
Appeal Decision

Site visit made on 14 November 2017

by J Ayres BA Hons, Solicitor

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

Decision date: 13th December 2017

Appeal Ref: APP/G5180/W/17/3180710

56 Cudham Lane North, Cudham, Kent TN14 7RA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Michael Vincent against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/17/01086/OUT, dated 21 February 2017, was refused by notice dated 3 May 2017.
 - The development proposed is erection of a 5 bedroom eco house to the rear of 56 Cudham Lane North.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was made in outline form, with all matters other than details of appearance and landscaping to be assessed at the reserved matters stage. However, the appellant states in his grounds of appeal that the application was for the principle of outline consent and that all appearance and landscaping proposals would be a part of a subsequent detailed planning application. I note that the site plan is not marked 'illustrative only' and the appeal site, which is shown edged red, shows an access onto Spinney Way and a 'utilities' access onto Cudham Lane North, together with a location for the proposed dwelling. I will determine the appeal taking these matters into account

Main Issues

3. The main issues are;
 - Whether or not the proposal is inappropriate development in the Green Belt;
 - The effect of the proposal on the openness of the Green Belt;
 - Whether sufficient information has been provided to assess appearance and landscaping;
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on highway safety;
 - 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 development.

Reasons

Whether or not the proposal is inappropriate development in the Green Belt

4. The appeal site is situated in the Metropolitan Green Belt. The National Planning Policy Framework (the Framework) indicates (para 89) that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. New buildings are inappropriate unless, amongst other things, they represent limited infill or the redevelopment of previously developed land.
5. The appeal site forms part of what was once Spinney Way Nurseries. There is still evidence of the nursery use towards the rear of the site where the bases of the structures remain. The area marked on the plans with a red line indicates the location of the proposal; this land is described in the application form as being used as open garden land and is currently laid to grass.
6. There is limited evidence before me to confirm when the nursery use ceased, on considering the photographs submitted by the appellant some considerable time has passed since the land was used for commercial purposes. However, para 89 provides that the redevelopment of previously developed land is an exception, provided the development proposed 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.

Effect on the openness of the Green Belt

7. The Framework (para 79) indicates that openness is an essential characteristic of the Green Belt. In terms of footprint, the proposal would result in physical built form located on an area of the site that is currently open. Although I accept that there were structures on the site within the ownership of the appellant, I am unable to conclude based on the limited evidence before me, that the area delineated with a red line and within which the house would be located, previously hosted structures.
8. The proposal is for a 5 bedroom house, and measurements of 15 metres by 12 metres are annotated on the plan. Although this is an outline scheme, it is reasonable to conclude that a 5 bedroom house would be relatively substantial in terms of its scale and mass. This permanent structure would have an impact on openness through its very being. The introduction of built form would significantly erode the sense of openness that the absence of built form currently enhances.
9. Accordingly I find that the proposal would comprise inappropriate development in the Green Belt as it would have it would lead to a significant loss of Green Belt openness. It would have a far greater impact on the openness of the Green Belt than the existing open, laid to grass site.

Appearance and Landscaping

10. The application was made in outline, however the appellant indicated on the application form that appearance and landscaping would be dealt with as part

of the application. Unfortunately they have not submitted these details with the application.

11. The appellant suggests that this could be dealt with at a later stage, and has referred to a development at No 23 Spinney Way with regards to possible design elements. However, in respect of what was applied for, and subsequently what I am considering, the appellant was expected to deal with these matters at this stage.
12. As very limited evidence has been provided in respect of these matters, I am unable to conclude that these elements of the proposal would comply with the UDP. Consequently, I find that, on the basis of what is before me, the proposal would conflict with policies BE1 and G1 of the London Borough of Bromley Unitary Development Plan 2006 (UDP) in terms of ensuring good design and avoiding harm to the Green Belt.

Character and appearance

13. I do not agree with the Council that the site would be easily visible. It is hidden from Cudham Lane by the existing dwellings. Mature planting and trees are present within the site, and the woods to the rear of the site also provide screening. However, the proposal would be visible from the properties along Spinney Way and the occupiers of those properties along Cudham Lane may also have views of the proposal.
14. Immediately adjacent to the site is Spinney Way, which introduces a more tandem form of development. Properties are varied in design and size, however there is a general building line maintained along the road, with properties benefiting from generous rear gardens. This pattern would be clearly visible from the appeal site. The proposed dwelling would be located approximately at the head of the road serving Spinney Way, it would not align with the properties on either side. The description of the dwelling suggest something that would have a considerable mass, and therefore its general siting would appear somewhat incongruous in respect of its relationship with the existing pattern of development.
15. As such, based on the evidence before me I find that the proposal would sit as an incongruous feature and would be contrary to policy BE1 of the UDP with particular regard to ensuring that development complements the layout of adjacent buildings.

Highway Safety

16. The site is currently served by a narrow track leading to Cudham Lane. Sightlines in respect of the existing track have been described by the Highways Officer as inadequate. The appellant has not suggested that this track would serve as an access to the dwelling house, the intention is to secure this track for the purposes of access to utilities only. I have nothing to contradict this suggestion.
17. The appellant asserts that the proposal benefits from access to Spinney Way, and that this would be utilised, the plan at addendum 2 of the appellant's statement of case appears to show access to the nursery via Spinney Way and Cudham Lane. At my site visit I observed two posts demarcating a wide access to Spinney Way from the appeal site. However this is currently stopped up by a fence, and a hedge, which appears to have been in place for a number of

years. The Highways Officer has raised concerns that Spinney Way does not abut the appeal site due to a private street works scheme that stopped short of the appeal site. I have very limited evidence in respect of this matter.

18. Based on the limited evidence before me, I am not convinced that the appellant would be able to utilise this access.
19. Taking into account the safety concerns raised in respect of the existing access, I find that the proposal fails to comply with Policy T18 of the UDP with regards to ensuring road safety.

Other considerations

20. The appellant has not suggested that there are any other considerations that would outweigh the harm that has been identified in respect of the Green Belt, other than that the appeal site has been previously developed.

Conclusions

21. 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 there are adverse impacts on openness, the Green Belt purpose of safeguarding the countryside from encroachment and character and appearance. Substantial weight should be given to the harm 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.
22. No other considerations have been put forward in support of the proposal. Therefore the substantial weight to be given to Green Belt harm is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances.
23. For the reasons given above the appeal should be dismissed.

J Ayres

INSPECTOR