
Appeal Decision

Site visit made on 23 August 2022 by Ifeanyi Chukwujekwu BSc MSc MIEMA CEnv MRTPI

Decision by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 September 2022

Appeal Ref: APP/G5180/W/21/3284426

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 the Council of the London Borough of Bromley.
 - The application Ref DC/21/01743/FULL1, dated 9 April 2021, was refused by notice dated 14 June 2021.
 - The development proposed is demolition of existing stable buildings and erection of a new three-bedroom house (with associated refuse and cycle facilities) and stables with creation of soft landscaped areas by removal of existing hard surfaces.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. 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. I am mindful that neither the appellant nor the Council have made any further submissions regarding the revised Framework. However, I am satisfied that any references made to the revised Framework within this decision would not be unreasonable to the parties.

Main Issues

4. The appeal site is a collection of stable buildings and horse exercise area to the west of Redriffe, a residential dwelling fronting Birdhouse Lane. The site is situated within the designated Green Belt. The main issues are as follows:
 - 1) Whether the development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework') and development plan policy;

- 2) the effect of the development on openness of the Green Belt, and
- 3) if the development is inappropriate, is the harm by reason of inappropriateness, and any other harm, clearly outweighed by other considerations. If so, does this amount to the very special circumstances required to justify the development.

Reasons for the Recommendation

Whether the Proposal Would Amount to Inappropriate Development

5. Paragraph 149 of the Framework states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions. One exception which the proposal would fall under is exception (g) which states:

'limited infilling or the partial or complete redevelopment of previously developed land which would 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. It is therefore necessary to consider the impact of the proposal on openness of the Green Belt for this exception to apply.

Effect on openness

7. Paragraph 137 of the Framework identifies that openness and permanence are the two essential characteristics of Green Belts. Openness has both a visual and spatial quality. The appellant contends that the effect on openness would be limited because the proposal will reduce built development of the site by around 150 square metres and would result in a reduction in scale and height from the existing stable buildings.
8. However, the proposed plans¹ submitted shows outdoor areas for residential use in connection with the dwelling-house and the new access and driveway, parking of additional vehicles and cycle facilities within the site. The future occupants of the proposed 3-bedroom dwelling would also increase domesticity and spread of paraphernalia such as washing line, waste containers and outdoor furniture.
9. With regard to the appellant's assertion that proposed dwelling will be well set back from Birdhouse Lane compared with the existing stable buildings and this will ensure that it is not prominent within the site. Nevertheless, it would still 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.

¹ Drawing No. 20 Rev A (Ground floor plan as proposed).

10. Taken together these factors would have a much greater spatial and visual effect on openness when compared to the existing development at the site. I find the proposed development by virtue of its scale, siting and appearance, would have a harmful effect upon openness and would conflict with the Framework, Policy 49 of the London Borough of Bromley Local Plan and Policy G2 of the London Plan (2021) which amongst other things seek to ensure that new development within Green Belts would preserve its openness and would not conflict with the purposes of including land in it.

Other considerations

11. The appeal proposal would provide a three-bedroom residential dwelling which would represent a minor contribution to the supply of housing within the Borough. The appellant has also described that the proposal would have acceptable materials and be well designed, would encourage bio-diversity, would comply with national space standards and building regulations, have no adverse effect on neighbouring occupiers, would use renewable technology in its construction, have acceptable access, refuse and parking, and would not have an adverse effect in terms of landscaping and trees. Given the scale of the development, I would attribute minimal weight to the benefits described above.

Planning Balance

12. Paragraph 147 of the Framework identifies that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight must be attached to any harm to the Green Belt and very special circumstances will not exist unless that harm, and any other harm, are clearly outweighed by other considerations.
13. In this case, the development would amount to inappropriate development in the Green Belt as it would have a harmful effect on the openness of the Green Belt, to which is attached substantial weight. No other considerations have been put forward that would clearly outweigh the harm to the Green Belt. It follows that the very special circumstances needed to justify the development do not exist.

Conclusion and Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Chris Baxter

INSPECTOR