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## Appeal Decision

Site visit made on 31 March 2022

**by Rory MacLeod BA (Hons) MRTPI**

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

**Decision date: 13 May 2022**

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**Appeal Ref: APP/G5180/W/21/3279783**

**Land East of Lillys Wood, Skibbs Lane, Orpington, Kent BR6 7RH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3, Schedule 2, Part 6, Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO).
  - The appeal is made by Mr Melvyn Jackson against the decision of the Council of the London Borough of Bromley.
  - The application Ref 21/00872/AGRIC, dated 1 March 2021, was refused by notice dated 7 July 2021.
  - The development proposed is an agricultural storage building.
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### Decision

1. The appeal is allowed, and approval is granted under the provisions of Article 3 and Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for an agricultural storage building at Land East of Lillys Wood, Skibbs Lane, Orpington, Kent BR6 7RH in accordance with the terms of the application, Ref 21/00872/AGRIC, dated 1 March 2021, and the site plan submitted with it.

### Applications for costs

2. The appellant has made an application for an award of costs. This is the subject of a separate Decision.

### Preliminary Matters

3. Class A to Part 6 of the GPDO describes as Permitted Development the carrying out on agricultural land (comprised in an agricultural unit of 5 hectares or more in area) of works for the erection of a building reasonably necessary for the purposes of agriculture within that unit. There is no suggestion from the appeal parties that any of the clauses in Paragraph A.1. are invoked by which the development would not be permitted by Class A.
4. Paragraph A.2(2) requires the developer before beginning the development to apply for a determination as to whether prior approval will be required as to the siting, design and external appearance of the building.
5. The current appeal follows the previous refusal of prior approval by the Council and dismissal of a subsequent appeal for an agricultural storage building in a similar location<sup>1</sup>. The Inspector found the design and external appearance of the building to be acceptable. The appeal was dismissed in relation to just the siting of the building.

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<sup>1</sup> Application Ref. DC/19/02528/AGRIC and Appeal Ref. APP/G5180/W/19/3240135

6. In the current appeal, the design and external appearance of the agricultural building are unchanged. The application form indicates that the building would be 6.2m high to its ridge, 24.4m in length, 12.2m in depth and constructed of dark blue box profile sheets with a roof covering of grey cement fibre sheets. I have no reason to disagree with the findings on the previous appeal that the proposal is acceptable with respect to its design and external appearance.

### **Main Issue**

7. The main issue therefore is the effect of the siting of the building on the character and appearance of the area, particularly in regard to its proximity to a Site of Importance for Nature Conservation (SINC).

### **Reasons**

8. The appeal relates to Victoriana Farm, a mainly arable farm interspersed with areas of woodland which is within the Green Belt. There is already a large barn close to the site entrance in Skibbs Lane. The proposed building would be located about 110m to the east of this within a grassed clearing surrounded by woodland, Lillys Wood to the north and west and Black Bush Wood to the east. The woodlands are within a SINC, the description to which identifies the woodland as having a range of woody species as well as an abundance of bluebell and dog's mercury in the ground flora.
9. In the previous proposal, the building would have been sited on an area of level ground clear of trees but adjacent to a narrow belt of woodland vegetation including several trees. Notwithstanding the open nature of that site, it still fell within the SINC, and the Inspector concluded that the siting of the building would not be compatible with the important attributes of the SINC.
10. In the current proposal, the building would be positioned further to the east, more centrally within the open clearing between the areas of woodland on land that has been excluded from the SINC. In my judgement, the building would now be sited sufficiently far in all directions from the established woodland that has been designated as a SINC so as not to have a material adverse impact on the qualities of the land that led to that designation.
11. The Council point out that the proposal has not been accompanied by any supporting ecological information to confirm that there would be no harm. However, there would have been surveys of the area in the past to establish which tracts of land should be included within the SINC and which excluded. The building would now be in a tract of open grassland, devoid of trees and purposely excluded from the SINC designation. It would no longer be directly adjacent to woodland within the SINC. There should not be a detrimental impact on the ecological value of the ground flora within the SINC's established woodland.
12. The building would be accessed from Skibbs Lane via an existing farm track connecting with the southern end of the clearing. The building would be towards the northern end of the clearing and notwithstanding its size would be substantially screened by woodland to its northern, eastern and western sides. It would not have a harmful impact on the character and appearance of the area or on the open character of the surrounding Green Belt.

### **Other Matters**

13. Interested parties have commented that the proposed building would be visible from public footpaths to the east of the site. The woodland between these footpaths and the site would largely screen the building, but limited visibility would not necessarily equate with material harm to the area's character and appearance. The need for the building has been questioned as there is already a barn next to Skibbs Lane. The application form confirms that the building is needed to serve the arable farming operation and to accommodate ingress and egress by farm vehicles.

### **Conditions**

14. The Order does not provide any specific authority for imposing additional conditions beyond the deemed conditions for agriculture and forestry contained within Part 6 at Paragraphs A.2.(2) and (5). These specify that the development must be carried out in accordance with the details submitted with the application, begin within 5 years of the date of the approval and be removed after it is ceased to be used for the purposes of agriculture and the land restored to its condition before the development took place, within the timeframes specified at A.2.(5).

### **Conclusion**

15. For the reasons given above I conclude that the appeal should be allowed.

*Rory MacLeod*

INSPECTOR