



Appeal Decision

Site visit made on 19 October 2020

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th November 2020

Appeal Ref: APP/G5180/W/19/3243140

Warren Farm, Berrys Green Road, Berrys Green, Westerham TN16 3AJ

- 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 Warren Farm (Down) Ltd against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/01687/FULL1, dated 8 April 2019, was refused by notice dated 21 October 2019.
 - The development proposed is the re-development of land with one dwelling house into two dwelling houses (one house on each site).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the proposal has been altered from the application form to the decision notice. While brief, the original description adequately describes the proposal and I have therefore determined the appeal on this basis.

Main Issues

3. The main issues are:
 - i. 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; 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

4. The appeal site is a long parcel of land accessed from Berrys Green Road within the Green Belt. The evidence indicates that the site has previously hosted a number of agricultural and other buildings, however at the time of my site visit, all structures appeared to have been removed leaving the site empty and surrounded by boundary fencing. Planning permission has previously been granted for 7 dwellings. The appeal relates to a proposal to instead provide 8 dwellings at the site.

Whether inappropriate development

5. 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. New build housing is not included under the list of exceptions and therefore the proposal would represent inappropriate development within the Green Belt.
6. The appellant argues that the site comprises previously developed land by reason of the implementation of the consent for the housing scheme. One such paragraph 145 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.
7. 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.
8. Whatever the status of the land, it is the existing baseline that must be considered when assessing impact on openness. The evidence indicates that the proposal would result in both an increase in the footprint and floor area of the residential development scheme. The additional built development on the site would therefore harm the openness of the green belt in spatial terms.
9. The impact in visual terms would be less marked, given that the additional dwelling would be located at the western end of the site of which there are limited public views. However, the additional bulk and mass created as a result of the 8th property would be perceptible from within the residential development. The incursion further west on the site would increase the prominence of the development from the adjacent golf course, during the winter months when boundary planting would be out of leaf. The Green Belt would therefore suffer a reduction in openness in visual terms.
10. Consequently, there would be a harmful loss of openness of the Green Belt. The proposal would have a greater impact on the openness of the Green Belt than the existing development taking the baseline as the permitted 7 dwellings.
11. 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, Policy 49 of the Bromley Local Plan (2019) and Policy 7.16 of the London Plan (2016) which are reflective of the Framework in relation to its Green Belt Policy. I have had regard to the Samuel Smith¹ Supreme Court Judgement.

Other considerations

12. The evidence indicates that planning permission for the 7 houses was originally granted consent on the basis of very special circumstances by reason of the amount of built development on the site associated with its former agricultural use. However, these buildings no longer exist and the site has been cleared. I

¹ R (on the application of Samuel Smith Old Brewery (Tadcaster) and others) (Respondents) v North Yorkshire County Council (Appellant) [2020] UKSC 3

therefore afford limited weight to structures which once appeared to occupy the site but which no longer do so.

Planning balance

13. The appellant contends that the Council is unable to demonstrate a five-year housing land supply. However, even if that were the case, Green Belt Policy within the Framework provides a clear reason for refusing permission and therefore the proposal would not benefit from the presumption in favour of sustainable development.

Conclusion

14. I have found that the development is inappropriate development within the Green Belt and is harmful to Green Belt openness. 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.
15. For the reasons set out above, and having regard to all other matters, the appeal should be dismissed.

T J Burnham

INSPECTOR