



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: 23 November 2023

Appeal Ref: APP/G5180/W/23/3320882
Farringleys, South Park, Keston BR2 6HB

- 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 Ms Lauren Goldberg against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/21/01640/FULL1, dated 1 April 2021, was refused by notice dated 26 October 2022.
 - The development proposed is described on the decision notice as "Change of use from F2 (c) Equestrian sports, to Reiki Centre together with elevational alterations and porch/canopy".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development provided on the planning application form has been replaced by an amended version on the decision notice. This wording is reflected on the appeal form. I consider the description given on the decision notice accurately reflects the proposal and I have therefore used it within this decision.
3. It was requested that I view the appeal site from the nearby properties of Garden Cottage and Orchard Cottage, and I was able to do so at my visit.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt, with due regard to the openness of the Green Belt and the purposes of including land within it;
 - The living conditions of nearby residents in respect of noise and disturbance;
 - Highway safety; and
 - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether Inappropriate Development

5. The appeal site is located within the Green Belt. Paragraph 150 of the National Planning Policy Framework (the Framework) specifies forms of development which are not inappropriate within the Green Belt, providing they preserve its openness and do not conflict with the purposes of including land within it. This includes paragraph 150(d) regarding the re-use of buildings provided that the buildings are of permanent and substantial construction.
6. The appeal site is part of a small group of stables and barns located in the vicinity of Farringleys, which is one of a number of dwellings served by a private cul-de-sac. The Council's officer report sets out that there were originally 10 barns or stables within the curtilage of Farringleys, although 6 have been demolished as a result of a previous planning permission leaving only 4 outbuildings on the site. The appellant refers to 12 existing stables.
7. Reference has been made to a separate proposal to convert 1 of these buildings to a dwelling, which would be occupied by the owner of the business who would also teach at the site. However, this dwelling is not part of the appeal before me.
8. The proposal involves the conversion of a building to provide an education and wellbeing centre relating to stress reduction and relaxation techniques. The appellant's Statement of Case sets out that at the weekend there would be a meditation class on either a Saturday or Sunday that would have no more than 15 people attending. Once a month, a Retreat would take place which would be for approximately 15 people. In their Final Comments, the appellant refers to activity on one weekend day and, once a month, two weekend days.
9. The appellant contends that the number of vehicle movements is likely to be less than those which take place in association with the stables. However, very limited evidence has been provided with regards to the number and intensity of vehicle movements and parking generated by the stables.
10. Due to the nature of the operation of the proposal, activity at weekends would lead to a number of vehicles arriving and leaving at the same time, and a number of vehicles would be parked concurrently for a period of time at the site. This would be materially different from the use of individual stables where the comings and goings would be more intermittent. Although there is an existing area of car parking on the site, it has not been demonstrated that the parking generated by the stables would be of a form and intensity similar to that arising from the appeal proposal.
11. To my mind, the vehicle movements and parking generated by the proposal at weekends would be of a character similar to an urban service function, rather than the more informal and intermittent activity associated with the existing equestrian use in the countryside.
12. Activity generated by the proposal during the week would be much more limited, and the appellant states that on weekdays there is likely to be only 2 clients visiting the centre. I consider that this level of activity would be significantly less than that generated by the stables, and would not lead to harm in respect of Green Belt purposes or openness. However, this does not negate my conclusions in respect of activity at weekends.

13. Based on the evidence before me, I consider that the form and intensity of vehicle movements and parking generated by the proposal at weekends would be of an urban character materially different from that of the stables. The proposal would therefore conflict with the Green Belt purpose of Paragraph 138(c) of the Framework which is to assist in safeguarding the countryside from encroachment. The form and amount of car parking would also lead to harm in respect of openness, even given its transient nature.
14. Due to the harm to the openness of the Green Belt and the purposes of including land within it, I conclude that the proposal would be inappropriate development within the Green Belt.

Living Conditions

15. The cul-de-sac which leads to the appeal site also serves a small number of dwellings, including Garden Cottage and Orchard Cottage. Due to the nature of this private no-through road, the existing number of traffic movements along it will be limited.
16. Garden Cottage is located adjacent to the access to the appeal site and the area of car parking. Despite a degree of screening, noise and disturbance from vehicle movements to and from the site as well as cars parking within it would be readily apparent to residents of Garden Cottage. The activity at weekends would be relatively intense, with a number of vehicles accessing and egressing the site at specific times, as well as car parking manoeuvres and general activity from clients accessing the building. This degree of activity would be unduly intrusive to residents of Garden Cottage, and I am mindful that this would take place at weekends when adjacent residents could expect a reasonable degree of peace and quiet.
17. Traffic movements along the road would also be apparent to residents of Orchard Cottage. However, given the degree of separation from the site access and parking area, I do not consider that the effect on residents of Orchard Cottage would be of a degree to warrant the refusal of planning permission.
18. The existing stables would also generate traffic movements, and I note the appellant's comments in respect of trips generated by the existing stables, although this is not supported by substantive evidence. However, it has not been demonstrated that vehicle movements and parking generated by the stables are of an intensity and form similar to that which would arise at weekends from the appeal proposal.
19. Vehicle movements and associated activity generated by the proposal during the week would be very limited, and may even represent an improvement compared to the activity generated by the stables. However, this does not outweigh the harm arising at weekends.
20. I conclude that the proposal would lead to significant harm to the living conditions of residents of Garden Cottage due to noise and disturbance. The proposal would therefore be contrary to Policy D14 of the London Plan 2021 and Policies 37 and 119 of the Bromley Local Plan 2019 (the Local Plan) with regards to noise and amenity.

Highway Safety

21. Clients of the appeal proposal would access the site via a junction with the A233 Westerham Road. Although the A233 was well-trafficked at the time of my visit, the traffic speeds I observed were not excessive and reflected the 40 mph speed limit referred to by the Council.
22. I saw that this junction provided a good degree of visibility along the A-Road for vehicles leaving the proposal. The surfaced road of Holwood leading up to the junction was also of an appropriate width for vehicles to pass each other.
23. Visibility along the A233 in respect of vehicles turning right into the junction was limited due to a bend in the road. But based on the evidence before me and my own observations the degree of visibility was adequate for the volume and speed of traffic.
24. I have had regard to the accident data provided by the Council, which shows that within a 100m radius there were 8 personal injury collisions (including 1 serious) in the 10 years leading to April 2023. Reference has also been made to a fatal accident in the area. However, it has not been demonstrated that vehicle movements associated with the junction with Westerham Road have led to unacceptable conditions in respect of highway safety, or that the appeal proposal could lead to unacceptable harm even given the peaks of vehicle movements at weekends and the potential unfamiliarity of clients with this area. I also note that the Highway Development Engineer has not objected to the proposal, subject to comments on car parking and conditions.
25. Based on what I have seen and read, I consider that the junction with Westerham Road would provide suitable and safe access to the appeal proposal. The proposal would therefore not lead to an unacceptable impact on highway safety and would not be contrary to Policy 32 of the Local Plan in respect of road safety.

Very Special Circumstances

26. The appellant considers that the proposal is not inappropriate development in the Green Belt, and has not provided a case regarding very special circumstances.
27. Nevertheless, I am mindful of the benefits of the proposal. The development would generate employment and economic activity, although given the scale of the proposal these benefits would be very limited. The proposal may also reduce vehicle movements and activity during the week, although this does not outweigh my concerns in respect of activity at weekends. As a whole, these considerations carry very limited weight in favour of the appeal.

Conclusion

28. Notwithstanding my conclusion in respect of highway safety, I have concluded that the proposal would be inappropriate development in the Green Belt and would lead to significant harm to the living conditions of residents of Garden Cottage.
29. The substantial weight that must be given to the harm arising from inappropriateness, and the significant harm I have identified in respect of living conditions, are not clearly outweighed by other considerations.

30. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would therefore be contrary to Policy G2 of the London Plan and Policy 49 of the Local Plan regarding development in the Green Belt. The proposal would also conflict with the Framework in respect of protecting Green Belt land.

31. I therefore conclude that the appeal should be dismissed.

David Cross

INSPECTOR