



Appeal Decision

Hearing Held on 19 September 2019

Site visit made on 19 September 2019

by David Wyborn BSc(Hons), MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 October 2019

Appeal Ref: APP/G5180/W/18/3216890

Yonder Farm, Orange Court Lane, Downe, Orpington BR6 7JD

- 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 Miss Sarah Williams against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/17/05809/FULL1, dated 18 December 2017, was refused by notice dated 5 November 2018.
 - The development proposed is the removal of redundant equine building and change of use of land for the stationing of a log cabin.
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Decision

1. The appeal is allowed and planning permission is granted for the removal of redundant equine building and change of use of land for the stationing of a log cabin at land at Yonder Farm, Orange Court Lane, Downe, Orpington BR6 7JD in accordance with the terms of the application, Ref DC/17/05809/FULL1, dated 18 December 2017, and subject to the following conditions in the schedule.

Main Issues

2. As the site lies within the Metropolitan Green Belt, the main issues are:
 - whether or not 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 and character of the Green Belt, and
 - if the appeal development 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 or not inappropriate development

3. Policy 49 of the Bromley Local Plan (January 2019) (the Local Plan) sets out the approach to considering development within the Green Belt. The policy states that permission will not be given for inappropriate development unless very special circumstances can be demonstrated that clearly outweigh the harm by reason of inappropriateness or any other harm. Policy 7.16 of the

London Plan (March 2016) (the London Plan) sets out a similar approach and both policies are in general conformity with the Framework.

4. Policy G2 of the Draft London Plan sets out the emerging policy approach to development within the Green Belt. I attribute the policy limited weight because of the stage in plan preparation.
5. It is common ground between the main parties that the proposal would introduce a residential use and that this would not meet with any of the categories of development set out in paragraphs 145 and 146 of the Framework. It is therefore accepted that the proposal would be inappropriate development in the Green Belt. I agree.

Openness and character

6. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Planning Practice Guidance (the Guidance) advises on factors that can be taken into account when considering the impact of development on the openness of the Green Belt¹.
7. The scheme would involve the removal of a permanent building located away from the main group and the stationing of a log cabin adjoining the end gable of one of the main buildings. The log cabin would be of a similar footprint to the building to be removed and would have a lower ridge. The volume of the log cabin would be slightly less than the building to be removed and the siting would be closer to the main group thereby reducing the encroachment of built form away from the main buildings. As a consequence, in both spatial and visual terms, there would be benefits to the openness of the Green Belt from the proposal.
8. In terms of the degree of activity likely to be generated from the proposal, the operator of the site would either be resident or, if residing off site, would need to be present much of the time on site to provide welfare for the horses. While there would be less vehicle movements in terms of work related traffic if the operator was resident on site, this would be likely to be compensated by extra traffic movements undertaking the normal tasks related to residential accommodation, such as trips to shops and services.
9. However, given the screened location of the vehicle parking area and that the information before me is that the horses need to be checked early and late in the day, such that there would be a presence and related vehicles for large periods in any case. I am satisfied that with regard to vehicle movements and the effect of parked vehicles, the effect on openness between living on site in the log cabin and off site would be broadly neutral. In coming to this view, I have had regard to the findings of the Inspector when he considered openness issues in his decision of 20 October 2017².
10. The log cabin would be sited on the edge of the built group and there would be a residential presence from lighting and related activity in that immediate area. However, this would be in the context of a busy equestrian yard and therefore not in itself affect the openness of the land or the character of the site. I noted the unauthorised residential unit within the barn and that this did not appear to

¹ Paragraph:001 Reference ID: 64-001-20190722

² APP/G5180/W/15/3138202, APP/G5180/C/15/3141430, APP/G5180/C/15/3141431 dated 20 October 2017

generate any meaningful external, domestic paraphernalia associated with that use. The appellant indicates that the log cabin would also not require the need for external paraphernalia because facilities are already accommodated within the yard, such as the washing and drying area within the existing buildings. I am satisfied, on the information before me and my observations from the site visit, that the occupation of the log cabin in this case, would not lead to a level of external paraphernalia that would adversely affect openness or the character of the Green Belt.

11. As the yard is already at capacity in terms of the number of horses that can be stabled, I do not consider that the proposed residential accommodation would lead to any greater intensity of activity on the site such that this would affect the character of the area or openness.
12. I am conscious that the log cabin would fall within the definition of a caravan as set out in the legislation³ and could potentially, if permitted, be replaced with a larger caravan that would still meet with the statutory limitations. A larger caravan could potentially undermine the openness of the Green Belt. I am satisfied that this could be addressed by a suitably worded condition which would require the agreement of the Council to the precise size and details of the log cabin and, therefore, this issue could be controlled in the interests of the openness of the Green Belt.
13. Taking all these matters into account, I conclude that the stationing of the log cabin and the removal of the existing building would result in a small improvement to the openness of the site and no harm to the character of the Green Belt.
14. I also consider that, with the removal of the outbuilding as part of the scheme, the proposal would make a small contribution in assisting in safeguarding the countryside from encroachment and that the other purposes served by the Green Belt would not be compromised.

Other considerations

15. The equestrian use has been sustained over a reasonable period of time and the evidence indicates that over the last few years profits from the business have materially increased. There is a waiting list of horses to be stabled at the yard and the appellant provides a service that appears to be in demand, meeting a niche in the equestrian market, in particular, for the training of dressage horses. The yard employs staff, with regular apprentices, and contributes to the rural economy with a use that requires open land and a rural location.
16. The provision of the on-site accommodation would facilitate the business activities on the site. In this respect the proposal would meet with the Framework policy to support a prosperous rural economy which advises that decisions should enable the sustainable growth and expansion of all types of business in rural areas, and the development and diversification of land based rural businesses.

³ Caravan Sites and Control of Development Act 1960 and Caravan Sites Act 1968 (as amended)

17. Even though the land holding is reasonably small, two independent reports⁴ commissioned by the Council confirm that there is an essential need for a worker to be permanently resident in order to manage the horses on site and ensure their welfare is not compromised. The proposal would therefore meet the policy test in paragraph 79 of the Framework to justify an isolated home in the countryside.
18. I have taken into account the decision letters regarding appeals on this site⁵. In particular, the decision dated October 2017 where the Inspector considered the merits of on-site accommodation in the form of the retention of the accommodation within the barn. That Inspector gave considerable weight to the economic and social aspects of the business activities which would be supported by the retention of the accommodation but judged, after giving considerable weight to the Intentional Unauthorised Development (IUD) that had taken place in creating the accommodation, that the balance was no longer in favour of the residential element. The Notice to require the removal of the residential accommodation was upheld, with amendments.
19. In this case, the Council and the Downe Residents' Association have raised the issue of the planning background, the unauthorised residential accommodation on the site and that this was found to be IUD. The background regarding the unauthorised residential use on the site is relevant. However, because the present proposal has not taken place, it is not IUD. The balance of considerations is therefore different from that when the Inspector examined the residential accommodation in the October 2017 appeal decision.

If the appeal development 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

20. The proposal would constitute inappropriate development within the Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I attribute this harm to the Green Belt substantial weight.
21. I have found that the proposal would lead to a small improvement to the openness of the Green Belt, would not harm the character of the Green Belt, would make a small contribution to reducing encroachment of development within the countryside and would not conflict with the other Green Belt purposes. These are matters that weigh moderately in favour of the proposal.
22. I have taken into account the submissions of the Downe Residents' Association. I have also had regard to the support from local residents. I attribute the planning history and the IUD, which is in respect of the accommodation in the barn and not the present proposal, limited weight and I have considered the merits of the proposal based on the information before me.
23. There is an essential need for residential accommodation to be provided on the site to successfully operate the business and for the welfare of the horses. The

⁴ Bourne Rural Planning Consultancy Report dated 18 August 2016 and Reading Agricultural Consultants Letter dated 25 July 2018

⁵ APP/G5180/X/15/3087194 dated 20 April 2016 and APP/G5180/W/15/3138202, APP/G5180/C/15/3141430, APP/G5180/C/15/3141431 dated 20 October 2017

business is well established and profitable. These are significant matters that weigh substantially in favour of the proposal.

24. There are clear benefits to the local economy by the continuation of the activities on the site which would also support local jobs and apprentices. This economic contribution would be put in jeopardy without the on-site accommodation. Indeed, the situation is that the essential need for the on-site accommodation is to such an extent that it is integral to the future sustainability of the business. In this respect, there is Framework support for this business and its contribution to the rural economy. I attribute this matter substantial weight.
25. Taking all these matters into account, while the harm to the Green Belt carries substantial weight, the other considerations in this case are significant and the cumulative benefits would be important and worthwhile.
26. As a consequence, I conclude that very special circumstances do exist because the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. As I have found that very special circumstances do exist in this case to outweigh the harm, the proposal would comply with Policy 49 of the Local Plan and Policy 7.16 of the London Plan.

Conditions

27. I have had regard to the conditions suggested by the Council, the discussion at the hearing and the advice in the Guidance. I have therefore amended some of the proposed conditions in the interests of consistency, clarity and reasonableness.
28. The standard time limit is required and a condition specifying the approved plans is necessary in the interests of certainty. A condition specifying the implementation of the landscaping scheme is necessary in the interests of the character and appearance of the area.
29. It is necessary to control the occupation of the log cabin to ensure that the occupant is related to the essential need to be on site for the reasons explained. The planning permission granted at appeal in October 2017 (condition 1) specifies that the use of the site is limited solely for the benefit of Sarah Williams and/or David Marsdale and this would control the overall equestrian use of the site. The evidence at the hearing indicated that the log cabin would be occupied by the appellant but on occasion, while she was away competing, there would still be a need for an on-site presence and a worker would occupy the log cabin. The wording of condition 4 in the schedule reflects this situation.
30. It is also necessary given the background to the case, the particular form of the equestrian business and the modest land holding, that were the equestrian use to cease that the log cabin be removed and the residential use discontinued.
31. A condition is necessary to enable the Local Planning Authority to agree the details of the log cabin to ensure that the size and siting would meet with the terms of the proposal and the benefits to the openness of the Green Belt can be realised. Similarly, it is necessary in the interests of openness to require the removal of the equine building as part of the proposal.

Conclusion

32. Having regard to the above, and taking all other matters into account, I conclude that the appeal should be allowed.

David Wyborn

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Brian Barrow BSc(Hons) MRICS

Acorus Rural Property Services Ltd

Mrs Louise Gregory

Acorus Rural Property Services Ltd

Miss Sarah Williams

Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr David Bord BA(Hons) PG Dip MRTPI

Council of the London Borough
of Bromley

INTERESTED PERSONS

Mrs Jenny Davidson

Local Resident

Mr Peter Hawkey

Local Resident

Documents submitted at the hearing:

1. Reading Agricultural Consultants letter dated 25 July 2018
2. Animal Welfare Licence for hiring out horses – Yonder Farm - Licence NO. 19/00190/AWHOH.
3. Letter from Mrs Jenny Davidson dated 17 December 2018
4. Letter from Dr Linda L S Pae dated 23 July 2019

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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 approved plans: Site Location and Block Plan 200-01 Rev B (red and blue lined plan) and Site Location and Block Plan 200-01 Rev B (proposed landscaping).
- 3) The landscaping scheme as shown on the submitted drawing (Site Location and Block Plan 200-01 Rev B (proposed landscaping)), shall be implemented in the first planting season following the first occupation of the log cabin. Any trees or plants which within a period of 5 years from the first occupation of the log cabin are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species to those originally planted. Furthermore, any boundary treatments shall be retained in perpetuity.
- 4) The log cabin hereby permitted shall only be occupied by a worker and/or the operator of the equestrian uses on the site and by no other persons. Following cessation of the equine uses within the Yonder Farm site, this accommodation shall be dismantled and removed from the site with the residential use discontinued.
- 5) Prior to first installation of the log cabin, or prior to the installation of a replacement log cabin, the details, siting and specification, including dimensions and external materials, shall be submitted to and be approved in writing by the Local Planning Authority. Once approved the log cabin shall be installed in accordance with the approved details.
- 6) Before the log cabin is first occupied, the existing equine building denoted on Site Location and Block Plan 200-01 Rev B (red and blue lined plan) shall be demolished and all rubble removed from the site.

End of Schedule