
Appeal Decision

Site visit made on 4 February 2020

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2020

Appeal Ref: APP/G5180/W/19/3240536

Redriff, Birdhouse Lane, Downe, Orpington BR6 7LJ

- 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 Francesco Roda against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/02579/FULL1, dated 28 May 2019, was refused by notice dated 19 August 2019.
 - The development proposed is the demolition of existing stable buildings and erection of a detached 1½ storey house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description above is taken from the planning application form, I have no evidence before me that the appellant has agreed to the slightly revised description on the Council decision notice.
3. An amended drawing showing the proposed site layout, Drawing Ref 4D05 has been supplied with the appeal along with an updated Preliminary Ecological Appraisal Report (PEA). The amended plan proposes to relocate the off-street parking to the eastern side of the proposed dwelling. The alterations are minor and I do not consider that they change the development to such an extent that it would lead to prejudice to other interested people, particularly given my decision to dismiss the appeal. I have therefore considered the amended plan, along with the updated PEA as part of the appeal.
4. The amended plan and the updated PEA have been submitted to address concerns of the Council relating to highway safety and impact on protected species. As a result of these submissions, the Council have confirmed that the second and third reasons for refusal, relating to these matters would fall away. In light of all I have read and seen I have no reason to disagree with this position and have revised the main issues accordingly.
5. I have considered the Draft London Plan (2019) and the Panel Report¹. Draft Policy G2 requires that the Green Belt be protected from inappropriate development in line with direction provided by the National Planning Policy Framework (the Framework) and therefore the emerging policy is broadly in accordance with that existing.

¹ Report of the Examination in Public of the London Plan October 2019

Main Issues

6. The main issues therefore are:

- i. whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies; and
- ii. 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

7. The appeal site sits within a dip in the landscape in a semi-rural location within the Green Belt adjacent to Bird House Lane, Downe.

Whether inappropriate development

8. The Framework at paragraph 145 establishes that the construction of new buildings within the Green Belt should be regarded as inappropriate unless they are a type of building identified under a list of exceptions. One such exception relates to the limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development. Policy 49 of the Bromley Local Plan (2019) (BLP) is reflective of the Framework in also identifying this exception.
9. A 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. The assessment of openness requires a consideration of both spatial and visual aspects.
10. The site currently hosts a variety of buildings of limited height, some of which are in a poor state of repair. The existing built form is very much of low-key character. Whilst some stables are proposed for retention, the proposal would result in a net reduction in the footprint of buildings on the site as a result of the demolition of some of the outbuildings. However, other than the frontage building, the others proposed for demolition are set further back on the site and are not prominent.
11. Although forming a dormer bungalow and in a similar position to one of the existing buildings, the height of the dwelling proposed would be substantially greater than the buildings which it would replace and those which would remain on the site. Further, the perception of the height of the building would be increased given that it would occupy a prominent position close to the front of the site adjacent to Birdhouse Lane from where the most direct public views towards the site can be taken. Moreover, the roof would have a bulky appearance given that it would host six well-sized dormer windows. Unlike longer distance views which would be obscured to a degree by vegetation, the most direct public viewpoint would be unscreened.
12. Consequently, there would be a harmful loss of openness of the Green Belt. While the loss would be small in the context of the Green Belt as a whole, the Framework is clear that substantial weight should be given to any harm to the

Green Belt. The proposal would therefore be inappropriate development in the Green Belt having regard to the Framework and Policy 49 of the BLP with which the proposal would conflict.

Other considerations

13. I note that the scheme has been reduced in scale from earlier proposals. The proposal would not result in the loss of notable trees, although this is a neutral factor. The proposal would relate to the partial redevelopment of previously developed land and would offer some improvement to the appearance of the site through the removal of some run-down buildings, and the provision of soft landscaping. However, I afford these benefits limited weight as the site does not significantly detract from the character of the area. I am also not convinced that the scale of the proposed development is the minimum necessary to achieve such benefits.
14. The appellant also suggests they will turn to rely on permitted development rights relating to the conversion of the buildings to residential use as a fallback position. Any such proposition would first have to be put before the Local Planning Authority. However, no detail has been supplied in relation to such a scheme and on the basis of the evidence before me, I am not convinced that a fall-back scheme would represent a realistic option. I therefore afford it limited weight. Even in the event such a scheme could be implemented, it would relate to conversion, and would be unlikely to involve any significant increases in the height of the buildings and as such it would be likely to have a lesser impact on the openness of the Green Belt than the proposal before me.
15. Despite the relatively narrow access roads, there is no reason that suitable access to the site could not be gained by construction/delivery vehicles, even if some more detail was required within the construction management plan. This would be a matter which could be conditioned were I minded to allow the appeal.

Conclusion

16. I have found that the development would be harmful to Green Belt openness and is therefore inappropriate development within the Green Belt. It therefore should not be approved except in very special circumstances. I must attach substantial weight to the harm to the Green Belt and as such, the harm I have identified is clearly not outweighed by the other considerations. Consequently, the very special circumstances necessary to justify the development do not exist.
17. For the reasons set out above, the appeal should be dismissed.

T J Burnham

INSPECTOR