



Appeal Decision

Site visit made on 29 March 2021

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 May 2021

Appeal Ref: APP/G5180/W/20/3256564

Cookham Farm, Skeet Hill Lane, Orpington BR5 4HB

- 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 Ms Sally Campbell and Mr Peter Holyoake against the decision of the London Borough of Bromley Council.
 - The application Ref DC/19/02626/FULL1, dated 4 June 2019, was refused by notice dated 13 March 2020.
 - The development proposed is the demolition of existing two storey dwelling and associated outbuilding and erection of replacement two storey dwelling
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues of this appeal are,
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - the effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the area; and
 - if the proposal would be 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 it.

Procedural Matters

3. Subsequent to Bromley Council's (the Council) refusal of the application Ref DC/19/02626/FULL1, the Mayor of London has adopted a new London Plan. In line with Planning Practice Guidance, my consideration of the issues of this appeal has, therefore, been on the basis of the National Planning Policy Framework (the Framework), the policies of the Bromley Local Plan (2019) (the Local Plan) and the London Plan (2021) (the London Plan). The appellant and the Council have confirmed that this is not prejudicial to their cases.

Reasons

Inappropriateness

4. The appeal site is a small holding in a rural setting that lies in the Green Belt to the south of Skeet Hill Lane, which is fronted by fields and interspersed on both sides by detached residential and small holding buildings of varying size and appearance. The appeal relates to that part of Cookham Farm that comprises a farmhouse and associated outbuildings, on that part of the small holding that is located nearest to Skeet Hill Lane. The proposal involves the demolition of the existing dwelling and selected outbuildings on the small holding and the erection of a replacement 2 storey 4 bedroom dwelling. This is proposed to be sited further to the south but partly within the footprint of the existing dwelling.
5. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; their essential characteristics are openness and permanence. Section 13 of the Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy 49 of the Local Plan states that the construction of new buildings on land falling within the Green Belt will be inappropriate, unless it is for the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
6. Where a building is in residential use in the Green Belt, Policy 52 of the Local Plan allows for the replacement of a building, provided the resultant dwelling (including garaging and any accommodation below ground) does not result in a material net increase in floor area compared with the existing dwelling as ascertained by external measurement.
7. Both the Council's and appellant's floorspace figures indicate that the existing floor area of the existing dwelling is approximately 120.8 Square Metres. The floorspace figures from both parties also indicate that the proposal would result in an increase in floor area of approximately 125.5 Square Metres.
8. I have been provided volumetric measurements by the applicant, which, along with the floor space figures provided, clearly point to a situation where the increase in floorspace and volume would result in an increase in size of the replacement dwelling significantly in excess of the 10% generally allowed for the increase for dwellings in the Green Belt, as set out in the explanatory text for Policy 52 of the Local Plan.
9. The proposal involves a relocation of the dwelling on the appeal site to a position that only partly overlaps the footprint of the existing dwelling. Although the extent of the existing residential curtilage is in dispute between the parties to the appeal, the Framework and Local Plan are silent on relocation being a determining factor in considering the appropriateness of development in the Green Belt. For this reason, I do not regard the extent of existing residential curtilage as being a factor on which the appeal is contingent.
10. It is not disputed by either party that the proposed increase in size of the replacement dwelling, compared to the existing dwelling on the appeal site, represents a material net increase in floor area for the purposes of Policy 52

and I find that an increase of the order proposed would be inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt.

Openness

11. Section 13 of the Framework makes it clear that an essential characteristic of Green Belts is their openness.
12. The proposed replacement dwelling would result in an inappropriate development, due to the proposal being materially larger than the one it replaces and thereby increasing its volume as a structure. The proposal, to set the replacement dwelling in an excavated area where the land starts to slope downhill from the existing dwelling, would appear to result in a reduction in terminal height on the skyline when compared to the existing dwelling.
13. However, this would not reduce the apparent increase in scale of the proposed dwelling compared to the existing, where its bulk would be particularly evident from the footpath and fields to the south-east and from that part of Skeet Hill Lane that fronts this small holding. The proposal would, therefore, appear as a house of significant scale, when viewed within the context of the open fields and country road associated with this Green Belt location.
14. The Council have indicated, in the material provided to me for the purposes of this appeal, that they regard the proposal as having a neutral impact on openness. The floorspace and volume calculations provided also appear to show that the removal of the outbuildings would result in a reduction in overall volume of built form on the appeal site.
15. However, the existing built form of the site that would be demolished as part of the proposal is currently in the form of 3 structures of traditional, rustic and rural/agricultural form, which results in this volume of built form being dispersed across the appeal site, rather than it being concentrated into a single built form as the proposed. Therefore, within the rural Green Belt setting and views across the appeal site, the proposed development would have a significant bulky presence in the landscape compared to the built form that would be demolished.
16. For this reason, I find that the proposed reduction in overall floorspace and reduction in volume of built form on the site, would not compensate for the scale of the single proposed building, which would be more apparent within the Green Belt setting than the existing built form that it is proposed to remove, resulting in a loss of openness.
17. Accordingly, the proposal would result in a reduction in openness compared to existing situation and, therefore, moderate harm to the openness of the Green Belt, contrary to Section 13 of the Framework and Policies 49 and 52 of the Local Plan that seek the protection of the Green Belt.

Character and Appearance

18. As identified above, the proposal would result in a significantly larger dwelling on the site, but with a reduction in the number of other built structures. The

proposed dwelling would be set in an excavated area, where the land slopes to the south from the existing house on the site. The design of the house is contemporary in nature, with extensive areas of glazing to maximise solar and view benefits, which, on balance presents no stylistic problems for the character of the wider rural location, which exhibits a variety of traditional, agricultural and contemporary forms and designs.

19. However, notwithstanding the location of the proposed dwelling and its reduced height compared to the existing dwelling on the site, it would appear in extensive views from the public and private domain as a wide structure of significant size and apparent scale. This would be in contrast to the cottage scale of the existing house and the more dispersed nature of the other structures, which are more in keeping with the rural open character and appearance of the location.
20. I find that due to the size of the proposed development it would appear as over-scaled for its location, intrusive in views of the area and incongruous within the open rural character of its location and wider area. This would, therefore, be harmful to the visual amenity and the open rural character of this part of the Green Belt, contrary to Policy 52 of the Local Plan which seeks to protect this appearance and character.

Other matters

21. The material submitted for the purposes of this appeal by the appellants clearly shows that they appear to have made improvements to the physical and environmental condition of the appeal site. The appellants have also set out how the proposal seeks to make further improvements that would further address the condition of the existing dwelling, the needs of the operation of the smallholding and its environmental limitations, particularly in terms of energy consumption. Whilst these are issues of importance, they are not uniquely dependant on the replacement of the existing dwelling as proposed and can, therefore, only be afforded limited weight in my determination of this appeal.
22. I acknowledge the appellant's view that the proposal would better meet their family needs and potentially future occupiers, however, in general, planning decisions should be made in the wider public interest.
23. The appellant has drawn my attention to planning approvals for developments in the local area and in another local authority area, for which limited material has been provided by the applicant and have not been further commented on by the Council. This limits my ability to consider comparability with and relevance to the proposal. As the developments referred to would have been considered on their own merits, I have, therefore, only given little weight to these in my considerations.
24. Whilst I appreciate that the appellant has sought to respond to comments raised in a previous appeal decision for a replacement dwelling on the appeal site¹, I have considered the development as proposed on its own merits, which is a fundamental principle that underpins the planning system.

¹ Appeal Ref: APP/G5180/W/16/3144093

Special Circumstances

25. Policy 49 of the Local Plan and Paragraph 143 of the Framework, set out the general presumption against inappropriate development within the Green Belt. They state that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
26. I have concluded that the proposal is inappropriate development that, by definition, would harm the Green Belt. Paragraph 144 of the Framework requires substantial weight to be given to any harm to the Green Belt. Notwithstanding the proposed demolition of existing structures on the appeal site, I have also found moderate harm to the openness of the Green Belt and harm to the character and appearance of the area.
27. On the other hand, the other considerations I have already discussed are matters of limited weight in favour of the development. As such, the other considerations would not clearly outweigh the totality of harm that I have identified and, therefore, the very special circumstances necessary to justify the proposal do not exist. Consequently, the appeal scheme would be in conflict with Policies 49 and 52 of the Local Plan and the Framework.

Conclusion

28. For the reasons given above, the proposed development would not accord with the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given and with Paragraph 11 of the Framework in mind, the appeal should not succeed.

Victor Callister

INSPECTOR