



Appeal Decision

Site visit made on 24 October 2023

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 NOVEMBER 2023

Appeal Ref: APP/G5180/W/23/3320387

The Orchard, Rookery Road, Downe, Orpington BR6 7JQ

- 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 Bradshaw against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/22/04745/FULL3, dated 1 December 2022, was refused by notice dated 28 March 2023.
 - The development proposed is change of use of existing building to one bedroom dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of existing building to one bedroom dwelling at The Orchard, Rookery Road, Downe, Orpington BR6 7JQ in accordance with the terms of the application, Ref DC/22/04745/FULL3, dated 1 December 2022, subject to the conditions set out in the Schedule at the end of this decision.

Preliminary Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Application for Costs

3. An application for costs was made by Mr and Mrs Bradshaw against the Council of the London Borough of Bromley. This application is the subject of a separate Decision.

Main Issue

4. The main issue is whether the proposal would be inappropriate development in the Green Belt.

Reasons

5. The appeal site is located within the Metropolitan Green Belt. Paragraph 150 of the National Planning Policy Framework (the Framework) states that certain forms of development are not inappropriate in the Green Belt provided they

- preserve its openness and do not conflict with the purposes of including land within it. This includes the re-use of buildings provided that the buildings are of permanent and substantial construction, and material changes in the use of land.
6. The appeal site consists of a building and an associated extent of land which were formerly in agricultural use as part of a nursery.
 7. The building is of a permanent and substantial construction and its change of use meets the relevant requirement of paragraph 150(d) of the Framework.
 8. With regards to openness, the proposal would introduce a residential use and curtilage onto the site. The enclosure resulting from the residential curtilage and associated paraphernalia could lead to a loss of openness. The proposal would also introduce residential parking and vehicle movements, although it has not been demonstrated that these would be substantially different from those associated with the existing use of the building. The proposal would also involve the removal of an extent of hardstanding around the building, which would be of benefit with regards to openness. On balance, the proposal would have a neutral effect on the openness of the Green Belt.
 9. In respect of the Green Belt purposes, the existing building and hardstanding are utilitarian features which are not of an agricultural appearance or of a rural character which contributes to the countryside. Within that context, even allowing for the residential nature of the proposed curtilage and potential paraphernalia, the proposal would not appear as an urbanising feature or the encroachment of development into the countryside. The proposal would also not contribute to the unrestricted sprawl of large built-up areas, the merging of neighbouring towns, harm to the setting and special character of historic towns, or be detrimental to urban regeneration. The proposal would therefore not conflict with the purposes of including the site within the Green Belt.
 10. On the basis of the above, the proposal would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. The proposal would therefore not be inappropriate development in the Green Belt, and would not conflict with Policy 49 of the Bromley Local Plan 2019 or Policy G2 of the London Plan 2021 with regard to the consideration of development in the Green Belt. The proposal would also not conflict with the Framework in respect of protecting Green Belt land.

Other Matters

11. I have had regard to the comments made locally in respect of the proposal, including those of the Downe Residents' Association. However, the planning history of the site and surrounding area as well as the other points raised do not lead me to a different conclusion on the main issue based on my own observations and the evidence before me.

Conditions

12. The Council has suggested a number of planning conditions which I have considered against the advice in the Planning Practice Guidance. In addition to the standard 3 year time limitation for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plans in the interests of certainty.

13. Conditions requiring details of materials as well as landscaping are appropriate in respect of character and appearance.
14. Exceptionally, due to the sensitive location of the site within the Green Belt, a condition removing permitted development rights in relation to buildings, means of enclosure and other alterations is required in the interests of character and appearance as well as the openness of the Green Belt.
15. A condition regarding the implementation and retention of car parking and turning space is appropriate in the interests of highway safety and the living conditions of future residents. A condition in respect of refuse storage is appropriate in the interests of the living conditions of residents as well as character and appearance.
16. A Construction and Environmental Management Plan is required in the interests of the living conditions of nearby residents and highway safety. This should be submitted to and approved by the local planning authority at the pre-commencement stage as it relates to matters which need to be established before the commencement of building operations. The appellants have made a number of suggestions in respect of this condition, although they have also confirmed their agreement to the original wording. I have retained reference to demolition and dust mitigation as this may apply to the removal of areas of hardstanding. I have removed reference to some details of construction traffic movements due to the small scale of the proposal and the resultant limited number of associated vehicle movements during construction.
17. A condition requiring the submission and provision of a surface water drainage scheme is appropriate in the interests of proper and sustainable site drainage.

Conclusion

18. I conclude that the appeal should be allowed.

David Cross

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 shall be carried out in accordance with the following approved plans and documents: Promap Location Plan, Drawing No. BM2210-01, Drawing No. BM2210-02 – Rev A.
- 3) The landscaping scheme as shown on Drawing no BM2210-02 – Rev A shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species to those originally planted.

- 4) The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and / or drawings unless otherwise agreed in writing by the Local Planning Authority.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) no buildings, structures, extensions, alterations, walls or fences of any kind shall be erected or made within the curtilage of the dwelling hereby permitted without the prior approval in writing of the Local Planning Authority.
- 6) Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the details as set out in this planning permission and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.
- 7)
 - (a) Details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) shall be submitted to and approved in writing by the Local Planning Authority prior to construction of any above ground works.
 - (b) The arrangements as approved under part (a) shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.
- 8) No development shall commence on site (including demolition) until such time as a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. As a minimum the plan shall cover:
 - (a) Dust mitigation and management measures.
 - (b) The location and operation of plant and wheel washing facilities
 - (c) Measures to reduce demolition and construction noise
 - (d) Details of construction traffic movements which shall demonstrate the following:-
 - (i) Measures to deal with safe pedestrian movement.
 - (ii) Full contact details of the site and project manager responsible for day-to-day management of the works
 - (iii) Parking for operatives during the construction period
 - (iv) Swept path drawings for any tight manoeuvres on vehicle routes to and from the site including proposed access and egress arrangements at the site boundary.
 - (e) Hours of operation
 - (f) Other site specific Highways and Environmental Protection issues as requested on a case by case basis
 - (g) The development shall be undertaken in full accordance with the details approved under Parts a-f
- 9)
 - (a) Surface water from private land shall not discharge on to the highway.
 - (b) Prior to the commencement of above ground works details of the drainage system for surface water drainage to prevent the discharge of

surface water from private land on to the highway shall be submitted to and approved in writing by the Local Planning Authority.

(c) Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the details approved under Part (b) and shall be retained permanently thereafter.

End of Schedule