



Appeal Decision

Site visit made on 8 March 2022

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2022

Appeal Ref: APP/G5180/D/21/3277479

Norsted Manor, Norsted Lane, Orpington BR6 7PB

- 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 Spencer Lancaster against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/20/04335/FULL6, dated 24 October 2020, was refused by notice dated 5 May 2021.
 - The development proposed is the replacement of existing garage and equipment/machinery store with new building of equivalent floor area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised Framework¹ was published by the Government between the determination of the planning application and the appeal coming before me. It does not raise any new considerations in relation to this appeal.

Main Issues

3. The main issues are:
 - (a) whether the proposed development would be inappropriate development in the Green Belt;
 - (b) the effect of the development on the openness of the Green Belt, and;
 - (c) would harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

4. Policy 49 of the Local Plan² concerns development in the Green Belt. It states that the construction of new buildings in the Green Belt will constitute inappropriate development unless the building falls within a list of exceptions. The exceptions, which are broadly similar to those listed within Paragraph 149 of the Framework, include the replacement of a building, provided the new

¹ National Planning Policy Framework (2021)

² London Borough of Bromley Local Plan (2019)

building is in the same use and not materially larger than the one it replaces. The appellant considers the proposal to fall within this exception.

5. The existing garden store is an open sided, flat roofed building with an enclosed core. At the time of my visit, it was being used to store cars, tools, items of equipment/machinery and logs. The appellant considers the building to have a sound and permanent construction and from my observations I find no reason to disagree.
6. The main parties are in agreement that the replacement building would be on the same footprint as the one it replaces. However, the replacement building would have a pitched roof rather than a flat roof, and thus it would be larger both in terms of height and volume. The proposed building would have a height to eaves of just over 3m and a height to its pitch of just over 5.3m. The Council indicate that the existing building has a height of 2.8m and that the proposal would represent a 41% increase in volume. The appellant does not dispute the Council's figures.
7. A building can be larger than the one it replaces and still be considered to fall within Paragraph 149(d), provided it is not materially larger. However, despite the pitch of the roof, which the appellant suggests is shallow and proportionate to the rest of the building, it would represent a significant increase in overall size and scale when compared to the existing building. Notwithstanding that the proposed wooden building would be entirely enclosed, the resultant building would quite clearly be materially larger than the one it would replace.
8. Consequently, the replacement building would not fall within the exception listed in Paragraph 149(d) of the Framework.
9. I am aware that the Council considers the facilities within the proposed building would take it beyond the building's existing use. On this basis they consider the proposal would not accord with the exception in Paragraph 149(d) and thus be inappropriate development in the Green Belt. If I were to agree with the Council in this respect, my conclusion that the proposal was inappropriate development would not change.
10. The proposal would be inappropriate development in the Green Belt, contrary to Policy 49 of the Local Plan and the Framework which, amongst other things, seek to restrict inappropriate development in the Green Belt.
11. By definition, inappropriate development would be harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the Framework states that in considering a proposal substantial weight should be given to any harm to the Green Belt.

Openness

12. The Framework also sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
13. In determining the nature and extent of any impact on Green Belt openness it is necessary to assess both spatial and visual impacts. The appellant has noted that the proposed building would be within a complex of existing built form around Norsted Manor, including the former farm complex historically

associated with it. I saw all these various buildings during the course of my site visit.

14. The former farm buildings to the south of the appeal site are a prominent and visible group of buildings, which would provide a backdrop to the proposed building when looking south. Conversely, there are open fields and trees to the north and a larger building and its effect on the openness of the area would be evident if a person were positioned to the south of the appeal building with the former farm complex behind them. As there is a vehicular entrance immediately to the south of the appeal building, such views of it would be available to anyone entering through that entrance.
15. There are a number of existing buildings within the appeal site which are positioned relatively close to where the proposed building would be located. I also noted what appeared to be relatively new close boarded fencing along some of the site's southern and eastern boundaries in the vicinity of the appeal building. Cumulatively this existing built form would help to limit some wider views of the proposal. Nevertheless, the appeal building would have space around it and would be seen in its own right. Thus, given its additional height and volume there would be a reduction in the sense of space around that building when compared to the existing situation.
16. The proposal would materially increase the volume and height over the existing building, and this would lead to a loss of openness. Although this loss would be moderate, it would be a factor which weighs against the proposal. Accordingly, I conclude that the proposal would conflict with Paragraph 137 of the Framework.

Other considerations

17. Paragraph 148 of the Framework requires decision makers to ensure that substantial weight is given to any harm to the Green Belt. Other considerations in favour of the development must clearly outweigh the harm.
18. The appellant suggests that the type of building proposed is necessary due to the level of crime in the area. Putting aside that I have no evidence as to what crimes either the wider area in general or the appeal site in particular are currently subject to, I have no information before me to explain why a building of this size is necessary to overcome such concerns. Whilst I appreciate the desire to have an enclosed building for security reasons, that in itself is not an explanation for the building needing to be materially larger than the one it would replace. Accordingly, I can attach limited weight to this issue.
19. It is said that the building would provide sufficient headroom for the storage of machinery and equipment associated with the upkeep of the land. However, any machinery or equipment is likely to be only as high as the entrance to the building, which is similar to the height of the building's eaves at just over 3m. This does not therefore fully explain why the building has a maximum height of nearly 5.5m. As such, I can give this matter only limited weight.
20. It is also suggested by the appellant that the proposed building would be preferable to a building erected under permitted development to the rear of the dwelling. However, such alternative fall-back positions usually entail an 'either/or' element but in this case, there appears to be nothing to prevent a pitched roof building being erected under permitted development rights to the

rear of the dwelling, even if this appeal were to be successful. Furthermore, there is nothing before me to indicate that a building erected to the rear of the dwelling under permitted development is anything more than a theoretical possibility. The weight I could therefore attach to this matter would be limited.

21. The proposed building would, it is said by the appellant, have a functional appearance but be more in keeping with the surrounding buildings than one similar to the existing building. It is also suggested that it would be subordinate and not be harmful to the dwelling. The appellant also points out that there would be no harm to protected trees and there is no objection from neighbours or from a highway perspective. However, these factors would represent a lack of harm which would accordingly be neutral in any balance.

Conclusion

22. The proposal would constitute inappropriate development in the Green Belt and would harm openness. As such, the Framework requires that the harm by reason of inappropriateness be given substantial weight and that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
23. The weight I give to the considerations cited in support of the proposal is limited and accordingly they do not outweigh the harm the development would cause. The very special circumstances necessary to justify the proposal do not exist.
24. The development is contrary to the Framework and to the development plan which seek to protect the Green Belt from inappropriate development. I have considered all other matters raised but none outweigh the conclusions I have reached.
25. For the reasons set out above, I dismiss the appeal.

Stewart Glassar

INSPECTOR