



Appeal Decision

Site visit made on 6 September 2022

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2022

Appeal Ref: APP/G5180/W/21/3288452

27 Hayes Lane, Bromley, Kent BR2 9EA

- 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 Homesdale Motor Ltd against the decision of London Borough of Bromley.
 - The application Ref DC/21/02020/FULL1, dated 20 April 2021, was refused by notice dated 26 July 2021.
 - The development proposed is described as an extension for staff room and toilets facilities and internal alteration to garage (existing).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In its reason for refusal the Council cited conflict with Policy G1 of The London Plan (2021). However, the Council's written statement confirms that this was in error and should refer to Policy G2 of the same plan. The appellant has had the chance to comment on this through the appeal process and therefore I have considered the appeal on this basis.

Main Issues

3. The main issues in the appeal are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the revised National Planning Policy Framework (the 'Framework') and relevant development plan policies;
 - the effect on the openness of the Green Belt; and
 - would the harm by reason of inappropriateness and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether it is inappropriate development

4. The appeal site, containing an existing commercial building with a parking area/forecourt to the front and an undeveloped area of land to the rear, is located on the edge of a suburban area and within the Green Belt. The existing building is a single storey irregular shaped structure. The proposal would introduce a single storey extension to the rear, on the undeveloped area of land, providing additional welfare facilities for staff.

5. Paragraph 149 of the Framework indicates that the construction of new buildings in the Green Belt are inappropriate subject to a number of exceptions. These exceptions include 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. Policy 49 of the London Borough of Bromley Local Plan 2019 (the LP) also indicates that development within the Green Belt will not be permitted subject to a number of exceptions, including extension or alteration of a building that it does not result in disproportionate additions over and above the size of the original building. This Policy is therefore consistent with the Framework's approach.
6. The appellant contends that the proposed extension would add a floor area of 70m² to a building which currently has a floor area of 570m², stating that this represents a modest increase of 12.3%. However, although the Council have not provided any specific figures, they have provided a planning history of the site. This evidence demonstrates that the building has undergone a number of previous extensions, resulting in a building which is much larger than the original. This is clearly shown within a plan provided by the Council from a previous application¹ for the retention of hardstanding, which shows a much smaller building than at present.
7. I saw on my site visit that the building had undergone various extensions, resulting in a piecemeal appearance. Furthermore, the evidence supplied by the Council in the form of historic planning records, clearly demonstrates that the building has benefited from several extensions and alterations. Therefore, the original building was significantly smaller than the current floor area of 570m². The appellant does not contend these previous extensions, referring only to a previous appeal decision², which suggests that the existing building as it is today existed before 1977. However, I find no evidence within this appeal decision that would demonstrate the building has not been previously extended either prior to or after 1977 and the Council have provided documentary evidence in the form of historic planning records to suggest otherwise.
8. The cumulative impact of the proposal alongside the previous extensions would result in a building which has a substantially larger floorspace than the original building. This would result in significantly more built form on the site than the original building. Consequently, the proposed extension along with previous extensions would result in a level of built form on the site which is disproportionate in size to the original building. It would therefore not fall under the exception in paragraph 149(c) of the Framework, relating to the extension or alteration of a building. The appellant also considers that the proposal could fall under the exception relating to limited infilling. However the only exceptions within paragraphs 149 (f) and (g) of the Framework and Policy 49 relate to limited infilling in villages or limited infilling in relation to previously developed land. There is nothing persuasive before me to suggest that the proposed development would fall under either of these exceptions.
9. The proposal would therefore be inappropriate development within the Green Belt. This would be harmful to the Green Belt which, in accordance with paragraph 148 of the Framework, should be given substantial weight.

¹ DC/00/03920/FULL1

² T/APP/G5180/A/99/1017558/P2

Openness

10. In considering the concept of openness, the courts have found that it broadly has two dimensions; spatial and visual. This means that the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result. Equally this does not mean that the openness of the Green Belt has no visual dimension.
11. The appellant's claims, that the section of the appeal site relevant to the proposal may be currently used for emergency access and foul drainage associated with the existing building, are noted. However, the proposed extension to the existing building would introduce additional built form on the appeal site, extending into a part of the site which is currently open and undeveloped above ground level. Due to this, the proposal would have a significant spatial impact on the openness of the Green Belt. In addition, although the extension would be set back from Hayes Lane, it would still be highly visible from the road, thereby eroding the visual openness of the site. Therefore, the proposed development would have both an adverse spatial and visual impact on the openness of the Green Belt, in that it would be reduced.
12. The Framework makes it clear in paragraph 148 that substantial weight should be given to any harm to the Green Belt. Development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations, which will be considered below.

Other Considerations

13. It has been outlined that the proposed extension is necessary to accommodate welfare facilities, which are limited in the current building, and to ensure compliance with social distancing requirements in relation to the COVID-19 pandemic, preventing the loss of staff. However, I am not persuaded that these facilities could not be accommodated elsewhere within the existing building to mitigate the impact upon the Green Belt. Therefore, these factors attract limited weight in support of the proposed development.
14. The appellant has stated that the proposed development would have no impact on the occupiers of neighbouring properties and no objections have been received in relation to highways matters. However, these are neutral factors only in my consideration of this case. Furthermore, the appellant indicates that the Council did not conduct a site visit and took 6 months to make a decision on the previous planning application³ for a similar extension on the appeal site. However, this particular matter is not relevant to the appeal before me.
15. Various references have also been made to a previous application for a detached bungalow on the section of land to the rear of the existing building which was dismissed at appeal⁴. However, although this previous proposal may have had a greater impact on the openness of the Green Belt, as this was a different proposal to the appeal proposal before me, it is also not relevant to my consideration of this appeal.

³ 20/03687/FULL1

⁴ APP/G5180/W/19/3228663

Green Belt Balance and Conclusion

16. The proposal would be inappropriate development in the Green Belt in that it would result in disproportionate additions over and above the size of the original building. The Framework establishes that substantial weight should be given to any harm to the Green Belt, and the 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 are clearly outweighed by other considerations.
17. I find that the other considerations in this case do not clearly outweigh the harm to the Green Belt, in terms of a loss to openness and inappropriateness that I have identified. Consequently, the very special circumstances necessary to justify the development in the Green Belt do not exist. Therefore, the proposal conflicts with Policy 49 of the LP and Policy G2 of The London Plan 2021 which seek, amongst other things, to protect the Green Belt, along with paragraphs 147, 148 and 149 of the Framework.
18. Therefore, for the reasons given above and having had regard to all other matters raised, the development would conflict with the development plan taken as a whole and I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR