
Appeal Decision

Site visit made on 27 January 2020

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 March 2020

Appeal Ref: APP/G5180/W/19/3240135

Victoriana Farm, Skibbs Lane, Orpington BR6 7RH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 2015 as amended.
 - The appeal is made by Mr Melvyn Jackson against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/02528/AGRIC, dated 19 June 2019, was refused by notice dated 17 July 2019.
 - The development proposed is agricultural storage building.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Although the Council have commented about some aspects of Permitted Development (PD) the prior approval procedure under schedule 2, Part 6, Class A of the GPDO makes no provision for any determination to be made as to whether the agricultural building is PD. For the avoidance of doubt this decision does not purport to address the question of whether the development is PD. I am instead addressing the question of whether, should the scheme come within the status of PD, prior approval should be granted.
3. The requirement for prior approval is akin to a pre-commencement condition attached to the grant of permission by Article 3(1) of the GPDO, development which is constructed not in accordance with the terms or conditions of the permission would be at risk of enforcement action.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the surrounding area having regard to the siting, design and external appearance of the agricultural building.

Reasons

5. The appeal site is located within a wider area that is designated as Green Belt. It is also located within a Site of Importance to Nature Conservation (SINC) as identified in the Bromley Local Plan adopted January 2019. The sensitivity of the landscape is a valid consideration which influences the planning judgement as to the appropriateness of the siting, design and external appearance of an

agricultural building under the prior approval process. This is reinforced by the emphasis on conserving and enhancing the natural environment in the National Planning Policy Framework (the Framework), alongside support for a prosperous rural economy.

Siting

6. The appeal site is part of Victoriana Farm, a mainly arable farm with extensive land to the east of Skibbs Lane. The surrounding landscape comprises primarily agricultural land interspersed with areas of woodland. The proposed agricultural building is to be sited in a narrow section of woodland which, together with Black Bush Wood, are part of the SINC. The SINC description identifies the woodland as having a range of woody species as well as an abundance of bluebell and dog's mercury in the ground flora. The SINC is said to support a wide range of woodland birds.
7. I observed during my site visit that the proposed agricultural building, although located within the boundary of the SINC, is in an area that is clear of trees. However, its location is within the woodland setting and is likely to influence future tree growth and the abundance of ground flora through its presence. I therefore consider the siting of the building would not be compatible with the important attributes of the SINC site, including proximity to trees, in an area known for its rich ground flora and where there is a wide range of woodland birds.
8. The site for the proposed agricultural building would be accessed from Skibbs Lane via an existing access which serves the farmland and an existing agricultural building. The proposed siting is considerably below road level; the surrounding topography, trees and hedging would restrict visibility of the site from the road.
9. Having regard to all of the above, I appreciate that there would be limited visibility of the building from public vantage points including the footpath to the south of the site. However, the siting of the building would impinge on the setting of the woodland, it would detract from the valued woodland landscape, and consequently would be harmful to the character and appearance of the area.

Design and external appearance

10. The application form indicates that the agricultural building would be 24.4 metres by 12.2 metres with a maximum height of 6.2 metres and eaves of 4.3 metres. The appellant states that the building is needed to serve the arable farming operation. The materials are described as box profile sheeting in dark blue for the walls and grey cement fibre sheets for the roof.
11. The dimensions of the building are not unusually large or high for the stated use. During my site visit I noted that a variety of materials are used in agricultural buildings in the surrounding area. As such I find that the design and external appearance of the proposed building of itself would be acceptable.

Conclusion

12. Whilst I am satisfied that the design and external appearance of the proposed agricultural building is acceptable and reflective of its intended purpose, I find

that its siting would detract from the SINC site within which it is located and would be harmful to the character and appearance of the area.

13. Therefore, for the reasons given above, the appeal is dismissed.

Diane Cragg

INSPECTOR