
Appeal Decision

Site visit made on 9 May 2017

by Beverley Wilders BA (Hons) PgDurp MRTPI

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

Decision date: 23 June 2017

Appeal Ref: APP/G5180/W/17/3169105
378 Main Road, Biggin Hill TN16 2HN

- 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 David Abbott against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/05553/FULL1, dated 25 November 2016, was refused by notice dated 20 January 2017.
 - The development proposed is detached three bedroom dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Two previous applications for a detached three bedroom dwelling at the appeal site were refused by the Council and subsequently dismissed at appeal (Refs DC/13/00127/FULL1 and DC/14/01046/FULL1). I have been provided with copies of the appeal decisions (Refs APP/G5180/A/13/2198048 and APP/G5180/A/14/2222405) and have had regard to them insofar as they are relevant to the proposal. I understand that the proposal is identical to the dwelling proposed under application reference DC/14/01046/FULL1.

Application for costs

3. An application for costs was made by the Council of the London Borough of Bromley against Mr David Abbott. This application is the subject of a separate Decision.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether the proposal is inappropriate development

5. The appeal site comprises an existing semi-detached dwelling and its large garden at 378 Main Road. There are other residential properties located in the immediate vicinity of the site to the front and rear and on the opposite side of the site to the existing dwelling at No 378. The appeal site is located in the Green Belt outside of the settlements of Biggin Hill to the north and Westerham to the south.
6. Policy G1 of the London Borough of Bromley Unitary Development Plan (UDP) relates to the Green Belt and states that the construction of new buildings or extensions to buildings on land falling within the Green Belt will be inappropriate, unless it is for a limited number of purposes. This includes infilling and redevelopment within particular major developed sites, none of which apply to the appeal proposal. The proposal is therefore contrary to Policy G1.
7. However the UDP pre dates the National Planning Policy Framework (the Framework). Paragraph 89 of the Framework states that whilst the construction of new buildings in the Green Belt is normally inappropriate development, exceptions to this include limited infilling in villages and limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
8. Though the general approach to new buildings in the Green Belt within the Framework and Policy G1 is broadly consistent the specific exceptions differ. Therefore in reaching my decision I have had regard to the exceptions listed in paragraph 89 of the Framework as a significant material consideration.
9. Whilst both previous Inspectors agreed that the proposed dwelling constituted limited infilling, the Inspector who dismissed the most recent appeal (Ref APP/G5180/A/14/2222405) did not consider the appeal site to be located in a village or to be previously developed land. Having regard to the size and location of the site and its position relative to other nearby dwellings, I agree with the previous Inspectors that the proposal would be infilling.
10. The appellant has submitted additional evidence in response to the previous Inspector's findings regarding whether or not the appeal site falls within a village. In reaching my decision I have had regard to this evidence. At my visit I noted that there are a limited number of services and facilities on Main Road near to the appeal site. However with the exception of the pub, none of these appear to offer the day to day services that would normally be expected within a village. Having regard to this and to the location of the appeal site within a sporadic ribbon of development outside of and between defined settlements, I consider that the appeal site is not located in a village. Consequently the proposal is not limited infilling in a village and does not therefore fall within the exception listed under the fifth bullet point of paragraph 89 of the Framework.

11. Notwithstanding my conclusion that the appeal site is not located within a village, having regard to existing development nearby I consider that it nevertheless falls within a built up area for the purposes of defining whether it is a previously developed site. The Glossary to the Framework specifically excludes land in built-up areas such as private residential gardens from the definition of previously developed land. Consequently the proposal would not be limited infilling or the partial or complete redevelopment of a previously developed site and does not fall within the exception listed under the sixth bullet point of paragraph 89 of the Framework.

Openness

12. A fundamental aim of Green Belt policy, as set out in paragraph 79 of the Framework, is to keep land permanently open. The construction of the proposed dwelling would result in additional built development and its footprint and bulk would inevitably lead to a loss of openness notwithstanding that there are a number of existing modest sized garden structures within the appeal site, existing timber fencing and landscaping to the side of the existing dwelling and surrounding built development. I therefore conclude that the proposal would lead to significant harm to the openness of the Green Belt.

Other considerations

13. The proposal would provide an additional dwelling by using part of an existing garden and it would provide some modest economic benefits by providing employment during the construction period and by supporting the local economy. However these economic and social benefits would be limited given that only one dwelling is proposed.
14. I note that no objections were raised by the Council to the standard of accommodation proposed or by the Highway Authority to the access and parking arrangements and that no objections were raised by immediate neighbours. I also acknowledge that the site is surrounded by other development. However none of these considerations would result in benefits weighing in favour of the proposal but rather are neutral factors.
15. Whilst I have some sympathy with the appellant's desire to provide an affordable home for his daughter and her family and note the significant benefits that it would bring to the family, in the context of the overall consideration of the proposal I attach limited weight to these personal benefits. In addition no evidence has been submitted to demonstrate that the proposal is limited affordable housing for local community needs as permitted by paragraph 89 of the Framework.
16. I note that the appeal site did not always form part of the appellant's garden and that it appears that it may have been a separate building plot. However this does not alter the fact that the appeal site is located in the Green Belt where particular policies apply and restrict new buildings.
17. In reaching my decision I have had regard to the fact that the Inspector dealing with appeal reference APP/G5180/A/13/2198048 concluded that a dwelling on the appeal site would constitute limited infilling in a village. However I am not aware of the details or particular circumstances of that case and in particular what evidence was before that Inspector and I note that a later Inspector found the site not to be in a village. In any event, whilst I have

had regard to these previous appeal decisions, I must determine the proposal on its own merits and having regard to the evidence before me.

Conclusion

18. Paragraph 87 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 states that substantial weight should be given to any harm to the Green Belt 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.
19. The proposal is inappropriate development and it would lead to significant harm to the openness of the Green Belt.
20. There would be some limited economic and social benefits arising from the proposal. However I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently the very special circumstances necessary to justify the proposal do not exist.
21. The proposal is contrary to relevant paragraphs of the Framework and to UDP Policy G1 and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR