
Appeal Decision

Site visit made on 11 November 2020

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 December 2020.

Appeal Ref: APP/G5180/W/20/3252523

Yonder Farm, Orange Court Lane, Downe, Orpington BR6 7JD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval to details required by a condition of a planning permission.
 - The appeal is made by Miss Sarah Williams against the decision of the Council of the London Borough of Bromley
 - The application Ref DC/17/05809/CONDIT, dated 2 December 2019, sought approval of details pursuant to condition No 5 of planning permission Ref DC/17/05809/FULL1, granted on appeal on 3 October 2019.
 - The application was refused by notice dated 5 May 2020.
 - The development proposed is the removal of redundant equine building and change of use of land for the stationing of a log cabin.
 - The details for which approval is sought are: details, siting and specification of the log cabin, including its dimensions and external materials.
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Decision

1. The appeal is allowed and the matters are approved, namely the details, siting and specification of the log cabin, including dimensions and external materials, as contained within the document entitled *TSP Sarah Williams version v1r0, November 26, 2019*, submitted in pursuance of condition No 5 attached to planning permission Ref DC/17/05809/FULL1, granted on 3 October 2019.

Procedural matter

2. The appellant has made an application for costs against the Council. That application will be the subject of a separate decision.

Background

3. In October 2019, planning permission was granted on appeal¹ for the removal of a redundant equine building and the change of use of land for the stationing of a log cabin on the site. I shall refer to this decision hereafter as the planning permission. I saw that the equine building has been removed and the land that it previously occupied has been grassed over.
4. The approved Block Plan (Ref 200-01 Revision B) shows the log cabin to be stationed adjacent to the gable end of a main farm building and served by a shingle path. Approval is now sought for the details of the log cabin as required by condition 5 of the planning permission.

¹ Appeal Ref: APP/G5180/W/18/3216890 dated 3 October 2019

Main Issue

5. The Council appears to raise no objection to the submitted details of the log cabin apart from its size and the consequent effect on the openness of the Green Belt. From the evidence before me, I have no reason to reach a different opinion. The main issue is, therefore, the effect of the log cabin on the openness of the Green Belt.

Reasons

6. The log cabin would be similar in height although longer and wider than the equine building it is intended to replace. On that basis, there would be some reduction in openness due to the introduction of additional built form. That the log cabin would occupy an elevated position relative to the ground due to its position on raised pads, would accentuate its visual impact on openness.
7. However, the reduction in openness would be small because the log cabin would not be significantly larger in size than the equine building. By siting the log cabin close to the main building group, the proposal would also noticeably reduce the encroachment into open land given that the equine building occupied a more isolated location. In this position, the new addition would be visually 'read' with a taller and more substantial farm building just beyond. This arrangement would reduce its perceived scale.
8. In combination, these spatial and visual factors would outweigh the loss of openness resulting from replacing a building with a slightly larger one. Overall, it would result in a net benefit to the openness of the Green Belt with no adverse effect on its open rural character.
9. There is nothing before me to indicate that the log cabin, as sought, would lead to a significant difference in vehicle or pedestrian movements, parked vehicles, lighting, outside paraphernalia or a greater intensity of activity on site compared to that associated with the equine building. As these matters would neither increase nor decrease openness, their overall effect would be neutral.
10. It is true, as the Council and others point out, that the log cabin would be longer, wider and noticeably taller than the proposed building shown on plans that were considered as part of the previous appeal, which I shall refer hereafter to as the 'illustrative plans'. The previous Inspector placed some reliance on the illustrative plans in his assessment of the proposal and its effect on openness, notably at paragraph 7 of that decision. The illustrative plans therefore had a bearing on the previous Inspector's conclusion in paragraph 21 of his decision that the proposal would result in a small improvement to the openness of the Green Belt and would not harm its character.
11. However, the illustrative plans are headed 'Example Log Cabin', which lends support to the appellant's view that they were intended to provide a generic example of a log cabin at that time rather than definitive details. Moreover, the illustrative plans are not cited in the list of approved drawings of the planning permission. While the heading of the illustrative plans also notes that the prospective building would be no larger than the external dimensions shown on the illustrative drawings, the size of the log cabin is a matter that is reserved for subsequent approval under condition 5. Consequently, the size of the log cabin as shown on the illustrative plans, while a relevant consideration, is not a determining factor in this appeal.

12. The previous Inspector noted that the log cabin would fall within the definition of a caravan as set out in the legislation and that it could potentially, if permitted, be replaced with a larger caravan that would still meet with the statutory limitations. I share his opinion that a larger caravan could potentially undermine the openness of the Green Belt.

Conclusion on the main issue

13. On the main issue, I conclude that the log cabin, as submitted, would result in an improvement to the openness of the Green Belt with no harm to its character. The information required by condition 5, notably the siting, details and specification of the log cabin are appropriate and acceptable.

Other matters

14. An interested party is critical of the accommodation proposed in that the size of the log cabin would enable a second bedroom to be provided that would go beyond the specific needs of the intended occupant. However, there is no clear evidence in this regard and the previous Inspector, when imposing condition 5, did not specify a limit to the amount of residential accommodation or to the number of bedrooms to be provided.

Conclusion

15. For the reasons given, I conclude that the submitted details of the log cabin are acceptable and that the appeal should be allowed.

Gary Deane

INSPECTOR