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## Appeal Decision

Site visit made on 23 November 2020

**by Chris Couper BA (Hons) DiP TP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 26/02/2021**

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**Appeal Ref: APP/G5180/W/20/3252070**

**Knockholt Farm, New Years Lane, Knockholt TN14 7PQ**

- 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 Alan Howell against the decision of the Council of the London Borough of Bromley.
  - The application Ref DC/19/05334/FULL1, dated 20 December 2019, was refused by notice dated 30 March 2020.
  - The development proposed is described as 'external changes to existing building including installation and replacement walls, windows and doors, and hardstanding for car parking and paving'.
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### Decision

1. The appeal is dismissed.

### Background and Procedural Matters

2. The site and adjacent land have a lengthy planning history, as summarised at pages 4 and 5, and section 3 respectively, of the appellant's and the Council's statements, and which I have had regard to in this appeal.
3. The structure the subject of this appeal was approved in 2012 for the storage of agricultural machinery, tools and animal feed (Ref: 12/01898/AGRIC) ('approved scheme'), although its walls were never completed, and the Council states that it was not used for its intended purpose.
4. In 2018 the Council refused a prior approval application for the change of use of this structure to a dwellinghouse under Schedule 2, Part 3 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (Ref: 18/01859/FLXAG).
5. An appeal against that decision was allowed (APP/G5180/W/18/3207800) ('allowed appeal'). The Inspector found that the structure was in agricultural use as part of an agricultural unit, but made it clear at paragraphs 4, 9 and 10 of the decision that as the proposal was for a change of use only, the scheme was considered solely against Class Q(a); and that a further prior approval application for the change of use and building operations reasonably necessary to convert it would need to be submitted under Class Q(b).
6. The scheme before me has not been made under Class Q(b), but is an application for planning permission. Notwithstanding the allowed appeal, I

observed on my visit that the structure is still open-sided and is clearly not in use as a dwelling. Although the scheme is described as external changes to the existing building, the proposed floor plans show that it would be used as a dwelling. Consequently, in this appeal I have considered both the proposed use of the structure, and the proposed changes to it.

7. Finally, whilst the appellant has concerns about the Council's handling of this, and previous, schemes, I have dealt with the proposal before me on its merits.

### **Main Issues**

8. 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 character and appearance of the area; and
- If the proposal is inappropriate, whether the 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 inappropriate development in the Green Belt*

9. The National Planning Policy Framework ('Framework') sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Amongst its purposes are to safeguard the countryside from encroachment. It continues that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
10. At paragraph 145 it regards the construction of new buildings as inappropriate unless, amongst other things, d) it is a replacement building, provided that it is in the same use and not materially larger than the one it replaces; or c) it is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
11. At paragraph 146 it also sets out that, provided they preserve openness and do not conflict with the purposes of the Green Belt, certain other forms of development are not inappropriate. This includes at d) the re-use of buildings of permanent and substantial construction. In all these regards, Policy 49 of the Bromley Local Plan 2019 ('BLP') takes the same approach.
12. Starting with paragraph 145 d), for the reasons set out in the background and procedural matters, that is not relevant to this scheme.
13. Turning to paragraph 146 d), I note that a structural survey accompanied a previous scheme on the site and was referred to in a previous appeal (Ref: APP/G5180/X/16/3151746) ('the LDC appeal'). That Inspector concluded that the steel uprights were sound, and that the frame would support the

additional loading proposed. I have no reason to doubt that that still holds true.

14. However, other than concrete pads around the steel uprights, I observed that the structure sits on an earthen floor, and whilst it has a steel frame, it has entirely open sides and corrugated sheeting on its roof. Consequently, whilst it is permanent, it is clearly not of a substantial construction.
15. Additionally, notwithstanding the appellant's stated intent to infill its sides in accordance with the approved scheme, the proposed timber clad walls would prevent countryside views through the structure, and would considerably increase its apparent mass. The scheme would thereby harm the Green Belt's openness and its purposes. It does not therefore benefit from the exception at paragraph 146 d) of the Framework.
16. Turning to paragraph 145 c), an interested party points out that there is no requirement here for a building to remain in the same use, and cites case law involving Rookrey Estates [2016] EWHC 595 (Admin). However, whilst the proposal would not involve an extension, or an increase in size, all that would remain of the structure would be the steel frame. The extent of works proposed to it would be extensive, and would go significantly beyond what could be reasonably considered an 'alteration'. Indeed, in the LDC appeal the Inspector found that the works required would be so extensive as to amount to a 'fresh build'. The scheme does not therefore benefit from that exception.
17. Consequently, and for all the above reasons, the scheme would be inappropriate development in the Green Belt.

#### *Character and appearance*

18. Amongst other things, and in general terms, BLP Policy 37 requires proposals to be of a high standard of design, to be visually attractive, and to positively contribute to the landscape. Section 12 of the Framework takes a broadly similar approach.
19. The existing structure has a typically agricultural form and functional appearance. It therefore sits fairly unobtrusively amongst the surrounding fields, trees and woodland. Although its overall dimensions would not change, the proposed external changes would deprive the structure of its simple appearance. The new openings and extensive areas of glazing would stand out in this rural setting, and would give the resultant building a distinctly urban appearance.
20. The scheme would have a small curtilage, which would be similar to the allowed appeal. Domestic paraphernalia and parking associated with the use as a single dwelling, when compared to activities associated with the existing use, would not harm the area's visual amenities.
21. Nevertheless, whilst the site is partially screened by trees in views from New Years Lane, and from a nearby public right of way, the scheme would not be of a high quality design, and it would cause limited harm to the character and appearance of the area, contrary to BLP Policy 37 and the Framework.

*Other matters*

22. The appellant has referred me to a nearby approved scheme in the Green Belt at Washneys Farm involving the demolition of a barn, and its replacement with two semi-detached dwellings. That proposal was in a neighbouring authority, and I understand that the Council of the London Borough of Bromley did not object to it. However, that scheme involved the redevelopment of previously developed land and was considered not to have a greater impact on the Green Belt's openness than the existing development. It is therefore materially different from the proposal before me.
23. At Appendix KCC4 of his Supporting Statement the appellant also refers to, what he maintains, is a similar procedural approach taken by the Council on another scheme. For its part the Council maintains that that building could be converted to residential use without the need for substantial alterations.
24. Be that as it may, I do not have all the details of both the above proposals, and neither leads me to a different conclusion in respect of this appeal which I have determined on its own merits.
25. Finally, the appellant cites BLP Policy 51 in favour of his scheme. However, as that addresses extensions and alterations to dwellinghouses in the Green Belt, and this structure is not a dwelling, it is not applicable to this proposal.

*Other considerations*

26. Although the appellant refers to Framework paragraph 147, this scheme is not a renewable energy project, and whilst the appellant may 'encourage environmental benefits', and his supporting statement refers to some sustainable design features here, I have very few details of those. I therefore attach very little weight to that claimed benefit.
27. Whilst I have had regard to the allowed appeal, that Inspector clearly set out that a further prior approval application for a change of use and building operations reasonably necessary for conversion would need to be submitted under Class Q(b). Given the current condition of the structure, it is not a reasonable possibility that it could be occupied as a dwelling without building operations having first taken place. Consequently, its occupation at this stage is not a realistic fallback position as claimed by an interested party.

**Planning Balance and Conclusion**

28. Summing up, the proposal would constitute inappropriate development in the Green Belt. In accordance with the Framework that is a matter to which I give substantial weight. Additionally, it would cause limited harm to the character and appearance of the area.
29. The scheme does not benefit from a realistic fallback position, and I find that the other considerations in this case do not clearly outweigh the totality of the harm that I have identified. The very special circumstances necessary to justify the development do not exist.
30. I have considered representations in favour and against by interested parties. However, given my findings on the main issues, it has not been necessary for me to address objections that have been raised concerning other matters.

31. The scheme would conflict with BLP Policies 37 and 49, and with the Framework. Having regard to all other matters raised, the appeal is therefore dismissed.

*Chris Couper*

INSPECTOR