



Appeal Decision

Site visit made on 2 November 2020

by Chris Couper BA (Hons) DiP TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25/11/2020

Appeal Ref: APP/G5180/W/20/3250726

34 Main Road, Biggin Hill TN16 3EB

- 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 and Mrs Melly against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/04634/FULL1, dated 30 October 2019, was refused by notice dated 17 January 2020.
 - The development proposed is the erection of one dwelling and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's second reason for refusal concerned the absence of a Noise Impact Assessment to consider the living conditions that would be experienced by future occupants of the proposed dwelling. However, an assessment was submitted with the appeal, and the Council has withdrawn that objection, subject to the imposition of an appropriate condition should it be allowed.
3. From the evidence before me, I have no reason to doubt that, subject to a suitable condition, the future occupants would experience satisfactory living conditions. Consequently, I have not considered this matter any further.

Main Issues

4. 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 and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt; and
 - Whether harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, such as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether or not inappropriate development

5. Policy 49 of the Bromley Local Plan 2019 ('BLP') and Policy 7.16 of the London Plan 2016 set out that permission will not be given for inappropriate development in the Green Belt unless there are very special circumstances. BLP Policy 49 regards the construction of new buildings as inappropriate development unless, amongst other things, it is limited infilling in villages. This approach is consistent with the National Planning Policy Framework ('Framework'), including its paragraphs 143 and 145.
6. Neither the development plan policies, nor the Framework, define what constitutes a 'village'. However, by reference to the Court decisions at Appendices 4 and 5 of the appellants' statement, designated settlement boundaries are not necessarily determinative, and whether or not a group of dwellings constitutes a village will be a matter of fact and planning judgement on the ground.
7. This proposal would be sited in the side garden of 34 Main Road. That property sits within a short row of dwellings, which are set-down from this side of the road, with trees and fields to the rear, and Biggin Hill Airport opposite. There are bus stops very nearby, and good onward connections by public transport.
8. To the south-east, beyond 44 Main Road which is the last property in this row, there is a significant gap mainly occupied by scrub and trees, before built development recommences around the junction with Sunningvale Avenue. Much of the airport land adjacent to this stretch of Main Road is also largely open. Consequently, although it is only a short walk in this direction along a lit footway to the built-up area of Biggin Hill, there is a clear visual break to it.
9. To the north-west, the short row of dwellings on this side of Main Road continues to No 24, after which there is a cul-de-sac of nine recently built properties at Ceres View. Beyond there, after the junction with Saltbox Hill, there is an area of woodland, part of which appears to be occupied by a discrete builder's yard, and then a substantial building at No 18. There is then a further area of trees, outdoor sports facilities and largely open ground, before No 16. Around that point the development pattern becomes denser and less sporadic, and there are shops and a range of other facilities.
10. On the opposite side of Main Road, whilst there are buildings associated with the airport broadly to the north and south-east of the appeal site, the land opposite it is largely open.
11. For the above reasons, notwithstanding its accessibility by public transport, and the lit footpaths to densely developed built-up areas, given its context and the clear visual breaks to those areas, the appeal site sits within a separate short row of ribbon development. Consequently, although the scheme would 'infill' a narrow gap between existing dwellings, the site is not within a village, and it would be inappropriate development in the Green Belt.

The effect on the openness of the Green Belt

12. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and their permanence.

13. Whilst the proposed dwelling would be visible from Main Road, given its set-down location between existing dwellings it would not be visually prominent, and there would still be views across the site to the wider countryside.
14. There may once have been a dwelling here. However, it has been removed, and the scheme would involve the erection of a substantial structure, around 5.5m to the ridge, and with two floors of accommodation and large rear dormers. That on a part of the site which, other than the small greenhouse and shed it would replace, is largely free from built development.
15. In so doing, it would introduce a degree of bulk and massing that does not currently exist. It would thereby significantly harm the Green Belt's openness and would conflict with the aims of Green Belt policy.

Other considerations

16. In an appeal at Lower Sydenham (Ref: APP/G5180/W/18/3206569) the Inspector found that the Council did not have a five year housing land supply as required by the Framework, and that having regard to housing targets in the emerging London Plan the future looked 'bleak'. Although the Council refers to a recent planning permission for 280 dwellings at Langley Court, I have no cogent evidence to indicate that it has now addressed that shortfall.
17. On the basis that the Council still cannot demonstrate a five year housing supply, its development plan policies most important for determining the application are out of date. Whilst only a single dwelling would be provided here, this therefore constitutes a significant benefit.
18. Additionally, although the site is not within a village, future occupants of the proposed dwelling might also help to support local services in nearby settlements.

Planning Balance and Conclusions

19. Framework paragraph 11 sets out that where the most important development plan policies for determining the application are out of date, planning permission should be granted unless the application of Framework policies that protect areas of particular importance, such as the Green Belt, provide a clear reason for refusal.
20. The scheme would be inappropriate development, which would conflict with the aims of the Green Belt and would cause significant harm to its openness. In accordance with policies in the Framework, I have given substantial weight to those harms.
21. In its favour, the scheme would contribute to housing supply in a location reasonably well served by public transport and close to services and amenities, which future occupants may help to support. This is a significant benefit.
22. Nevertheless, the Framework's Green Belt policies provide a clear reason for refusing the development. The other considerations in this case do not clearly outweigh the harms that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
23. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the appeal to be determined in accordance with the development plan unless material considerations (including the Framework) indicate otherwise.

24. In this case, for the reasons above, the scheme would conflict with BLP Policy 49, London Plan Policy 7.16, and the Framework. It does not therefore benefit from the Framework's presumption in favour of sustainable development. Having regard to all other matters raised, the appeal is therefore dismissed.

Chris Couper

INSPECTOR