

Appeal Decision

Site visit made on 11 October 2016

by Nicola Davies BA DipTP MRTPI

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

Decision date: 16th November 2016

Appeal Ref: APP/D5120/W/16/3154144

**Wansunt Pumping Station Cottage, Lower Station Road, Crayford, Kent
DA1 3PY**

- 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 Sheonalli Malhotra against the Council of the London Borough of Bexley.
 - The application Ref 15/02487/FUL, dated 12 October 2015.
 - The development proposed as described on the application form is a nursery building development revised application to earlier full application Ref 15/00158/FUL.
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. This appeal has been lodged following the Council's failure to determine the application within the statutory period. The Council in their appeal statement has put forward reasons for refusal had they been in a position to determine the application. The Council considers that the proposal would be inappropriate development in the Metropolitan Green Belt without very special circumstances to warrant approval and the new building would not be of a suitable design for its location.
3. I observed at my visit that a marquee type structure was present at the appeal site. The acceptability of this structure is a matter for the Council to conclude upon. For the purposes of clarity this structure has had no bearing on my consideration of this appeal and is not part of this application.

Main Issues

4. The main issues are:
 - Whether the proposal is inappropriate development in the Metropolitan Green Belt for the purposes of the National Planning Policy Framework and development plan policy;
 - The effect of the proposal on the openness of the Green Belt and the character and appearance of the area; and,
 - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other
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considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

5. The main parties have agreed that the proposal would represent inappropriate development in the Green Belt as defined in development plan policy and the Framework. I concur with that position. The Framework identifies that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

Openness and character and appearance

6. Wansunt Pumping Station Cottage is positioned on a triangular site at the edge of the Green Belt. The site is separated from the existing residential area to the south and east, including houses on Lower Station Road, by a dense mature tree belt. Although the site is bounded by the Thames Water Pumping Station to the west, the railway line to the north, and the aforementioned houses, the appeal site retains a rural character that is compromised only by the existing building on site with some outbuildings behind and the access road and parking area. A large area to the east of the site is laid as grass which maintains openness to the site. The introduction of this additional building of significant size and scale would significantly diminish the openness of the Green Belt.
7. I observed that the existing two-storey building currently operates as a children's nursery and note that were this appeal to be allowed the appellant's intention would be to revert the building to residential use. The new building would be sited to the rear of the site where the southern boundary is screened by trees. The design and appearance of the proposal, although taking a contemporary approach and incorporating a 'living roof', would appear as a large flat roof rectangular box structure. The proposed building would contrast significantly with the design and form of the existing building at the site. The difference between the two design approaches would be at odds with one another. Although the Cedar cladding finish would be sympathetic in this particular location, the rectangular two-storey building would create a development of a significant size and mass, and incorporate design elements, such as modern fenestration, which would be harmful to the character and appearance of this rural location. The proposal would not be of a high standard of design and therefore would not be suitable for this particular location.
8. I conclude that the development would harm the openness of the Metropolitan Green Belt which is contrary to the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open. It would also harm the rural character and appearance of the area, contrary to Policy CS01 of the Core Strategy, Policy CS17 of the Bexley Core Strategy (CS), and Policies ENV4, EN13, ENV39 and COM3 of the Bexley Council Unitary Development Plan (UDP). These policies require the protection of designated areas, such as the Metropolitan Green Belt, from inappropriate development and any buildings or structures should be appropriate in bulk and appearance to the open nature of the Green Belt, the materials should be sympathetic to the landscape and should not be conspicuous and visually detrimental by reason of siting, materials or design, amongst other matters. Paragraph 88 of the Framework is clear that substantial weight should be given to any harm to the Green Belt and I conclude that harm would occur.

Other considerations

9. I acknowledge that the building is intended to provide for the high demand for nursery places that has come about as a result of the Childcare Act 2006 and the 2010 Spending Review and that of increased population in Bexley. Furthermore, I have paid careful attention to the support for the existing nursery and that of the proposed enlarged and improved child care facility in this location that is accessible by public transport, amongst other matters. The development would bring about benefit to the local community.
10. I do not dispute that there is local demand for nursery provision and that the site would be well placed in relation to the urban catchment area, town centre and railway and bus services. It would be located where the business would not cause noise and disturbance to residential occupiers and could provide a safe environment for children. I am not convinced that there could not be provision within the urban area that could suitably cater for such a child care provision where there would not be harm to the Green Belt. While I accept there would be some benefit to the local community brought about by the proposal in this location, there may be other alternative suitable sites within the urban area that could provide such facilities. Overall, I conclude that an essential need for the proposal in this location has not been established. Therefore, this carries limited weight in the overall balance.
11. The site adjoins a row of houses on Lower Station Road. However, the building at the appeal site and the Water Pumping Station turn their backs to these properties as a result of the undeveloped intervening openness between these developments and the dense mature tree belt. The appellant considers the flat roof design and cladding with a green finish would temper the proposal and the relative seclusion of the site would mitigate its appearance. However, the design detailing and the siting of the building would not placate the harm to openness and the change to the character and appearance of the area. The appellant indicates that external paraphernalia would be kept to a minimum and the outside play area would be limited. Notwithstanding this, any outdoor equipment, enclosures and land uses infringe upon openness. The most important attribute of the Green Belt is openness, and this does not directly relate to the visibility of the development or the design of the proposal. The proposal would impact on openness by contributing to its erosion. I therefore give these matters minimal weight.
12. I have also considered the historic commercial nature of the appeal site and that the nursery would put the land to a beneficial community use providing a comprehensive nursery facility catering for educational and disabled needs. I note that a successful nursery currently operates at the existing building. However, these carry minimal weight in favour of the proposed development.

Conclusions

13. The harm caused by the inappropriateness of the development and its effect on openness and the character and appearance of the area combined carry substantial weight. In contrast, the other considerations carry minimal or limited weight and are not sufficient to clearly outweigh the harm to the Green Belt. Very special circumstances therefore do not exist as the harm, by reason of inappropriateness, and the other harm that has been identified above, is not clearly outweighed. There are, therefore, no very special circumstances to justify the new nursery building. It would conflict with Policy CS01 of the Core

Strategy, Policy CS17 of the CS, and Policies ENV4, EN13, ENV39 and COM3 of the UDP, and the advice in the Framework. The appeal is dismissed and planning permission is refused.

Nicola Davies

INSPECTOR