
Appeal Decisions

Site visit made on 5 June 2024

by S Leonard BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2024

Appeal A: APP/D5120/W/23/3334855

Woollett Hall Farm, North Cray Road, Bexley, Sidcup DA14 5ET

- 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 Beck Evans (2000) Limited against the decision of the Council of the London Borough of Bexley.
 - The application Ref 23/00717/FUL, dated 29 March 2023, was refused by notice dated 15 June 2023.
 - The development proposed is children's play equipment.
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Appeal B: APP/D5120/W/23/3334840

Woollett Hall Farm, North Cray Road, Bexley, Sidcup DA14 5ET

- 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 Beck Evans (2000) Limited against the decision of the Council of the London Borough of Bexley.
 - The application Ref 23/00910/FUL, dated 21 April 2023, was refused by notice dated 15 June 2023.
 - The development proposed is described as "retrospective installation of 5no. lighting columns and proposed installation of 5no. lighting columns (resubmission)".
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Procedural Matters

3. Since the refusals of the applications, the subject of these appeals, a revised version of the *National Planning Policy Framework* (the Framework) was published in December 2023. The main parties have had the opportunity to comment upon the revised Framework in respect of the appeal, and I have taken it into account where relevant to my decision.
4. Having regard to Appeal B, the planning application was submitted retrospectively in part in relation to 5no. lighting columns which have already been installed. I have dealt with the appeal accordingly. Whilst part of the development has already taken place, I have dealt with the appeal on its merits.

Main Issues

5. The site lies within the Metropolitan Green Belt and the following main issues are therefore common to both appeals:
- Whether or not the appeal development constitutes inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - The effect of the appeal development on the openness of the Green Belt; and
 - If the development is inappropriate, whether harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Background to both appeals

6. The appeal site lies in a rural location to the east of Sidcup and comprises a diversified agricultural holding. In addition to farm buildings and fields, there are also commercial businesses, including a farm shop and restaurant, a children's play barn/educational facility incorporating dual use of parts of the farm for recreation/educational activities, and a camping and caravan field, together with associated parking and hardstanding areas.
7. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It confirms that the essential characteristics of Green Belts are their openness and their permanence. It goes on to state that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Paragraphs 154 and 155 explicitly set out which forms of development are considered not to be inappropriate in the Green Belt.
8. Policy G2 of *The London Plan 2021* (the London Plan) and Policy SP8 of the *Bexley Local Plan* (April 2023) (the Local Plan) affirm that London's Green Belt should be protected from inappropriate development in accordance with national planning policy tests that apply to Green Belts. As such, these policies conform with the provisions of the Framework, and I afford them weight in my decision.

Appeal A

Whether inappropriate development (including impact upon openness)

9. Appeal A relates to the installation of children's play equipment close to and southwest of the farm shop and café.
10. Paragraph 154 of the Framework establishes that the construction of new buildings in the Green Belt is inappropriate, subject to a number of exceptions. These include the provision of appropriate facilities (in connection with the existing use of land or a change of use) for, inter alia, outdoor recreation, provided the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it (paragraph 154 b).

11. The term 'building' refers to any structure or erection and therefore applies to the proposed play equipment. It is intended that the proposal would complement the existing play barn and outdoor recreational activities on the appeal site as approved under planning permission granted in 2006¹.
12. Whilst the information before me is that this permission may currently no longer be extant, paragraph 154 b) refers to appropriate facilities in connection with the existing use of land or a change of use. Moreover, the Framework encourages local planning authorities to plan positively to enhance the beneficial use of Green Belts, including, amongst other things, providing opportunities for outdoor sport and recreation.
13. Having regard to the above, the appeal development the subject of Appeal A may not be inappropriate in the Green Belt, depending upon whether it preserves openness and accords with Green Belt purposes.
14. Openness in terms of the Green Belt can have a spatial as well as a visual aspect, and a consideration of openness is essentially a matter for the decision maker on a case-by-case basis.
15. The proposed play equipment would be sited on a part of the appeal site which comprises undeveloped agricultural land. The roughly rectangular-shaped singular timber and plastic piece would incorporate 3 towers, each with a height of approximately 3.04m, a climbing wall, and a slide. These would be connected by a rope ladder, slatted bridge, and pipe tunnel. The equipment would be sited over an area of rubber grass matting measuring 9m by 11m.
16. The appeal proposal would only relate to a small area of land in relation to the overall appeal site. Notwithstanding this, there would be a loss of spatial openness of the appeal site as a result of the placing of the proposed group of structures and the new surface matting on a previously undeveloped and open part of the site, away from the existing buildings and hard surfaced areas and the site boundaries.
17. Visually, the structure would be screened in views from the north by the existing buildings and largely screened in wider views from the public realm around the site by existing boundary trees, hedging and fencing. However, the proposal would have a notable visual impact in views from undeveloped farmland within the appeal site from the south and west, and to a lesser degree from the east. It would also be visible from outside the site in views looking eastwards from a small part of Water Lane.
18. The proposal would extend built development into an area of the site which is notably flat and open. As such, there would be a visual impact on Green Belt openness arising from the three-dimensional aspect of the proposal, which would be largely solid in its construction, being positioned in a part of the site which is open and undeveloped.
19. Moreover, impacts upon the openness of the appeal site would also arise because of factors connected with the use of the play equipment, whose design would enable its concurrent use by several children at one time, with a resulting concentration of associated noise and activity in this part of the appeal site.

¹ LPA Ref 05/03336/FULM

20. I therefore conclude that in both spatial and visual terms, the proposed play equipment would have a moderate impact upon the openness of the Green Belt.
21. For the above reasons, therefore, the scheme, which is the subject of Appeal A, would be contrary to London Plan Policy G2 and Local Plan Policy SP8. It would not comprise an exception to inappropriate development when assessed against Paragraph 154 b) of the Framework. It fails to safeguard the countryside from encroachment, one of the Framework's stated 5 purposes of the Green Belt and does not comply with the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open.

Other considerations

22. The proposal would provide support to the existing commercial uses on the appeal site, thereby supporting the economic and community benefits to the rural economy arising from the generation of income for local trades and businesses. I afford modest weight to these benefits given the small size of the proposal in relation to the existing commercial activities on the site, and in the absence of cogent evidence in respect of any associated resulting increased business income arising from the proposal.
23. The appeal scheme would result in improved outdoor recreational facilities. Such community benefits would be limited to visitors of the appeal site and would be small scale considering the size of the proposal. With this in mind and having regard to the presence of existing outdoor recreational land and equipment within close proximity of the appeal proposal, I afford modest weight to this community benefit.
24. The play equipment would be capable of being easily removed from the site, thereby returning the land to its original state of openness. However, this does not diminish the extent to which the development, when present on the site, would harm the spatial and visual openness of the Green Belt. As such, given the circumstances of the appeal scheme, I place limited weight on the remediable nature of the scheme.
25. The appeal scheme would be of a predominantly timber construction and would have a functional design which would be of a small scale in relation to the existing built development upon the appeal site. It would also reasonably be considered to provide a supporting facility to the existing lawful commercial farm shop and café and camping uses which exist on the farm. As such, having regard to its design and function, I concur with the appellant that the proposal would not materially harm the character and appearance of this part of the countryside. I attribute a neutral weight to this matter in the planning balance below since it is a requirement of the development plan and the framework in any case.
26. My attention has been drawn to two previous planning permissions in respect of the provision of play equipment on the appeal site. The first application for an adventure playground and picnic area was approved in December 2006² and the second for outdoor children's play equipment was permitted in February 2011³.

² LPA Ref 06/03558/FUL

³ LPA Ref 10/02109/FUL

27. In granting these permissions the Council accepted the principle of the provision of children's play equipment on the site. This principle is not at issue in my determination of the appeal, which is primarily concerned with whether the current appeal scheme accords with Green Belt policies.
28. I have not been provided with the approved drawings in respect of either of the previously approved schemes, nor the entire officer reports. However, there are written descriptions of the developments within the appeal statements of both main parties. Based on the information before me, both approved schemes related to different parcels of land than that of the current appeal, and they both concerned different development proposals to that which is now proposed.
29. Moreover, both past approvals were granted prior to the adoption of current relevant development plan policies and the introduction of the Framework. As such, I find that, based on the evidence before me, that there are no direct comparisons to be made between the previously approved schemes and the current appeal proposal in terms of both openness impacts and assessment against current Green Belt policies. In any event, I must determine this appeal on the merits of the scheme before me.
30. In addition, the 2006 approval was not implemented and the 2011 approval, which was the subject of a personal permission attached to a former site owner, has been removed and the land returned to soft landscaping. There would therefore be no resulting compensatory gain in openness elsewhere on the appeal site as a result of the removal of existing play equipment.
31. As such, whilst a material consideration in the determination of this appeal, the aforesaid appeal site planning history in respect of the provision of play equipment does not justify the approval of the current appeal scheme and I afford it limited weight in the planning balance.

Green Belt Balance

32. The scheme, the subject of Appeal A, represents inappropriate development in the Green Belt as defined by the Framework. The Framework indicates that this is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The development results in a loss of spatial and visual openness, thereby adversely impacting upon one of the essential characteristics of the Green Belt and one of its main purposes of safeguarding the countryside from encroachment.
33. Very special circumstances will not exist, unless harm by reason of any inappropriateness and any other harm, is clearly outweighed by other considerations. Government policy dictates that, in carrying out the balancing exercise, substantial weight is to be given to any harm caused to the Green Belt.
34. I attach modest weight to the economic and community benefits of the development in terms of both benefits to the existing on-site businesses and improved outdoor recreational facilities. I also attach limited weight to the remediable and potentially temporary nature of the development and to the planning history of the site in respect of the provision of on-site play equipment.

35. I conclude that these, and all other considerations cited in support of the proposal do not clearly outweigh the substantial harm the development causes to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. As such, the development, the subject of Appeal A, conflicts with London Plan Policy G2 and Local Plan Policy SP8, which aim to protect the Green Belt against inappropriate development, as well as Chapter 13 of the Framework.

Appeal B

Whether inappropriate development

36. Appeal B relates to the installation of 10 lighting columns within the car park to the east side of the farm shop and play barn buildings.

37. Having regard to paragraphs 154 and 155 of the Framework, I concur with the views of both main parties and that of a previous appeal⁴ inspector, that car park column lights as per the current appeal scheme design, do not fall within any of the forms of development that are considered not to be inappropriate in the Green Belt according to the Framework.

38. For the above reasons, therefore, the scheme, which is the subject of Appeal B, would be contrary to London Plan Policy G2 and Local Plan Policy SP8. It would not comprise an exception to inappropriate development when assessed against Paragraph 154 b) of the Framework. It fails to safeguard the countryside from encroachment, one of the Framework's stated 5 purposes of the Green Belt.

Openness

39. The Framework makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It also states that one of the essential characteristics of Green Belts is their openness.

40. Openness has visual and spatial aspects. In terms of the former, the appeal scheme comprises 10 lighting columns with attached cowl lights, which would be spread around the car park with 6 of the lights forming a linear arrangement across the middle of the car park, in addition to 2 sited along its eastern boundary and 2 along its southern edge.

41. Each light would project 5.2m above ground level, thereby significantly exceeding the height of the car park boundary hedging. Moreover, the scheme would be spread throughout the car park. The three-dimensional impact of the scheme combined with the quantity and spread of lighting columns would mean that the development would have a notable visible impact within the Green Belt in terms of wider views towards the lighting, particularly from the south and east of the car park, where the structures would not benefit from screening by the existing buildings to the west and trees to the north.

42. In addition, impacts upon visual openness would also arise because of increased light spillage within the car park. Each light would provide a luminance of between 3000 and 4000 lumens when fully on. The appellant's supporting External Lighting Report⁵ confirms that the light spillage within the

⁴ Appeal Ref APP/D5120/C/20/3251548

⁵ Beck Evans Farm Lighting Assessment (April 2023)

car park associated with the appeal scheme would be greater than that which arises as a result of the approved and as-existing car park lighting schemes.

43. This visual impact would be particularly apparent during the winter months when there are less hours of daylight and when car park lights would reasonably be required in connection with activities and businesses on the appeal site for longer periods, and also during the night, noting that the farm shop operates until 10pm.
44. The proposal would incorporate design features to minimise the visual impact of the appeal scheme. These include a slender column design and downward facing cowl LED lighting. Moreover, a sensor-controlled operation would mean that the lights would operate on a 30% output until the PIR cells detect movement which would trigger an increase to full brightness.
45. Such features would also mean that all the lights are unlikely to be at full luminance at any one time since they would be triggered by pedestrian movements within the car park. Moreover, the External Lighting Report concludes that light spill would not encroach beyond the appeal site boundaries, and that it would only marginally spill onto land outside the car park, including into the Water Lane access drive, a footpath within the site and the adjacent camping field.
46. As such, the evidence before me is that the light spill emitted from the scheme would have a minimal impact on wider views from within the Green Belt towards the car park. However, there would, nonetheless be visual openness impacts arising from the three-dimensional nature of the columns, light spill within the car park and a small amount of light spill outside the car park. As such, I find that the appeal scheme would result in a moderate reduction in the visual openness of the Green Belt.
47. Having regard to spatial impacts on openness, the appeal scheme lighting would be erected over an area which is already given over to built development in the form of a car park. As such, it would not result in a sprawling effect in terms of ground coverage of structures within the Green Belt and I am satisfied that, in spatial terms, there would be no harm to the openness of the Green Belt.
48. The absence of spatial intrusion does not mean there is no impact on the openness of the Green Belt as a result of the appeal scheme, and this does not affect the above findings on the visual aspect of the development.
49. I have noted that the development the subject of Appeal B is a revised scheme to that which was previously refused by the Council⁶, including reduced lighting column height, lowered luminous flux levels and the submission of an external lighting report. However, this does not alter my findings in respect of the impact upon openness in respect of the current proposal.

Other considerations

50. In February 2021, permission was allowed under the aforesaid appeal for external lighting within the car park. In allowing the appeal, the inspector concluded that the very special circumstances existed which, in part, outweighed the harm identified by reason of appropriateness and the impact of

⁶ LPA Ref 22/01127/FUL

the proposal upon the openness of the Green Belt. At that time, there was no approved car park lighting. The inspector found that external lighting is reasonably required at the site, to enable the effective operation of the already established on-site businesses. This was having regard to the interests of the local economy, as well as the security and safety of staff and customers.

51. The approved lighting remains in situ and comprises 3 free-standing lighting columns located within the car park and 4 lights mounted on the side wall of the play barn.
52. I do not doubt that adding 10 additional free-standing lights to those previously approved would be beneficial to the safety and convenience of users of the car park through increased lighting coverage as demonstrated by the External Lighting Report. Moreover, the evidence before me is that the appeal scheme would meet the guidelines within BS EN 12464-2:2014⁷, whereas neither the approved scheme nor the lighting which currently serves the car park would meet these standards.
53. Whilst these standards constitute best practice, they are not a legally mandatory requirement. Also, I have not been provided with any cogent evidence of actual incidents occurring within the car park where health and safety has been significantly compromised because of existing inadequate lighting.
54. Similarly, a reported increase in rural crime within the country does not provide demonstrative evidence that this is the case in respect of the appeal site locality, or that the site specifically has been the subject of criminal incidents.
55. There is no substantive evidence before me of an intensification of the shop, café, play barn and camping uses having taken place since the date of the previous appeal decision. Neither has there been an expansion of the car park such that it would necessitate the erection of additional lighting.
56. Nor is there demonstrative evidence, having regard to the interests of the local economy, that there have been any problems in respect of the efficient operation of the existing businesses because of inadequate external lighting.
57. With all the above in mind, I am not persuaded, based on the evidence before me, that the amount of external lighting now proposed is necessary for the continued effective running of the businesses on the appeal site, having regard to the health and safety of car park users and their security and that of the appeal site premises.
58. As such, I attach modest weight to the economic and community benefits of the development in terms of benefits to the efficient running of the existing appeal site businesses.
59. The lighting would be capable of being easily removed from the site, thereby returning the land to its original state of openness. However, this does not diminish the extent to which the development, when present on the site, would harm the spatial and visual openness of the Green Belt. As such, given the circumstances of the appeal scheme, I place limited weight on the remediable nature of the scheme.

⁷ Light and Lighting – Lighting of Outdoor Work Places – Part 2

Green Belt Balance

60. The scheme, the subject of Appeal B, represents inappropriate development in the Green Belt as defined by the Framework. The Framework indicates that this is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Moreover, the development results in a loss of visual openness, thereby adversely impacting upon one of the essential characteristics of the Green Belt and one of its main purposes of safeguarding the countryside from encroachment.
61. Very special circumstances will not exist, unless harm by reason of any inappropriateness and any other harm, is clearly outweighed by other considerations. Government policy dictates that, in carrying out the balancing exercise, substantial weight is to be given to any harm caused to the Green Belt.
62. I attach modest weight to the economic and community benefits of the development in terms of benefits to the efficient running of the existing appeal site businesses. I also attach limited weight to the remediable and potentially temporary nature of the development and to the planning history of the site in respect of the approved lighting.
63. I conclude that these, and all other considerations cited in support of the proposal do not clearly outweigh the substantial harm the development causes the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. As such, the development, the subject of Appeal B, conflicts with London Plan Policy G2 and Local Plan Policy SP8, which aim to protect the Green Belt against inappropriate development, as well as Chapter 13 of the Framework.

Conclusion

64. The developments the subjects of Appeals A and B conflict with the development plan taken as a whole and there are no material considerations, including the Framework, to suggest the decisions should be made other than in accordance with the development plan.
65. Therefore, for the reasons given above, I conclude that both Appeal A and Appeal B should be dismissed.

S Leonard

INSPECTOR