



Appeal Decision

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

Decision by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2022

Appeal Ref: APP/G5180/D/22/3294033

North Pole Farm, North Pole Lane, Keston BR2 6AS

- 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 Howard Burden against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/21/05076/FULL6, dated 20 October 2021, was refused by notice dated 17 December 2021.
 - The development proposed is erection of timber framed cart lodge.
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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.

Main Issues

3. The appeal site is an informal gravelled parking area within the curtilage of North Pole Farm dwellinghouse on North Pole 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 July 2021 (the Framework) and development plan policy;
 - 2) If the development is inappropriate, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons for the Recommendation

Whether the Proposal Would Amount to Inappropriate Development

4. Paragraph 149 of the Framework states that new buildings are inappropriate in the Green Belt unless they fall within the given list of exceptions, including:

- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
 - g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), 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.*
5. With regard to the test at Paragraph 149c), the Framework defines 'original building' as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. In the planning history of the site a proposal at North Pole Farm was granted planning permission on 8 October 1990, for *One/Two storey and attic side extension with front dormer*¹.
6. Whilst it is not clear from the submitted evidence whether this permission was implemented, I note that the existing farmhouse contains a front dormer. On this basis I consider it likely that this permission was implemented, and that the existing farmhouse is not the original building. I have made my assessment against Paragraph 149c) accordingly.
7. The Council has not considered the proposal against Paragraph 149c) of the Framework, despite using Policy 51 of the London Borough of Bromley Local Development Framework Local Plan (2019) (the LP) to support its reason for refusal. Policy 51 concerns extensions and alterations to dwellings in the Green Belt but is not consistent with Paragraph 149c) in a number of respects, including in setting a footprint threshold and considering the effect of materials and the rural character of the locality.
8. Whilst the Framework does not define what an extension is, I give due regard to the judgements in *Sevenoaks District Council v SSE and Dawe [1997]* and *Warwick DC v SSLHC [2022] EWHC 2145 (Admin)* in which the courts found that an extension can be detached from the building of which it is an extension. On that basis, I am satisfied that the proposed timber framed cart lodge would be an extension to the building with regard to paragraph 149c). This is due to its proximity to the host dwelling, the size and design of the proposal and its ancillary function to the dwelling.
9. However, I find that the scale and massing of the proposal, in combination with the previously approved One/Two storey and attic side extension with front dormer, would represent a disproportionate addition over and above the original building. Consequently, it would not meet the exception listed at paragraph 149c).
10. The consideration of inappropriate development in Policy 51 of the LP is not consistent with the Framework as set out above, and on that basis, I give the

¹ 90/02151/FUL

conflict with Policy 51 limited weight in respect of this proposal. However, full weight is given to the Framework in this regard.

11. With regard to the exception test at 149g) of the Framework, both main parties consider that the proposed development would be located on land that is part of the curtilage of the North Pole Farm main dwellinghouse and as such the curtilage would be regarded as previously developed land. I have no reason to form a different view.
12. The appeal proposal would be used for parking of vehicles and would not make any contribution to the supply of housing within the Borough. It is therefore necessary to consider the impact of the proposal on the openness of the Green Belt for this exception to apply.
13. 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 scale of the appeal proposal would represent a subordinate addition to the host dwelling, retaining the open and spacious aspect of the appeal site, and due to existing landscape and boundary features, the character and appearance of the appeal site would maintain the openness of the surrounding land. They also assert that long range views of the appeal site would remain undisturbed due to the overall scale, mass, bulk and proportions of the appeal proposal.
14. However, whilst the siting and surrounding vegetation would limit its visibility to some extent, it would not fully screen it from view, and it would remain visible from North Pole Lane and other vantage points. Consequently, the proposal would detract from the visual openness of the Green Belt.
15. Furthermore, the proposed development would occupy a floor space area of some 32 square metres with a maximum height of some 4 metres which is presently a gravel parking area. In creating a building on land where there is currently none, the spatial openness of the Green Belt would be manifestly reduced.
16. The proposal would have a much greater effect on the spatial and visual openness of the Green Belt, when compared to the existing development at the site. It follows that the development does not meet the exceptions listed at paragraph 149(g) of the Framework.
17. For these reasons the proposed development would be inappropriate development in the Green Belt.

Other considerations and whether very special circumstances exist

18. The proposed development would cause harm to the Green Belt by reason of inappropriateness and reduction in openness and I attach substantial weight to this harm.
19. The design, scale, massing, siting and materials of the proposal would be in keeping with the host building and the wider rural area. However, an acceptable impact upon character and appearance would be expected of any development proposal and I afford this only very limited weight.

20. The provision of the cart lodge would benefit the appellant in terms of the enjoyment of their home and family life, by protecting their vehicle from adverse weather, particularly during the winter. However, this is a narrow, private benefit and I give this only very limited weight in favour of the proposal.
21. The other considerations cited in support of the proposal do not either individually or cumulatively, clearly outweigh the identified harm to the Green Belt. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist.
22. I have had regard to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010, and I am satisfied that dismissing the appeal would be a proportionate outcome in this case.
23. For these reasons the proposed development would conflict with Policies 49 and 51 of the LP and Policy G2 of the London Plan (2021) and with the Framework, with regard to Green Belts.

Conclusion and Recommendation

24. 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

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

A Parkin

INSPECTOR