



Appeal Decisions

Site visit made on 18 July 2023

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th July 2023

Appeal A Ref: APP/G5180/W/23/3315478

Beeches Barn, Cudham Lane North, Cudham, Sevenoaks TN14 7QL

- 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 & Mrs Bond against the decision of the Council of the London Borough of Bromley.
 - The application Ref 21/05788/FULL1, dated 17 November 2021, was refused by notice dated 25 August 2022.
 - The development proposed is the construction of a new dwelling and annexe building in place of existing outbuildings.
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Appeal B Ref: APP/G5180/W/23/3315511

Beeches Barn, Cudham Lane North, Cudham, Sevenoaks TN14 7QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr & Mrs Bond against the decision of the Council of the London Borough of Bromley.
 - The application Ref 21/04516/FULL1, dated 15 November 2022.
 - The development proposed is the construction of a new dwelling and annexe building in place of existing outbuildings.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed and planning permission is refused.

Procedural Matters

3. As set out above there are two appeals on this site. They differ only in the detail of the design of the proposed development. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

Main Issues

4. The main issues in both appeals are:
 - whether the development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and
 - 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 required to justify the development.
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Reasons

Whether inappropriate development

5. The appeal site comprises a parcel of land to the west of Cudham Lane North. It is formed of an area of hardstanding, a storage building and a series of shipping containers. Some external storage also existed at the time of my site visit. The site is within the Green Belt.
6. National Green Belt policy in the Framework sets out that the construction of new buildings in the Green Belt should be regarded as inappropriate development. There are, however, certain exceptions. One of those, at paragraph 149, is the 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.
7. Policy 49 of the Bromley Local Plan (LP, 2019) broadly conforms to the general thrust of national Green Belt policy, setting out that inappropriate development in the Green Belt will normally be refused whilst supporting the limited infilling or partial or complete redevelopment of previously developed sites where the proposal would not have a greater impact on the openness of the Green Belt.
8. Given the nature of the site, specifically the permanence of some existing structures and hardstanding, I acknowledge that the site may be characterised as previously developed land. I also note that there is no dispute between the main parties in respect of the site forming previously developed land, in line with the definition in the Framework.
9. I accept that the proposed development, under both appeals, would result in the removal of the existing utilitarian storage structure and some shipping container structures. I also saw during my site visit how intervening features in the landscape, including high hedgerows, and the topography of the area are such that there is fairly limited visibility of the site from the surrounding area. Despite this, the openness of the Green Belt is readily apparent within the immediate area through the existence of mature trees and surrounding open fields. The appeal site contributes to this through the low-lying nature of its existing buildings.
10. The Framework indicates that openness is an essential characteristic of the Green Belt and a fundamental aim of Green Belt policy is to keep land permanently open. The openness of the Green Belt has a spatial as well as a visual aspect. 'Open' can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible from the public realm.
11. Notwithstanding that the proposed developments, under both appeals, have been designed with sensitivity to prevailing built forms, materials and detailing, the proposed dwellings would nonetheless be of a greater height than the existing structures, at two-storeys high in the case of the 'main' house. It is my view that the introduction of a two-storey dwelling here would be significantly more visually prominent than the low-lying form of existing features on the site, in some cases visible above boundary landscaping. There would also, in all likelihood, be domestic paraphernalia linked to the dwellings across the site, including parked vehicles, additional boundary features and bin storage. This

would add to the effect on openness beyond a simplistic reliance on amount of ground covered or the volume of built form.

12. For the foregoing reasons, as the proposed developments under Appeals A and B would fail to preserve openness, they would form inappropriate development in the Green Belt, rather than an exception permissible under Framework paragraph 149. Adverse effects on openness could reasonably be described as moderate. The proposed developments would be contrary to the relevant provisions of LP Policy 49, which seeks to protect the Green Belt from inappropriate development and to protect its openness.

Other considerations

13. The appellant contends that existing boundary treatments would be retained and improved to shield the site from view. However, the general enhancement of the site in respect of landscaping could happen without the redevelopment of it and planting and boundary features cannot be relied on in perpetuity to give the same level of screening as at present. I therefore afford this matter no weight.
14. The appellant also sets out that the proposed dwelling and annexe, in either case, could access all necessary services without reliance on a private car. Given the secluded and rural location of the site, I am somewhat doubtful of this claim. However, even if that were the case, this matter would be afforded only limited weight.
15. I acknowledge that the proposed dwellings would meet other planning standards and policy objectives, including in respect of minimum space standards and parking provision, and minimising harm to nearby residential properties. There is no dispute between the main parties in these respects and I have no reason to disagree. I afford this matter no weight.
16. I do not doubt the appellant's commitment to achieving a highly efficient form of development. However, I do not consider this benefit, given the scale and nature of the proposal, would sufficiently outweigh the harm identified. I give this matter limited weight.
17. The Council cannot presently demonstrate a five year land supply of deliverable housing sites. In this regard, the proposal has the potential to generate two additional homes which would make a positive, albeit very limited, contribution to the current undersupply. This would also support the Government's objective of significantly boosting the supply of homes. On the basis of the scale of development, I give this matter only limited weight.

Green Belt Balance

18. The proposed development would be inappropriate development in the terms set out by the Framework and would result in a harmful loss of openness to the Green Belt. The Framework requires that substantial weight should be given to any harm to the Green Belt.
19. Cumulatively, I attach no more than limited weight to the benefits of the proposed development which make up the other considerations. As such, the other considerations do not clearly outweigh the harm to the Green Belt.

20. Consequently, the 'very special circumstances' required to justify a grant of planning permission do not exist. The proposed development would not therefore accord with the Green Belt aims of LP Policy 49 or the Framework, as set out above.
21. The lack of a five year housing supply means the policies which are most important for determining the proposal are out of date in accordance with paragraph 11.d of the Framework. However, bullet (i) of paragraph 11.d clarifies that permission should not be granted if the application of policies in the Framework that protect areas or assets of particular importance, including Green Belt, provide a clear reason for refusing the development. As I have explained, there would be harm to the Green Belt that would not be clearly outweighed. This provides a clear reason for refusing the proposed development. Therefore, the proposal would not benefit from the presumption in favour of development in this instance.

Conclusion

22. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that both appeals are dismissed, and planning permission refused.

A Price

INSPECTOR