineering operations within the Green Belt will be inappropriate unless they maintain the openness of the Green Belt and do not conflict with the purposes of including land within it.
7. In relation to the Appeal proposal the degree of conflict between the NPPF and policy G1 in relation to the change of use of land is significantly more than limited. Paragraph 215 of the NPPF advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. Accordingly, in this one respect the list of development that may not be inappropriate in the Green Belt, as set out in the NPPF, carries more weight than the list set out in policy G1 of the Local Plan.
8. In accordance with the NPPF the change of use of the land proposed would amount to inappropriate development in the Green Belt. Three of the five purposes of the Green Belt are:
 - To check the unrestricted sprawl of large built up areas;
 - To prevent neighbouring towns from merging;
 - To assist in safeguarding the countryside from encroachment.
9. The majority of the Appeal site lies within an enclosed area of Green Belt which separates and helps prevent the unrestricted sprawl of the large built up areas

on all sides. It helps prevent Bickley from merging with Petts Wood and Chislehurst, as well as the large large urban areas beyond. At the same time the section of the Appeal site which falls within the Green Belt comprises part of an established area of woodland on both sides of the railway lines. It forms an integral part of this modest sized area of countryside.

10. The proposed change of use and associated formation of a driveway would have an urbanising impact on the part of the Appeal site within the Green Belt and would involve the encroachment of a private domestic road into the existing countryside. It would reduce the size of the countryside gap between built up areas and increase the extent of the built residential development in this part of Bickley.
11. Accordingly, both the proposed change of use and the formation of an access road would conflict with three of the five purposes of the Green Belt.
12. I therefore conclude on this main issue that the proposal would amount to inappropriate development in the Green Belt, contrary to the NPPF and policy G1 of the UDP. Substantial weight must be given to the harm resulting from the inappropriateness of the proposed development.

The effect of the proposal on the openness of the Green Belt.

13. As concluded above the proposed change of use and the construction of a domestic road to serve two dwellings would conflict with three of the five purposes of the Green Belt.
14. Whilst modest in extent the proposal would encroach into this small area of Green Belt countryside and the tall railway security fencing would need to be moved further to the east. As a consequence the undeveloped rural gap between the Appeal dwelling and the railway lines to the northeast would be reduced, detracting from the overall openness of the Green Belt.
15. For these reasons I conclude on this main issue that the scheme would detract from the overall openness of this small area of Green Belt. Whilst this harm may be limited it nonetheless needs to be given substantial weight, as required by the NPPF.

Other considerations

16. The Appellant has put forward a number of factors in support of the proposal, which need to be weighed against the harm identified above.
17. The Appellant has indicated that the harm to the Green Belt would be minimal. However, as pointed out above harm by way of inappropriateness and any other harm to the Green Belt needs to be given substantial weight. Little weight can be given to the fact that the scheme would result in limited physical harm to the Green Belt.
18. Both 26 and 28 Barfield Road (Nos.26 & 28) have generous sized gardens with large expanses of lawn and in relation to No.26 numerous mature trees. There is no doubt that the proposed access road would be convenient for accessing their rear gardens bulky garden machinery. However, at four metres wide the proposed access road is far wider than reasonably necessary to cater for typical

ride on lawn mowers and other equipment associated with the maintenance of domestic gardens.

19. Notwithstanding this, it is commonplace for access to even large gardens to be restricted. Whilst this can make some gardening activities more complicated, it would not prevent the use of domestic mowing and tree surgery equipment, or the removal of debris from the gardens. The proposed demolition of part of the existing extension at No.28 would provide pedestrian access to the rear garden of that property. In relation to No.26, it has a pedestrian access on one side and an attached garage on the other side, which may also provide access to the rear garden.
20. These restricted accesses are typical of the area, where numerous properties have large gardens containing an abundance of mature trees. Accordingly only a moderate amount of weight is given to this factor.
21. The reduction in the width of the existing side extension of the dwelling at No.28 would increase the sense of space to the side of the property and the openness of the setting to the Green Belt. This would help mitigate the harm caused to the openness of the adjoining Green Belt. However, it would not outweigh the harm resulting from the reduction in the width of this small woodland belt within the Green Belt and so is given a modest amount of weight.
22. Although the case officer originally raised no concerns to the proposed scheme, having fully assessed the scheme the officer's formal recommendation was to refuse the application. As such no weight is given to the case officer's initial comments. The absence of any objections raised by the Council's arboricultural and highways officers is given a small amount of weight.
23. The Appellant has stated that the pedestrian pavement would be cleaned up and maintained. However, from the evidence submitted it would appear that the pavement falls within highway land and is outside the ownership and control of the Appellant. No details of any agreement to secure the cleaning up and maintenance of the pavement between the Appellant and the highway authority have been submitted and so no weight to it.
24. Finally, the Appellant has referred to policy G4 of the UDP, which relates to extensions and alterations to existing dwellings within the Green Belt. It does not relate to the formation of new driveways or changes of use of land. Also, although the proposal would result in a slight reduction in the size of the existing dwelling, this dwelling is located outside the Green Belt. As such policy G4 is not directly relevant to the Appeal proposal and no weight is given to this factor.
25. I conclude on this main issue that the personal and other considerations put forward in favour of the proposal both individually and collectively fail to clearly outweigh the general presumption against inappropriate development in the Green Belt; the substantial weight to be attached to the harm caused by the inappropriateness of the development; the harm to the openness of the Green Belt; and the conflict with policy G1 of the UDP and the NPPF. Therefore the very special circumstances necessary to justify the proposal do not exist.

Other matters

26. I have taken into account the concerns raised in relation to loss of trees; reduced wildlife habitat; security to the rear garden environment; and the planning history of the site. However, both individually and collectively they add little to my conclusions on the main issues.

Conclusion

27. The conclusions on all of the main issues amount to compelling reasons for dismissing this Appeal, which the imposition of conditions would not satisfactorily address.

Elizabeth Lawrence

INSPECTOR