
Appeal Decision

Site visit made on 17 September 2019

by Laura Renaudon LLM LARTPI Solicitor

an Inspector appointed by the Secretary of State

Decision date: 7 October 2019

Appeal Ref: APP/G5180/W/19/3232051

Land opposite Snag Farm, Snag Lane, Cudham, Sevenoaks TN14 7RG

- 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 P Delaney against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/18/05263/FULL1, dated 4 October 2018, was refused by notice dated 25 January 2019.
 - The development proposed is described as the re-use of rural building for residential use.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council amended the description of the proposed development upon receiving the application, and the proposal was publicised and subsequently considered by the Council as 'conversion of stable block to single storey three bedroom dwelling', which accurately describes what is sought. I have therefore considered the appeal on this basis.

Main Issues

3. The appeal site lies in the open countryside within an area of designated Green Belt. The proposal is primarily concerned with the re-use of an existing building. Accordingly the main issues arising in the appeal are:
 - The effect of the proposal on the openness of the Green Belt and its compatibility with the purposes of including land within the Green Belt; and, consequently:
 - 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;
 - Whether the proposed housing would be suitably located, having regard to the Framework and any relevant development plan policies; and
 - Whether, if it is inappropriate development in the Green Belt, any harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations. If so, whether this would amount to the very special circumstances necessary to justify the proposal.

Reasons

Openness and purposes

4. The appeal property is presently an actively used stable building lying in a large field some 200m to the east of Cudham Lane North, a sporadically settled minor road running south from the A21 at Orpington. A small settlement at Hazelwood lies behind Cudham Lane North to the west of the road, south of the junction with Snag Lane to the east, which leads to the appeal site. The field contains one other significant structure, a steel container. Horses and ponies are kept on the site, using the appeal building as stables and for ancillary functions, and the field is fenced into paddocks. Recreational riding activity was taking place on the site at the time of my site visit.
5. The site lies within the Green Belt, where policy 49 of the Bromley Local Plan 2019 ('the LP') and paragraph 146 of the National Planning Policy Framework ('the Framework') provide that the re-use of buildings of a permanent and substantial construction is not necessarily inappropriate development. This depends on whether the development would preserve the openness of the Green Belt and on whether it would conflict with the purposes of including land within it. The designation of this part of the Green Belt appears to serve the purpose of safeguarding the countryside from encroachment.
6. The proposal is to re-use the appeal building as a dwellinghouse and, although third parties question the planning history, there appears to be no dispute between the principal parties to the appeal that it is a building of a permanent and substantial construction, which is how it appeared on my site visit. The planning history recited by the parties refers to stables having been on the site in 1999.
7. The field and the appeal building are presently accessed from Snag Lane at a corner where the road splits and it also meets a bridleway. A track of around 70m leads from the field gate to the appeal building, which is conspicuous from the lane. The appeal proposal (which is unclear as to how the remaining field would be accessed) is to plant a hedgerow to the west of the access track and around the north side of the building, creating a parking area and garden beyond the building that would be largely shielded from view by the building. A long narrow grassed area to the east of the access track, readily visible from Snag Lane, also forms part of the appeal site and so would be used in association with the proposed dwellinghouse. To the east of the site lies an existing well established and dense hedgerow separating the site from Snag Lane and from Snag Farm which lies beyond it.
8. A number of previous proposals for residential development on the site have been made, and changes have been made to the proposal following the dismissal of an appeal last year (Ref APP/G5180/W/17/3190674). The effect of these is mainly to reduce the visible residential aspects of the proposal by concentrating the urban elements and residential activity to the north of the building. Nonetheless I find that the openness of the Green Belt would not be preserved by the present proposal.
9. Spatially, the building is presently in a horse-related use that is apt for the Green Belt purpose of safeguarding the countryside from encroachment. There is a certain amount of activity associated with this use but it appears consonant with its countryside location. A dwelling, by contrast, would fundamentally

change the experience of the appeal site, as noted by the previous Inspector, and would constitute encroachment into the countryside that is inconsistent with the purposes of including land in the Green Belt. Additional hardstanding on what is presently a field would reduce openness, irrespective of whether it can be seen. Visually, although the proposal now concentrates the most urbanised elements to the north of the site, the appeal site when viewed from Snag Lane would inevitably take on a domestic appearance and the fact of a dwelling would not be disguised. Although the plans mark out a small garden area to the north of the proposed dwelling, it would not be reasonable to seek to control the domestic items that could appear in the part of the land facing Snag Lane which forms part of the appeal site.

10. Therefore on this issue I conclude that there would be a loss of openness and conflict with the Green Belt purpose of assisting in safeguarding the countryside from encroachment.

Whether inappropriate

11. It follows from the above that the proposal would amount to inappropriate development in the Green Belt. By definition this is harmful, and I give substantial weight to this harm by reason of inappropriateness.

Suitability of location

12. Paragraph 78 of the Framework advises that housing should be located where it will enhance or maintain the vitality of rural communities, so as to promote sustainable development in rural areas. By geographical contrast, paragraph 79 counsels against the development of isolated homes in the countryside, unless certain circumstances apply (which is not contended here).
13. The appeal site is physically separate from any existing settlement. Its closest dwelling is Snag Farm, which lies behind it on the other side of Snag Lane. Other dwellings are sporadically dispersed in the vicinity. A small settlement at Hazelwood lies within walking distance of the site, albeit via an unlit narrow country lane, but the site is distinctly separate from it, lying within a large field in the open countryside and with almost uninterrupted views across large swathes of fields and woodlands to the west of the site.
14. As a result I consider that the proposed dwelling would be 'isolated' for the purposes of paragraph 79 of the Framework. It has not been suggested how the proposed dwelling would enhance or maintain the vitality of any rural community in any event. I have not been referred to any development plan policies directing the location of new development, but on this issue I conclude that the location of the proposal attracts no support from the Framework and is contrary to it.

Other considerations

15. The appellant contends that the proposal would make a modest contribution towards the Borough's housing supply, although it does not appear that there is any shortfall in provision. Whilst the contribution to the Government's aim of significantly boosting the supply of housing attracts some weight, it does not amount to a sufficient consideration to outweigh the harm to the Green Belt and the other harm resulting from its unsuitable location. Consequently, no very special circumstances exist to justify the proposal.

Conclusion

16. For the above reasons the proposal conflicts with the development plan and the Framework, and the appeal is dismissed.

Laura Renaudon

INSPECTOR