The Planning Inspectorate

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: 06 January 2022

Appeal Ref: APP/G5180/W/21/3274974
Redriff, Birdhouse Lane, Downe, Orpington BR6 7LJ

- 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 Francesco Roda against the decision of London Borough of Bromley.
- The application Ref DC/20/03579/FULL1, dated 10 September 2020, was refused by notice dated 17 November 2020.
- The development proposed is demolition of existing stable buildings and erection of a new house with car port and stables (with associated refuse and cycle facilities).

Decision

1. The appeal is dismissed.

Preliminary Matter

2. On 20 July 2021, the Government published its revised National Planning Policy Framework ('the Framework'). It replaces the previous version published in February 2019 as referred to in the Council's Decision Notice. The Framework represents the Government's up-to-date planning policies for England and how they should be applied. I have had regard to the Framework in reaching my decision.

Main Issues

3. The appeal site is within the Green Belt and so the main issues are:

   - Whether the appeal development is inappropriate development in the Green Belt for the purposes of the Framework, including the effect on openness;

   - If the appeal development is 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.

Reasons

Site and proposal

4. The appeal site is located on Birdhouse Lane, at a section where there is a pronounced dip in the landscape. The site on which the new dwelling is proposed is currently vacant and contains a number of low-level buildings, some of which have fallen down or suffered partial collapse. These are proposed to be demolished as part of the development of the site.

Whether or not inappropriate development in the Green Belt including the effect upon openness

5. The Framework 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. One of the exceptions cited is g) the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use. For this exception, the development must not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority. Policy 49 of the Bromley Local Plan (2019) reflects the exceptions as set out in the Framework.

6. Both main parties consider that the proposed development would be located on previously developed land. I have no reason to form a different view. In light of this, the proposed development would trigger an assessment against exception g) of paragraph 149. Although the proposed development would satisfy the element of the exception as it relates to previously developed land, it is not proposed to meet an identified affordable housing need and is therefore required not to have a greater impact on the openness of the Green Belt.

7. 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.

8. Taking into account the existing buildings on site, and that there would be an overall reduction in the footprint of the proposed dwelling when compared to that of the existing buildings, I do not consider that the proposal would have a greater impact on the openness of the Green Belt than the existing development in spatial terms.

9. However, from a visual aspect, the proposed development, due to its overall size and scale, would be significantly more visually prominent than the existing low-rise buildings on the site. The proposed dwelling would appear significantly bulkier than the existing buildings on site. Although it would be set back into the site, it would nevertheless be highly visible when descending Birdhouse Lane where there are occasional gaps in the tree cover, and from the access track that runs to the side and rear of the site. For these reasons, it would unquestionably have a greater impact on the openness of the Green Belt than the existing buildings in visual terms. I find that given the extent of the difference between the existing buildings and the proposed development, the harm to the openness of the Green Belt in visual terms would be moderate.

10. For these reasons, the proposal would not constitute one of the exceptions outlined in the Framework and would therefore be inappropriate development in the Green Belt.

Other considerations

11. The appellant has referred to the overall design of the development, including its sustainability as a factor to weigh in its favour. I do not disagree that the development has some positive elements from a design and sustainability

perspective, however good sustainable design is a prerequisite of the Framework and is therefore of limited weight in the appeal. Similarly, bio-diversity enhancements are a requirement of the Framework and are therefore of limited weight in favour of the proposal.

12. The appellant has also referred to the removal of the unsightly buildings on site as a factor to weigh in favour of the appeal. I acknowledge that this is a benefit of sort, however I am not convinced that the proposed development is the sole means of achieving this benefit. Accordingly, it is of limited weight.

13. The appellant has referred to the fallback position to redevelop the existing buildings but considers that this would not be in the interest of the community, Green Belt or wildlife in the area. I observed that the existing buildings are for the most part in a poor or dilapidated state. There are no details submitted in relation to any such fallback scheme for me to give it significant weight, nor has the appellant explained in any detail why this option would not be in the interest of the community, Green Belt or wildlife. I therefore give the fallback limited weight.

14. The fact that the proposed development would result in the creation of an additional dwelling is of significant weight in favour of the appeal.

Planning Balance

15. 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.

16. 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.

17. Having considered the matters raised in support of the proposal, including in relation to the creation of an additional dwelling, 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.

18. Therefore, the proposal would be contrary to Policy 49 of the Bromley Local Plan (2019) that seeks to restrict inappropriate development in the Green Belt except in very special circumstances. The proposal would also be contrary to the Framework.

Other Matters

19. As the application of policies in the Framework that protect the Green Belt provides a clear reason for refusing the proposed development, it does not benefit from the presumption in favour of sustainable development.

Conclusion

20. The proposed development would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.

21. 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