



Appeal Decision

Site visit made on 11 July 2023

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2023

Appeal Ref: APP/G5180/W/22/3312414

Five Oaks Stables, Layhams Road, Keston BR2 6AR

- 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 and Mrs Evans against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/21/04323/FULL1, dated 27 August 2021, was refused by notice dated 28 November 2022.
 - The development proposed is the rationalisation of existing stables from 29 stables down to 10 stables and replacement of the existing dwelling together with removal of mobile home and ancillary structures, removal of existing hardstanding and extension of fields with comprehensive landscaping scheme.
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Decision

1. The appeal is allowed and planning permission is granted for the rationalisation of existing stables from 29 stables down to 10 stables and replacement of the existing dwelling together with removal of mobile home and ancillary structures, removal of existing hardstanding and extension of fields with comprehensive landscaping scheme at Five Oaks Stables, Layhams Road, Keston BR2 6AR in accordance with the terms of the application, Ref DC/21/04323/FULL1, dated 27 August 2021, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is whether the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the National Planning Policy Framework (the Framework) including the effect upon the openness of the Green Belt.

Reasons

3. Policy G2 of the London Plan, March 2021 (London Plan) and Policy 49 of the London Borough of Bromley Local Plan, January 2019 (LP) set out the approach to development in the Green Belt. I am satisfied that both of these policies are in broad conformity with the National Planning Policy Framework (the Framework). Paragraph 149 of the Framework sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. New buildings within the Green Belt are inappropriate unless, amongst other things, they represent limited infilling or the partial or complete redevelopment of previously developed land (PDL).
4. The appeal site comprises a residential dwelling with stables, an arena, a mobile home, various outbuildings and areas of hardstanding. In accordance with Annex 2 of the Framework it can be considered as PDL, and I note that

the Council's officer report does not disagree with this position. The proposed development would involve the demolition of the existing dwelling and stables, along with the removal of some hardstanding. The scheme therefore represents a partial redevelopment of the site and the initial requirement of paragraph 149(g) of the Framework is therefore met.

5. Paragraph 149(g) continues by stating that a proposal for the redevelopment of PDL is not inappropriate provided that it would not have a greater impact on the openness of Green Belt than the existing development. In this instance, it is not in dispute between the main parties that the scheme would result in an overall reduction in built form on the site. It is therefore clear that, from a spatial perspective, the proposal would have less of an impact on the openness of the Green Belt than the existing development.
6. Visually, the site is reasonably compact and is therefore seen as a whole. The fact that the proposed dwelling would be situated slightly further away from the stables than is presently the case doesn't alter that. The dwelling would be two storeys in height with a pitched roof, and would therefore be taller than the existing house, and have a larger footprint. Indeed, it would be taller than any other building on the site and so the increase in size would be clear, particularly as the ground level of that part of the site is not noticeably lower than that of the existing dwelling.
7. However, this would be balanced out by the equally obvious reduction in the size of the stables and the removal of the mobile home and outbuildings. The number of car parking spaces on the site would also be reduced. This could result in a reduction in parked cars, which in itself, would be a marginal benefit in relation to openness. Furthermore, the site is largely well screened by mature trees and other vegetation, and it is likely that the proposed development, including the new dwelling, would only be glimpsed from the public highway. As a result, even taking into account the additional height of the proposed dwelling, the overall effect on visual openness would be neutral.
8. I therefore conclude that the proposed development would amount to partial redevelopment of PDL which would not have a greater impact on openness of the Green Belt than the existing development. It would therefore not be inappropriate development in Green Belt terms and is in conformity with paragraph 149(g) of the Framework, London Plan Policy G2 and LP Policy 43. Having reached this finding, it has not been necessary for me to consider whether or not the proposal would be an exception under paragraph 149(b) of the Framework.

Conditions

9. I have imposed conditions to identify the relevant timescales and plans in the interests of certainty. A condition regarding materials is included to ensure that character and appearance is preserved. Pre-commencement conditions have been imposed to ensure that certain details would be acceptable prior to the development taking place. These details include a layout plan of the stables, a construction statement, details of slab levels and a suitable landscaping scheme. The landscaping scheme must set out how the trees on site will be protected during construction. A separate condition to this effect, including a requirement for supervision of work, is therefore not necessary.

10. Further conditions are imposed to ensure that the approach to surface water drainage is sufficient, that the landscaping scheme is undertaken in a timely manner, and that the recommendations of the ecological appraisal and bat survey are implemented. Finally, I have also imposed conditions to ensure that the intended demolition of the relevant structures takes place shortly after occupation of the dwelling, and to ensure that the stables are only used in connection with that dwelling.
11. A condition to require that the development is built in accordance with Building Regulations M4(2) is also not necessary as that must happen anyway. I have not imposed a condition to require works to be undertaken under the supervision of an ecologist. In this instance, there is a recent bat survey which confirms that there was no evidence of bats. Supervision is therefore not necessary. I have also not included a condition to remove permitted development rights as I cannot conclude that any further development that utilises such rights would be harmful. Therefore, including a condition of that nature is not reasonable or necessary.

Conclusion

12. The proposed development is in accordance with the development plan when considered as a whole. Having had regard to all matters raised, I conclude that the appeal should be allowed.

C Butcher

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - L(-1)101.1 Site Location Plan
 - L(-1)101 Site Plan Ex Areas/Volumes Rev D
 - L(-1)301 Site Plan as Proposed Rev D
 - L(-2)201 Proposed House GF Plan Rev E
 - L(-2)202 Proposed House FF Plan Rev E
 - L(-2)203 Proposed House Roof Plan
 - L(-3)201 Proposed Sketch Section AA Rev C
 - L(-3)202 Proposed Sketch Section BB Rev C
 - L(-3)203 Proposed Sketch Section CC Rev C
 - L(-3)204 Proposed Sketch Section DD Rev C
 - L(-4)105.1 Proposed Arena and Stables Elevations
 - L(-4)209 Proposed Arena and Stable Elevations
 - L(-4)201 Proposed Sketch South West Elevation Rev D
 - L(-4)202 Proposed Sketch South East Elevation Rev D
 - L(-4)203 Proposed Sketch North West Elevation Rev D
 - L(-4)204 Proposed Sketch North East Elevation Rev D
 - L(-4)205 Proposed Sketch South West Elevation Materials Rev A
 - L(-4)400 Existing and Proposed Level Information
 - 02 Tree Retention and Loss Plan 22/07/2020
- 3) The materials to be used for the external surfaces of the buildings shall be as set out in the planning application forms and / or drawings and supporting documents unless otherwise agreed in writing by the local planning authority.
- 4) No development shall commence until details of the internal layout plan for the stables hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5) No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for: (i) the parking of vehicles of site operatives and visitors; (ii) loading and unloading of plant and materials; (iii) storage of plant and materials used in constructing the development; (iv) the erection and maintenance of security hoarding; (v) wheel washing facilities; (vi) measures to control the emission of dust and dirt during construction; (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works; (viii) delivery, demolition and construction working hours. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 6) No development shall commence until details of all finished slab levels in relation to ground level (against OD Newlyn) have been submitted to and approved in writing by the local planning authority. The development

shall be carried out and maintained in accordance with the approved details.

- 7) No development shall commence until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 8) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall: (i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; (ii) include a timetable for its implementation; and, (iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 9) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 10) The development shall only be carried out in complete accordance with the findings and recommendations contained within the following documents:
 - Preliminary Ecological Appraisal RT-MME-152854-01 dated September 2020
 - the Bat Survey Report Ref: 731 V1.3 dated 08 September 2022, including the installation of a minimum of one Woodcrete type bat box prior to first occupation.
- 11) The existing buildings and associated hardstanding areas on the site, as shown as proposed to be demolished and removed on drawing ref: L(-1)101 Rev D, shall be demolished and the site cleared within three months of the first occupation of the dwelling hereby permitted.
- 12) The stable buildings hereby permitted shall only be used for purposes incidental to the residential dwelling known as Five Oaks, Layhams Road, Keston BR2 6AR, and for no other purpose.