



Appeal Decision

Site visit made on 2 December 2021

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 DECEMBER 2021

Appeal Ref: APP/G5180/D/21/3275341

Millbush Cottage, Luxted Road, Downe, Orpington BR6 7JX

- 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 M Lennon against the decision of London Borough of Bromley.
 - The application Ref 20/05151/FULL6, dated 17 December 2020, was refused by notice dated 28 April 2021.
 - The development proposed is the erection of an open-sided car barn.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site is within the Green Belt and so the main issues are:
 - Whether 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
 - If the proposal is inappropriate development, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Site and proposal

3. The appeal property is a detached two storey dwelling. It is located adjacent to Luxted Road and is set in spacious grounds. It is in an area of open countryside that is part of the Green Belt.
4. The proposed development involves the erection of an open-sided car barn. It would be sited in the south-west corner of the appeal site, to the side, and forward of, the main dwellinghouse.

Whether or not inappropriate development

5. The National Planning Policy Framework (the Framework) (2021) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework outlines that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a

number of exceptions as set out in paragraph 149. Policy 49 of the Bromley Local Plan (2019) reflects the exceptions as set out in the Framework. It is not put forward that the proposed development would constitute one of the exceptions contained in the Framework. I have no reason to form a different view. This being the case, it would constitute inappropriate development in the Green Belt.

Openness

6. The Framework outlines that one of the essential characteristics of Green Belts is their openness. Openness has a spatial aspect as well as a visual aspect. The proposed development would be sited away from the main dwellinghouse. Although there is a small timber shed on part of the site where the car barn would be located, the proposed site of the car barn is largely devoid of any structures or other development and on this basis the proposed development would have a greater impact on the openness of the Green Belt in spatial terms. I find that in this instance, given the size and siting of the proposed development, the harm to the openness of the Green Belt, from a spatial perspective, would be moderate.
7. Despite being partially screened by the boundary hedge, due to its size and scale, the structure would be clearly visible from the road. Due to it being sited forward of the main dwellinghouse, and again by reason of its size and scale, it would be significantly prominent and would have a moderate impact on the openness of the Green Belt in visual terms. The harm to the openness of the Green Belt from a visual aspect, would be moderate.
8. I therefore consider that in combination of both spatial and visual terms the development would cause moderate harm to the openness of the Green Belt.

Other considerations

9. The appellant has put forward the existence of a lawful development certificate for the construction of a large, detached garage at the side of the property, as a factor that would lead to the existence of very special circumstances. Although the garage secured by the lawful development certificate is larger than the proposed development, it is, fundamentally, sited immediately adjacent to the dwelling and back from the roadside, unlike the appeal proposal that sits notably and prominently forward.
10. I acknowledge that the development secured under the lawful development certificate represents a viable fallback and there is a likelihood that it would be implemented were I to dismiss the appeal, however given its significant differences with the appeal proposal, it is of limited weight in the balance.

Planning Balance

11. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 continues by stating that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
12. The development in this case amounts to inappropriate development in the Green Belt and the Framework requires that substantial weight is attached to

the harm in that regard. It would also cause moderate harm to the openness of the Green Belt.

13. Having considered the matters raised in support of the proposal, I conclude that they do not clearly outweigh the harm that I have identified, by reason of inappropriateness and harm to openness. Consequently, the very special circumstances necessary to justify the development do not exist.
14. Therefore, the proposal would be contrary to Policies 49 and 51 of the Bromley Local Plan (2019) that seek to restrict inappropriate development in the Green Belt except in very special circumstances and that other development within the curtilage of residential properties is inappropriate by definition and would only be permitted where very special circumstances have been demonstrated. The proposal would also be contrary to the Framework.

Conclusion

15. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal be dismissed.

A M Nilsson

INSPECTOR