



Appeal Decision

Site visit made on 13 August 2019

by Rajeevan Satheesan BSc PGCert MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th September 2019

Appeal Ref: APP/G5180/W/19/3227846

Norsted Manor Farm, Norsted Lane, Orpington BR6 7PB

- 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 Giles Cook against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/18/01770/FULL1, dated 27 March 2018, was refused by notice dated 22 February 2019.
 - The development proposed is described as erection of a new barn for farm use and storage of caravans, motor homes and trailers.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- whether the proposal amounts to inappropriate development in the Green Belt;
- the effect of the proposal on the openness of the Green Belt; and
- if the development is inappropriate, whether harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances needed to justify the development.

Reasons

Whether inappropriate development

3. The appeal site comprises land and buildings associated with a large farm complex situated within land designated as Green Belt and the open countryside¹. National policy on Green Belt development is set out in Part 13 of the National Planning Policy Framework 2019 (Framework). Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Of particular relevance to this appeal is Paragraph 145 which states that the construction of new buildings is inappropriate development in the Green Belt subject to a number of exceptions. One of the exceptions is limited infilling or

¹ Taken from the appellant's statement of case.

the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development (criterion g). This exception is also reiterated in Policy 49 of the London Borough of Bromley Local Plan, 2019 (LP), which is consistent with the Framework. Accordingly, I have assessed this appeal scheme based upon the Green Belt policy contained in the LP and the Framework policies.

4. The definition of previously developed land (PDL) in the Framework, specifically excludes land that is or was last occupied by agricultural or forestry buildings. Many of the uses of the farm buildings have diversified in recent years with most of the buildings now used for the storage of caravans and motorhomes, along with limited other commercial and private uses². However, the appellant explains¹ that 189 acres holding is in use as an active farm with 160 acres of land used for grazing, and that the development would be erected on existing hard standing which constitutes part of the curtilage of the farm land³.
5. Whilst I acknowledge that the proposed building would be located adjacent to a number of farm buildings, which are in storage and other commercial uses, the appeal site which is not currently occupied by any permanent structures, and situated within the farm complex, would not constitute PDL.
6. With regards to 'limited infilling' there is no definition of infilling in either the Framework or the LP, and therefore it is necessary to consider each proposal on its merits on a fact and degree basis.
7. The site is located to the rear of a number of farm and former farm use buildings and is surrounded largely by open agricultural land and paddocks on three sides of the site. The site is therefore only surrounded by existing built development on one side, and as such, I am not persuaded that the proposal would represent 'limited infilling' in any accepted or reasonable definition of the term. My findings on this point are strengthened by the fact that given the location of the site to the rear of the existing farm and former farm use buildings, and the local topography means one is barely aware of the presence of proposed site from the private farm access road. The combination of the 'backland' position of the site, and the open agricultural fields/paddocks surrounding the site, give the site a distinctly rural feel that accentuates the characteristics of the Green Belt in this location.
8. To conclude on this issue, the proposed development would not amount to either limited infilling or the partial or complete redevelopment of PDL (as defined by the Framework) or satisfy any of the other exceptions in paragraphs 145 and 146 of the Framework, and Policy 49 of the LP. As such the proposal would amount to inappropriate development in the Green Belt. In reaching this conclusion, it is of note that paragraph 144 of the Framework states that substantial weight should be given to any harm to the Green Belt.

Effect on the openness of the Green Belt

10. Paragraph 133 of the Framework identifies that one of the essential characteristics of Green Belts are their openness and their permanence. The Courts have held that openness includes both visual and spatial dimensions.

² Taken from the appellant's statement of case.

³ Taken from Section 10 of Appendix B: Planning Application Documents.

11. The appellant states that the building would be 32.6m deep (east to west), 15m wide, with a ridge height of 6m⁴, and would occupy a currently undeveloped area. Given the 'backland' location of the site, located to the rear of other existing farm and former farm use buildings, I consider that the development would have a limited visual effect on the openness of the Green Belt. However, the building would be of a considerable size and would occupy land which is currently devoid of buildings and hence in spatial terms there would be a significant change to the openness of the site and hence this part of the Green Belt. Overall, I consider that the harm caused to the openness of the Green Belt would be a significant one.

Other considerations

12. The Council does not raise any objection in terms of harm to the character and appearance of the area, particularly as the development would have the appearance of an agricultural building situated close to a number of other farm buildings. I find no reason to disagree with this assessment.
13. The proposed building would be located some distance away from the nearest residential properties. As such, the proposal would not raise any harm to the living conditions of neighbouring occupiers in terms of loss of light, outlook, privacy. Similarly, given that the appellant is seeking to maintain the total number (82) of caravans and motorhomes previously permitted within the site⁵, the proposal would not be expected to result in any additional noise and disturbance or traffic, when compared to the existing lawful use. It is also acknowledged that the Highways Authority raise no objection in these regards, and I have no reason to disagree with that professional assessment.
14. These aforementioned matters are of neutral consequence in the overall planning balance.
15. There would be some modest limited benefits, associated with the expansion of an existing rural business, with the appellant stating that this would provide additional storage area for agricultural machinery and improve employment opportunities locally (both during and after construction), increase local spending in the area (by staff) and increase in tax revenue. I give these additional benefits modest weight as it is also stated that the expansion of the business would be minimal⁶. It is also claimed that the proposal would enclose an existing area of land which is presently hard standing and available for storage. However, Condition 1 of Planning permission ref: 98/01982 specifically restricts the storage of caravans, motorhomes and trailers outside of the existing storage buildings. As such I do not consider that this provides support for the current proposal.

Planning balance and conclusion

16. I have found that the development would amount to inappropriate development in the Green Belt. This is a matter to which I afford substantial weight. In addition, I have found that significant harm would be caused to the openness of the Green Belt. The adverse impacts need to be weighed against the identified other considerations, noting that there would not be significant benefits.

⁴ Taken from the appellant's statement of case.

⁵ Approved in Council Ref: 98/01982 dated 12 October 1998.

⁶ Taken from Paragraph 5.6 of the appellant's statement of case.

17. In conclusion, the substantial weight to be given to Green Belt harm, and the other identified harm arising from the development, is not clearly outweighed by the other identified considerations sufficient to demonstrate very special circumstances. Therefore, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Rajeevan Satheesan

INSPECTOR