



Appeal Decision

Site visit made on 16 January 2023

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23/03/2023

Appeal Ref: APP/D5120/W/22/3297756
37A North Cray Road, Bexley DA5 3ND

- 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 Mrs K Butler against the decision of the Council of the London Borough of Bexley.
 - The application Ref 21/02673/FUL, dated 18 August 2021, was refused by notice dated 1 March 2022.
 - The development proposed is the conversion of an existing stable building to form a new 2-bedroom dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site is within the Green Belt. Accordingly, I consider the main issues to be:
 - Whether the proposal would be inappropriate development within the Green Belt having regard to the National Planning Policy Framework ("the Framework") and any relevant development plan policies, and its effects on the openness of the Green Belt; and
 - If the proposal would be inappropriate development, whether the 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 necessary to justify the proposal.

Reasons

Inappropriate development, including effects on openness and purposes of the Green Belt

3. The appeal site is a detached stable block and its surrounding enclosed paddock. It sits on the south side of the A223 North Cray Road, from which it is accessed by a short track. The stable block was built following a grant of permission in the early 1990s¹; it is a single-storey building with a dual-pitched roof, primarily of timber construction on concrete strip footings, and has four stables and a tack room. Alongside the stable block itself I saw that there is a small portable toilet on the site, as well as a couple of shipping containers

¹ LPA Ref: 91/00405/FUL

which appeared to be used as storage space. The proposed development is the conversion of the stable block to form a two-bedroom dwelling.

4. Paragraph 137 of the Framework advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, with the essential characteristics of Green Belts being their openness and their permanence. Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very specific circumstances. Paragraph 150 indicates that certain forms of development which do not include the construction of new building are not inappropriate in the Green Belt "provided they preserve its openness and do not conflict with the purposes of including land within it"; these include at subsection d) "the re-use of buildings provided that [they] are of permanent and substantial construction".
5. Policies CS01 and CS17 of the 2012 Bexley Core Strategy ("the BCS") and Policy G2 of the London Plan 2021 seek to protect the Green Belt from inappropriate development in line with (as their supporting text explains) national policy and guidance. Although it predates the introduction of the Framework by some years, Saved Policy ENV4 of the 2004 Bexley Unitary Development Plan ("the UDP") also requires that proposals for development within the Green Belt should not detract from the function or appearance of the Green Belt; it broadly echoes, and is thus consistent with, the Framework's approach to the Green Belt.
6. There is no dispute between the main parties that the existing stable is of permanent and substantial construction, although certain works would be necessary to support the proposed change of use to a dwelling. These would include measures to strengthen the building's foundations, timber frame and roof, the construction of an inner blockwork wall to create an insulated cavity, the replacement of external wall cladding and roof coverings, the creation of new door and window openings, and new drainage connections, as well as the creation of new internal walls and partitions.
7. The Council considers that this amounts to almost the "complete rebuilding of the structure rather than a straightforward conversion", but from the mutually accepted starting point of the buildings being "permanent and substantial", none the proposed works are precluded by the provisions of Paragraph 150 d) of the Framework. However, this alone is not sufficient for me to conclude that the proposal would not be inappropriate development in the Green Belt. It is also necessary to consider the effects on openness, and the purposes of including land within the Green Belt.
8. Openness is the absence of development, and it has both spatial and visual aspects. The appeal site adjoins the existing bungalow at No 37 North Cray Road (which it surrounds on two sides in a V-shape). However, while No 37 is undoubtedly a suburbanising feature (both in spatial and visual terms, albeit on a very localised scale), the appeal site is of a different character; its open paddock, low fences and unmade access track, along with its equestrian use, are compatible with the Green Belt and its aim of keeping land permanently open.

9. Under the appeal scheme, there would be no increase in the building's external dimensions², and therefore no spatial loss of openness in this respect. However, the likely intensification of the use of the site arising from the conversion of the stable to a dwelling, and the use of at least some parts of the external space as a garden (with the almost inevitable intrusion of paraphernalia such as garden furniture, washing lines and the like) would lead to an unavoidable domestication of the site. While there is already some paraphernalia on the site (not all of which appeared to be directly associated with equestrian activities), in my view this would be likely to increase significantly as a result of the appeal proposal.
10. Although much of the site is bounded by trees which provide some visual screening, a change to residential use would be readily apparent to people passing on North Cray Road. It also seems likely to me that the use of the stable as a dwelling would in due course be bound to lead to further changes (for example, upgrading the unmade surface of the access track leading into the site from North Cray Road) which would further emphasise the domestication of the site.
11. All of this would lead to a loss of openness of the Green Belt in visual terms. Given the relatively small size of the site and the degree to which it is screened, this would have a moderate impact on the openness of the Green Belt, but it would be harmful nonetheless. Notwithstanding that the Council concluded otherwise, I also find that the introduction of a residential use on the site would, in a small way, represent an encroachment into the countryside. This would be contrary to one of the purposes of the Green Belt set out in Paragraph 138 of the Framework.
12. Overall, although I accept that the proposal would re-use a permanent and substantial building, I consider that the residential use would lead to a loss of visual openness of the Green Belt, and some conflict with the purposes of including land in the Green Belt. Accordingly, the proposal does not fall within the exception described in Paragraph 150(d) of the Framework and would be inappropriate development within the Green Belt. By definition, it would be harmful to the Green Belt, and this is a matter to which I afford substantial weight in the planning balance. The proposal would also conflict with Policies CS01 and CS17 of the BCS, Saved Policy ENV4 of the UDP, and Policy G2 of the London Plan 2021, the relevant provisions of which I have described above.
13. I agree with the appellant that as Policy ENV5 of the UDP relates to the replacement of existing permanent dwellings in the Green Belt it is not relevant to the main issues in this appeal. I therefore find no conflict with that policy, although this does not alter my overall findings on this matter.

Other considerations

14. The proposed development would provide a single additional dwelling, which would make a very modest contribution to boosting the supply of housing in the borough.
15. The appellant also suggests that the development would enhance the immediate setting of the site and respect the immediate characteristics of the

² Notwithstanding that the application Structural and Space Standards Statement indicated that the roof ridge height would be "increased nominally to accommodate an insulated composite profiled metal roof covering"; the submitted drawings suggest that the difference would be so small as to be negligible.

area. Other than harm to the Green Belt, the Council did not consider that the proposal would cause significant harm to the character or appearance of the area, and broadly speaking none of the evidence before me or my observations on site lead me to a different view; however, this does not outweigh my findings in respect of harm to the Green Belt.

Planning Balance and Conclusion

16. The proposal would be inappropriate development in the Green Belt, and would cause harm to the openness of the Green Belt. These are matters to which I attach substantial weight, as required by Paragraph 148 of the Framework. It would conflict with development plan policies which seek to protect the Green Belt.
17. The proposal would give a small boost to the delivery of housing in the area. I have also considered and weighed the matters in the scheme's favour which have been put to me by the appellant. The substantial weight to be given to the Green Belt harm arising from the development is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances. I therefore conclude that the appeal should be dismissed.

M Cryan

Inspector