
Appeal Decision

Site visit made on 14 March 2017

by Caroline Jones BA (Hons) DipTP MTP MRTPI

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

Decision date: 6th April 2017

Appeal Ref: APP/G5180/W/16/3165929

**Keston Parish Church, Church Road (Car Park/Land opposite), Keston
BR2 6HT**

- 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 Frank Netscher, Keston Parish Church against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/02096/FULL1, received 29 April 2016, was refused by notice dated 21 September 2016.
 - The development proposed is the enlargement of the existing car park to better serve the needs of Keston Parish Church, Church Hall and, the community they serve.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies.
 - The effect on the openness of the Green Belt.
 - The effect of the proposal on the character and appearance of the area with particular regard to the loss of trees.
 - The effect of the proposal on the living conditions of neighbouring residents with particular regard to noise and disturbance.
 - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

3. The appeal site is an area of mixed woodland abutting the existing car park which serves Keston Parish Church, a Grade II* listed building. The site lies within the Green Belt, within an Area of Archaeological Significance (AAS) and adjacent to a proposed World Heritage Site (WHS). The appeal site and the surrounding area are subject to a woodland tree preservation order (TPO).
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Whether or not the proposal would amount to inappropriate development

4. Section 9 of the National Planning Policy Framework (the Framework) attaches great importance to the Green Belt, the essential characteristics of which are its openness and permanence. Paragraph 90 of the Framework sets out certain other forms of development that are not to be considered inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
5. Although it predates the Framework, Policy G1 of the Bromley Unitary Development Plan (2006) (UDP) similarly indicates that new development in the Green Belt will be considered inappropriate unless it meets the requirements of listed exceptions. However, having regard to the lists of exceptions in Policy G1, which includes the material change of use of land, it appears to be based on earlier national guidance which has now been superseded. I therefore consider that this policy is not wholly consistent with the Framework and for the purpose of this appeal I have attached greater weight to the Framework, as it is current national policy.
6. The Council state that the proposal does not fall within any of the exceptions listed in either the Framework or Policy G1. The appellant does not dispute this. Having regard to the extent of the works proposed and taking into account that the proposal no longer involves the construction of bunds, I have no reason to come to a different view on this matter.
7. Therefore, I conclude that the proposal constitutes inappropriate development in the Green Belt. Paragraph 87 of the Framework sets out that inappropriate development is, by definition, harmful and should not be approved except in very special circumstances. I attach substantial weight to this harm.

Impact on openness

8. The fundamental aim of Green Belt policy, as set out in paragraph 79 of the Framework, is to prevent urban sprawl by keeping land permanently open. The construction of a car park measuring approximately 33m x 15.8m would lead to a perceptible change. Whilst the constructed parts of the car park would be at ground level, the site would have the potential to be occupied by parked cars for considerable lengths of time. Whilst I acknowledge that the car park would be screened to a certain degree by the existing trees which would surround it, intermittent views of the cars would still be noticeable, particularly in the winter months. Moreover, the car park and parked cars would be highly visible from the existing car park and entrance, its visual prominence exacerbated by the removal of trees particularly along the edge of the woodland. The extension of the car park would appear as visual intrusion into the woodland. Therefore, the proposal would have both a visual and physical impact on the openness of the Green Belt and thus fail to preserve it. Given the level of screening and the transient nature of cars, I quantify that the loss of openness would be limited.

Character and appearance

9. The proposal would require the removal of three subject trees, one group of five specimens and trees within another group of sycamores where they are within the footprint of the proposed car park extension. The Arboricultural Method Statement (AMS) submitted with the application states that the

woodland comprises of predominantly self-seeded sycamore and that within the centre of the appeal site the land is relatively open and occupied by bramble and dead trees. The AMS states that trees here are of limited value, with a number of specimens developing poorly as a result of woodland competition. Whilst the Council does not dispute this, I share their concerns that it is the cohesion of trees within a woodland setting that award trees amenity value. In my view, the wooded nature of the appeal site positively contributes to the sylvan character of the area.

10. There are 5 trees and 3 groups of trees identified within the appeal site in the AMS. None are rated as being in category A (trees of high quality and value). Four subject trees and two groups are classed as category B (trees of moderate quality and value) and one tree and one group are classed as category C (trees of low quality and value). According to the AMS, the proposal would result in the removal of 2 category B trees, 1 category C tree, 1 group of 5 category C specimens and the removal of a group of category B trees where they are within the footprint of the proposed car park.
11. Whilst the clearing of some trees may allow sunlight to enter glades and encourage flora and fauna, the proposal would, due to its scale, result in a substantial incursion into the woodland and the removal of a considerable number of trees. The loss of category b and c trees, particularly those on the edge of the existing car park would unacceptably alter the character and appearance of the woodland and the contribution the site makes at present to the sylvan character of the area.
12. I therefore conclude that the proposal would have an adverse impact on the character and appearance of the area and find conflict with Policy NE7 of the UDP which seeks, amongst other things, development to take particular account of existing trees on site which in the interests of visual amenity are considered desirable to be retained.

Living conditions

13. The proposed car park extension would lie opposite Glebe House and close to Glebe Lodge. Despite the difference in levels, I am satisfied that due to the intervening distance, the retention of trees between the car park and the properties and the scale of the proposal that there would be no material harm to the occupiers of these properties in terms of noise and disturbance.
14. I therefore conclude that proposal would not materially harm the living conditions of the occupiers of neighbouring properties and find no conflict with Policy BE1 of the UDP which seeks, amongst other things, the development should respect the amenity of occupiers of neighbouring buildings.

Other considerations

15. The appellant states that any events/groups using the church or church hall which attracts anything over 35-40 people necessitate people having to find space to park in the neighbouring roads. A table has been submitted highlighting the number the number of people attending various events/ceremonies and groups at the church. Numerous letters of support have been submitted emphasising that the lack of parking at the church leads to inconsiderate parking in the surrounding roads which at times can be

dangerous and unsafe for pedestrians hazardous and restricts traffic flow, particularly for emergency vehicles.

16. I noted at my site visit that the surrounding roads are particularly narrow. I also acknowledge that due to the relatively isolated location of the church and the age of some of the congregation that most people travel by car. However, whilst I recognise that there may be 'pinch points' when the church/church hall is busy, with the exception of weekly Sunday services, I am unable to ascertain the frequency of the larger events from the information before me. At my site visit, which I appreciate was just a snap shot in time, the church hall was being used by a group and there was space available in the existing car park and there were no cars parked in the road around the church. Nevertheless, the letters of support do carry weight in the determination of the appeal and I acknowledge the inconvenience overspill parking may cause on the occasions when the larger events occur. I therefore attach moderate weight in favour of the proposal in relation to this matter.
17. It is clear from the letters of support that the church and its hall is a valued community asset and I note the contribution the church plays in hosting the numerous groups from within the community which may stretch other services if not located here. The appellant has drawn my attention to Policies C1, C2 and C3 of the UDP which seek, amongst other things, to ensure development proposals take account of community needs, provide suitable access and facilities for people with disabilities and that proposals for development or change of use that meets an identified health, education, social, faith or other needs of particular communities will normally be permitted. It is clear that the above policies seek to protect community facilities and ensure that they are designed to be easily used by all sectors of society.
18. However, from the information before me it appears that the church and church hall currently have a healthy usage of their facilities. Indeed, in the Design and Access statement submitted with the application, it states that it is evident from the parishioners, congregation and their activities that this community is enthusiastic and thriving. I recognise that the church is in a relatively isolated location and that the church has had to turn down lettings. However, whilst accepting that the extension to the car park would be advantageous, there is little before me to suggest that the continuing survival of the church relies on the extension of the car park or that without the additional car parking the existing users/groups would cease to use the church. Nor do I see any reason why disabled parking could not be incorporated into the existing car park. Whilst the support for the church and its contribution as a community facility weighs in favour of the proposal, for the above reasons, I give this matter only limited weight.
19. My attention has been drawn to an appeal at Bromley Common¹ where the need/demand for housing was sufficient to justify the sacrifice of part of the Green Belt. It has been put to me that the residents of those houses will have other needs such as community services such as this church. However, very little information has been provided regarding this appeal which limits the weight that I can give to it. In any case, each appeal must be considered on its own merits and I have considered the contribution of the church as a community asset above.

¹ APP/G5180/A/07/2043219/NWF

20. The appellant states that the small clearing within the woodland is currently used for refuse tipping which is unsightly, a physical hazard for walkers and a potential fire hazard. Whilst the use of this area as a car park would prevent the site being used as a tipping ground, in my view there would be other measures available to prevent such occurrences. I therefore attach limited weight to this matter.
21. The appellant states that the proposal would have the incidental benefit of enabling the public to park and access the footpaths of the Green Belt in this area, However, no evidence has been submitted to suggest that there is currently a shortfall in parking available to those who walk in the area. I therefore attach limited weight to this matter.
22. The church is a listed building and the site lies within an AAS and adjacent to a proposed WHS. I note that the Council's Conservation Officer and Historic England have raised no objections to the proposal. Having regard to the scale of the proposal and the distances involved, I have no reason to take a different view on these matters. Therefore I consider that the proposal would not have a detrimental impact on the AAS, the adjacent WHS or the setting of the listed building thereby preserving it. I regard this as a neutral factor which neither weighs for nor against the proposal.

Other Matters

23. I have considered the Council's concerns that the grant of planning permission would be likely to set a pattern of similar undesirable development in the Green Belt. However, no directly similar/comparable sites to which this might apply were put forward. Each application and appeal must be determined on its individual merits and a generalised concern of this nature would not justify withholding planning permission.

Conclusion

24. The Framework indicates that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. In addition, any harm to the Green Belt carries considerable weight and 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. In this case, I have found harm from inappropriateness as well as a limited loss of openness to the Green Belt and harm to the character and appearance of the area.
25. I have given moderate weight to the support received and the positive impact of reducing the level of parking on the surrounding roads and limited weight to the other consideration above. However, I consider that the harm to the Green Belt and the harm to the character and appearance of the area are not clearly outweighed either individually or cumulatively by other considerations sufficient to demonstrate the very special circumstances that are necessary to justify inappropriate development in the Green Belt.

26. For the above reasons and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Caroline Jones

INSPECTOR