



Appeal Decision

Site visit made on 1 December 2020

by Timothy C King BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 February 2021

Appeal Ref: APP/D5120/W/20/3246981

Woollett Hall Farm, North Cray Road, Sidcup DA14 5ET

- 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 Beck Evans Ltd against the decision of the Council of the London Borough of Bexley.
 - The application Ref 19/01505/FUL, dated 29 July 2019, was refused by notice dated 19 September 2019.
 - The development proposed is described as '*Erection of entrance gates with associated brick piers.*'
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Decision

1. The appeal is allowed and planning permission is granted for the erection of entrance gates with associated brick piers at Woollett Hall Farm, North Cray Road, Sidcup DA14 5ET, in accordance with the terms of the application Ref 19/01505/FULL, dated 29 July 2019.

Main Issues

2. The site lies within the Metropolitan Green Belt. The main issues in this case are therefore:
 - 1) whether the development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and, if so, the effect of the proposal on the openness of the Green Belt;
 - 2) whether the development would create any other harm; and
 - 3) if it is inappropriate development, whether the harm by reason of inappropriateness and by reason of any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate development and Openness

3. The former farm has, in recent years, been developed with new buildings erected and has diversified with the introduction of commercial businesses at the site including a farm shop and restaurant, the 'Crayzee Barn' children's facility and other uses. These buildings lie on the flat land that opens out at the base of the access driveway, off Water Lane, which slopes down to the complex.

4. The proposal is retrospective in nature. The gates are located some distance down from the driveway's junction with Water Lane, to which there is a considerable splay. The gates themselves, scalloped in form, are of the metal railing variety with a black powder coating. They range in height from 1.8m at their edge to 2.1m towards their centre and taken together, at a total width of some 5.7m, span that of the driveway. The side posts are shown to a height of 1.95m, although the decorative, spherical features, which the submitted drawings show would be attached, appear to have been omitted. The gates are open during trading hours (8am to 6pm), outside of which they are apparently kept shut.
5. The Framework says that the construction of new buildings, which, by way of case law, covers gates and piers, should be regarded as inappropriate development within the Green Belt. There are some limited exceptions to this which are set out in paragraph 145 of the document, although none appear to be applicable here.
6. On the basis of the evidence before me there is no indication that the gates erected have replaced a previous such installation. Accordingly, as the appellant is not claiming that the building operation has involved replacing 'like for like' I must conclude that the development is 'inappropriate' in its Green Belt setting. Inappropriate development is, by definition, harmful to the Green Belt and the Framework indicates that it should not be approved except where very special circumstances can be demonstrated.
7. The Framework indicates that an essential characteristic of Green Belts is their openness and that the fundamental aim of Green Belt policy is to prevent sprawl by keeping land within them permanently open. Openness has both a visual and a spatial aspect, and the Council has indicated that the piers and gates, in being some distance from the main buildings, bear no connection with the commercial enterprises at the site, and are therefore a stand-alone feature.
8. I disagree insofar as this security measure does bear a direct connection but, that said, the gates' presence does impact on the Green Belt's openness, albeit to a limited extent. On balance, I must therefore agree with the Council on this point. On this particular issue I find that the presence of the development is in conflict with the Framework's objectives. Accordingly, the proposal would be harmful to the openness of the Green Belt, contrary also to, in this regard, the aims of policy ENV4 of the Council's Unitary Development Plan (UDP) and a certain proviso within policy CS01 of the Council's Core Strategy (CS).
9. On this issue the Council has seemingly here misapplied policy ENV39 which is concerned specifically with protecting and enhancing the quality of the 'built environment', as confirmed by the said policy's title.

Any other harm

10. The Green Belt issue aside, there are other factors to be taken into account, as to the development's wider planning merits versus impacts considerations. The Council says that the gates do not reflect the semi-rural setting of the locality. Looking down to the main site and the collection and extent of the modern buildings below it is understandable that such a substantial access driveway has been constructed to facilitate the various businesses, the attraction of which is evident by the considerable expanse of the associated car park.

11. In the circumstances it is hardly surprising that gates are needed for security purposes, although I am also mindful of the significant width of the driveway over which they open and shut. Nonetheless, the gates are functional, they are not solid and, due to their form and design, have some ornamental merit.
12. It seems to me that the buildings and degree of development below, compounded by the driveway's length and width, have themselves contributed to the erosion of the semi-rural setting referred to by the Council. Indeed, the gates are a consequence of this and serve a practical purpose. In effect they represent a preventative measure and, unlike the Council's view, I see no compelling reason why the appellant should firstly need to demonstrate that the wider site has been subject to trespass and crime in order to justify the proposal. In accordance with their role as a deterrent the gates are not of insignificant dimension but the lie of the land somewhat ameliorates this, with them being positioned below the land level at Water Lane, and also some distance from its junction with the driveway.
13. This applies even more so to the Council's assertion that the development impacts on, and is harmful to, the North Cray Village Conservation Area. The site does not lie within this heritage asset, the boundary for which is Water Lane. The Council, although, making reference to harm caused in this respect, does not convincingly illustrate how, or to what extent, the setting of the conservation area is affected. In the circumstances I am uncertain as to how the development is contrary to the provisions of s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 or can be considered demonstrably at odds with advice within the North Cray Village Conservation Area's Management Plan, as referred to by the Council. Accordingly, I afford the Council's representations in this regard limited weight as, when taking character and design into the mix, I find that no significant visual harm is evident from the development.
14. On this main issue I conclude that the development is not harmful to the character and appearance of the area and I find no material conflict with the objectives and requirements of UDP policy ENV46, CS policies CS01 or CS19, policy 7.8 of the London Plan or relevant advice on design and also heritage matters in paragraphs 12 and 16 of the Framework, respectively.

Planning balance and Conclusion

15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the Development Plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
16. I have identified little conflict with the development plan, save for UDP policy ENV4, concerned with development in the Green Belt. The UDP, however, dates from 2004, and this policy's wording should therefore be cross referenced with the more contemporary advice on this matter within the Framework, which was published in 2019. In the main, CS policy CS01 is concerned with sustainable development which, given the extent and form of the development in this instance, is not largely applicable. Some evidential harm does arise from the development but only insofar as to its effect on the Green Belt's openness, and only then to a limited extent.

17. Given the wider development and its commercial nature, facilitated by the prominence of the driveway, the character of the immediate area has undoubtedly been altered over time, and I am satisfied that the gates perform an important and necessary function as an associated security measure in this context.
18. I have had regard to the representations received from interested parties. As to the grounds of objection set out most are covered in my decision letter. However, in addition, I understand that the majority of the uses at the site are authorised, and it is only the business involving the storage of vehicles to the very rear of the site which was successfully enforced against. The alleged removal of hedging to allow for the gates has been addressed in the Council's case report.
19. In light of the contextual setting, and having regard to the topography of the land which minimises its impact, I am satisfied that very special circumstances arise here which outweigh the harm by reason of inappropriateness and the effect on the Green Belt's openness.
20. As the proposal is retrospective the Council has indicated that it does not consider that any conditions should be imposed, and have not therefore suggested any. I agree with this approach.
21. For the above reasons, and having had regard to all matters raised, the appeal succeeds.

Timothy C King

INSPECTOR