



Appeal Decision

Site visit made on 11 June 2019

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2019

Appeal Ref: APP/G5180/W/19/3225193

Croft Cottage, High Elms Road, Downe, Orpington BR6 7JL

- 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 Peter Warren against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/18/03991/FULL1, dated 29 August 2018, was refused by notice dated 7 February 2019.
 - The development proposed is conversion and modification of existing buildings within residential curtilage to enable a 3 bedroom dwelling to be provided with associated car parking, utilising existing access onto highway.
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Decision

1. The appeal is allowed and planning permission is granted for conversion and modification of existing buildings within residential curtilage to enable a 3 bedroom dwelling to be provided with associated car parking, utilising existing access onto highway at Croft Cottage, High Elms Road, Downe, Orpington BR6 7JL in accordance with the terms of the application, Ref DC/18/03991/FULL1, dated 29 August 2018, and the plans submitted with it, subject to the conditions in the attached schedule.

Main Issues

2. Whether the proposal would preserve the openness of the Green Belt or conflict with the purpose of including land within it, and therefore whether the development would or would not be inappropriate in the Green Belt having regard to the National Planning Policy Framework (the Framework) and development plan policy.

Reasons

3. Croft Cottage is an attractive stone-built house which sits in a small cluster of buildings on the eastern side of High Elms Road. This enclave of development is entirely surrounded by High Elms Golf Course and is within designated Green Belt. Within the large garden of the property are 3 single-storey buildings, which sit roughly parallel to each other. The proposal involves converting 2 of these buildings to a dwelling, including an extension to link them together. The remaining building would be converted to an ancillary games room/home office. Access to the buildings would be via the existing access to Croft Cottage, and a separate curtilage for the new dwelling would be provided by dividing the existing garden.

4. 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 145 of the Framework makes it clear that, other than in specified exceptions, new buildings are inappropriate development. Paragraph 146 identifies that certain forms of development are not inappropriate provided they preserve the openness of the Green Belt, and do not conflict with the purpose of including land within it. Policy 49 of the Bromley Local Plan (2019) (the Local Plan) is consistent with the Framework's approach to inappropriate development in the Green Belt.
5. In its statement, the Council suggests that the development could be an exception to the definition of inappropriate development by virtue of it comprising "limited infilling", as described in paragraph 145(g) of the Framework. However, as the proposals involve the conversion of existing buildings, an assessment of whether the development is, or is not inappropriate, should be based on paragraph 146(d).
6. Paragraph 146(d) of the Framework identifies that the re-use of buildings does not comprise inappropriate development in the Green Belt, provided:
 - The buildings are of permanent and substantial construction;
 - The development preserves the openness of the Green Belt; and,
 - The development does not conflict with the purposes of including the land in the Green Belt.

As well as these 3 considerations, paragraph 145(c) of the Framework also sets out that the proposed extension to the buildings will not be inappropriate provided that it does not result in disproportionate additions over and above the size of the original building.

7. The application was supported by a Structural Report of the buildings, carried out by a suitably qualified person. The report concluded that the buildings are sound and could be converted to the residential use proposed without any substantial reconstruction works. The Council has not contested these findings. Based on this evidence, and my own inspection of the buildings, I conclude that the buildings are of permanent and substantial construction as required by paragraph 146(d) of the Framework.
8. Paragraph 133 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl, by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. In considering whether the development would preserve openness, it is necessary to consider both spatial and visual aspects. The buildings already exist, so the only spatial impact of the development will be as a result of the linking extension.
9. The extension would have an internal floorspace of just over 10 square metres. The Council calculates that this would represent a 7% uplift in floorspace and concludes that this is not a significant increase. I saw that the extension would be built on a part of the site that is already hard-surfaced, and largely enclosed by buildings. The roof of the extension would be lower than that of either of the buildings that it links. Taking all of these factors into account, I conclude that the extension would not result in a disproportionate addition, over and above

the size of the original buildings, and it would preserve the openness of the Green Belt.

10. The creation of a separate curtilage for the proposed dwelling would be achieved through the subdivision of the existing domestic garden of the appeal property. There would therefore be no change in the character of the land that would affect the openness of the Green Belt. The appeal site is already contained by stone walls on the western and southern boundaries, so any additional means of enclosure would be limited to the northern and eastern boundaries. These would not be readily visible from outside the site due to the high stone boundary walls to the west and south. The subdivision of the curtilage would not therefore be readily apparent. The site would still have the same visual appearance, as a group of outbuildings between two larger houses.
11. The creation of a separate dwelling would give rise to the need for additional car-parking on the site. The area identified for car-parking, and the driveway leading to it, are already hard-surfaced. Consequently, the parking arrangements would not require any physical works and it would only be the parked cars themselves that would give rise to any visual impact. As the cars would be hidden from public view by the stone roadside boundary wall, they would have no effect on the openness of the Green Belt.
12. Although the site is already part of a domestic garden, the provision of a separate curtilage for the proposed dwelling gives rise to the potential for additional residential paraphernalia to be stored in the open. The provision of permanent structures, that could have a spatial impact on the openness of the Green Belt, could be controlled through the imposition of a planning condition removing permitted development rights for outbuildings. More ephemeral items, such as garden furniture, children's play equipment, etc would be hidden by the roadside boundary wall and the high stone wall to the southern boundary. There would therefore be no harm to the openness of the Green Belt through the visual impact of the domestic paraphernalia associated with the proposed dwelling.
13. Paragraph 134 of the Framework identifies that Green Belt serves five purposes:
 - a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The proposed development is well away from any built-up areas or historic towns, so would not contribute to the sprawl or merger of urban areas or affect their setting or character. The proposal involves the conversion of buildings within an existing residential curtilage, so there will be no encroachment into the countryside. The re-use of these buildings for a single dwelling is unlikely to discourage the recycling of derelict or other urban land. The proposals will not therefore conflict with the purposes of including the land in the Green Belt.

14. Drawing all of these issues together, the development involves the conversion of buildings that are of permanent and substantial construction, and the linking extension would not result in a disproportionate addition to the original

buildings. The development would preserve the openness of the Green Belt and would not conflict with the purposes of including the land in the Green Belt. I therefore conclude that the development would not be inappropriate development as described by the Framework or by Policy 49 of the Local Plan. As a result, very special circumstances do not need to exist to justify the development.

15. For the reasons given above, I conclude that the proposal would comply with Policy 49 of the Local Plan and Policy 7.16 of the London Plan (2016), which seek to protect the Green Belt from inappropriate development. The proposal would also accord with the aims of the Framework to ensure that development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

Conditions

16. In accordance with the legislation, I have imposed a condition limiting the period within which the development must commence. I have also included a condition specifying the relevant plans, as this provides certainty. The Council has submitted a schedule of suggested conditions to cover other matters. I have considered these against the advice in the Planning Practice Guidance (the PPG). I have agreed that the conditions are necessary, but I have altered some of them, in the interests of clarity and precision, to better reflect the guidance.
17. The submitted drawings do not include details of the proposed external materials. A condition requiring matching materials is therefore necessary to ensure that the conversion protects the character and appearance of the buildings and the wider area.
18. My conclusion that the development is not inappropriate was, in part, due to the proposed extension not resulting in a disproportionate addition to the buildings. I also found that openness could be preserved by removing permitted development rights for outbuildings. Although I concluded that the subdivision of the curtilage would not be readily apparent, there is still a need to avoid any unsuitable means of enclosure. I therefore consider that the exceptional circumstances required by the PPG exist for the imposition of a condition removing permitted development rights for extensions, outbuildings and means of enclosure.
19. Provision and retention of suitable car-parking and refuse facilities are necessary in the interests of highway safety and convenience and to protect the visual amenity of the area.

Conclusion

20. For the reasons given above I conclude that the appeal should be allowed.

Nick Davies

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 3221-18-PL001 P3; 3221-18-PL002 P2; 3221-18-PL003 P2.
- 3) The materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing buildings.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no buildings, structures, extensions, walls or fences shall be erected within the curtilage of the dwelling hereby permitted other than those expressly authorised by this permission.
- 5) The dwelling shall not be occupied until the car-parking area has been laid out within the site in accordance with drawing nos 3221-18-PL002 P2 and 3221-18-PL003 P2 for 2 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear, and that space shall thereafter be kept available at all times for those purposes.
- 6) The dwelling shall not be occupied until full details of refuse storage facilities (which shall include provision for the storage and collection of recyclable materials) have been submitted to, and approved in writing by, the Local Planning Authority. The facilities shall be provided in accordance with the approved details prior to occupation of the dwelling and permanently retained thereafter.