



Appeal Decision

Site visit made on 9 July 2024

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2024

Appeal Ref: APP/G5180/W/23/3327976

**Charmwood Farm, Charmwood Lane, Farnborough, Orpington, Kent
BR6 7SA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by G K Denniss against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/23/01844/FULL1.
 - The development proposed is described as new warehousing and associated offices.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the proposed development in the heading above has been taken from the planning application form. Part E of the appeal form states that the description of development has changed, and a different wording has been entered. However, 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.
3. Since the submission of the appeal a revised National Planning Policy Framework (the Framework) was published in December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issues

4. The main issues are:
 - i) whether the proposal would be inappropriate development in the Green Belt having regard to the development plan and the Framework, including the effect upon the openness of the Green Belt;
 - ii) whether the site is a suitable location for the proposed development having regard to local and national planning policy, in particular with respect to accessibility;
 - iii) the effect of the proposal on living conditions of existing occupiers; and
 - iv) if the proposal would be inappropriate development, 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 it.

Reasons

Whether or not the development would be inappropriate

5. The Government attaches great importance to Green Belts. Paragraph 143 of the Framework sets out the five purposes of the Green Belt. The fundamental aim being to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The construction of new buildings within the Green Belt are inappropriate development with the exception of development types listed in paragraph 154 of the Framework.
6. Policy 49 of the London Borough of Bromley Local Plan 2019 (BLP) states that planning applications within the Green Belt will be considered in line with the provisions of the Framework. Paragraph 152 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
7. The appellant contends that the proposal meets the exception listed at paragraph 154 g) of the Framework. This exception supports limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, provided it would not have a greater impact on the openness of the Green Belt than the existing development.
8. The Planning Practice Guidance (PPG) provides advice on the factors that can be taken into account when considering the potential impact of development on the openness of the Green Belt, with openness being capable of having both spatial and visual aspects.
9. The development plan does not define infill, nor is there a definition in the Framework. Whether the proposal would represent infill is a question of planning judgement based on an assessment of the site and its surroundings. The appeal site is located in the countryside, being situated beyond any defined settlement boundary. The site adjoins built development to its western and southern boundaries. To the east, beyond the galvanised steel boundary railings and landscaping, lies open fields and to the north, beyond the tree belt is the A21. Given the context of the site, I am not convinced that the proposal constitutes infill development.
10. The appellant submits that the appeal site has been used for open storage. However, I have no substantive evidence before me as to the extent and nature of storage uses. At my site visit, I observed an area of hardstanding and a modest single storey building, which the appellant describes as a temporary building and that it would be removed as part of any permission. Having regard to the footprint and volume of the proposed building, and the extensive areas of hardstanding for vehicular parking, even if I were to accept the development comprised infill, the proposal would have a significantly greater impact on openness than the existing. In this respect the proposal would reduce the spatial openness of the site.
11. I have considered the photographs submitted and visited the site and area. Whilst the appeal site benefits from a relatively high level of containment being located adjacent to a number of substantial buildings the proposed

development would be visible from glimpsed views from the west along Charmwood Lane. Obtainable views would largely be channelled down the access which lies to the south of the residential properties and from the rear gardens of existing dwellings that directly face the appeal site. There would also be glimpsed views from the A21 and the nearby public right of way to the east of the appeal site. However, due to the siting of the proposed development, it would be viewed against, and as part of, the existing cluster of buildings.

12. The proposal is of a design and scale similar to nearby buildings and the visual impact of the appeal proposal would be reduced as a result of its siting in broad association with the other buildings. The existing landscaping to its northern and eastern boundaries would provide some mitigation. However, it is noted that this lies outside of the appeal site boundary, and not indicated to be within the control of the appellant, and so cannot be relied upon in the long term. Should the trees be reduced in height, or be removed, the proposed development would become highly prominent in view.
13. Views of the appeal site would be localised, nevertheless, the introduction of a substantial building into an otherwise relatively open parcel of land, would inevitably have a greater impact on the openness of the Green Belt than the existing layout in both spatial and visual terms. As such, the change arising from the development would amount to harm to the openness of the Green Belt. Consequently, the scheme would not meet with the requirements of paragraph 154 g) of the Framework.
14. For the above reasons, the scheme would not meet with any of the Framework exceptions for the construction of a new building. Accordingly, the proposed development would comprise inappropriate development within the Green Belt and would not preserve openness. The proposal therefore fails to accord with Policy 49 of the BLP, Policy G2 of the London Plan (LP) and Section 13 of the Framework which collectively seek to prevent inappropriate development in the Green Belt. The harm to the Green Belt is a matter to which I attach substantial weight, as required by paragraph 153 of the Framework.

Location and accessibility

15. The development plan policies and Framework seek to actively manage patterns of growth and promote sustainable transport having regard to transport connectivity. These policies advocate that developments should be accessible, or capable of being made accessible, by a range of transport modes, including public transport, walking and cycling.
16. The proposal would not be within the settlement boundary or well-integrated with it. It is understood that the site has a PTAL 1a rating (on a scale where 0 has the poorest access and 6b has the best access to public transport services) indicating that the application site and the proposed development would be more dependent upon private transport such as the car or bicycle than on public transport thereby indicating a higher car dependency for its users and employees.
17. The proposal would have a B8 storage use, and the Transport Statement recognises that access is constrained for articulated lorries. Charmwood Lane, that connects the appeal site to the A21, is a narrow country road. It is unlit and devoid of a pavement. I observed Charmwood Lane to be lightly trafficked

at the time of my visit. Nevertheless, in the vicinity of the appeal site, the road is narrow and of a curved alignment and I consider pedestrians and cyclists would be vulnerable using the local highway, particularly when coupled with an increase in use by goods vehicles.

18. The appeal site is located a relatively short distance from the A21, which would need to be traversed to connect to the larger settlements, including Orpington which I understand to be approximately 4km away. It is understood that there are bus stops along the A21, and that the nearest railway station is 1.9km away.
19. There is dispute between the parties as to the level of traffic generation that would arise from the proposed development. However, given the nature of the proposed use, the limitations of the local roads and public transport to provide connectivity to larger settlements future users of the site, including employees, would likely have a high car dependency. Accordingly, the proposal would intensify the use of Charmwood Lane. Whilst I have no evidence to substantiate the assertion that accidents would increase, nevertheless, by reason of introducing further development at the site there would be an increase in the use of Charmwood Lane.
20. The appellant questions the relevance of Policy 30 of the BLP stating this is applicable to residential developments. The policy specifically sets out the residential parking standards and goes on to state that parking for all other types of development is to be provided at levels set out in the LP. From the evidence before me the proposed building would require up to 9no car parking spaces. However, the proposal would provide 20no car parking spaces and 2no disabled bays. This level of provision would significantly exceed the LP requirements and reinforces high car dependency. The appellant would be agreeable to a condition restricting the quantum of parking provision. However, given the proposed site layout includes areas of land that could be used for informal parking such a condition would not be reasonable and enforceable and therefore would not meet the Framework tests and guidance in the PPG.
21. I observed public footpaths in the vicinity of the appeal site, including a footpath running southeast across fields towards the village of Pratts Bottom. Access and navigation along the existing footpath network would likely be unrealistic throughout the year, particularly in inclement weather and the winter months, when light is poor in the early evenings compared to the summer months.
22. Having regard to the above the appeal site is constrained in terms of accessibility. The proposed development would not provide the opportunity to maximise the use of sustainable transport facilities, even when accepting that the site is in a rural location. Whilst conflict may be limited, nevertheless, conflict arises. Accordingly, in my view, the appeal site is not well located in terms of new economic development or the expansion of existing premises.
23. For the reasons stated above, the proposal would not be in an appropriate location having regard to local and national planning policy, in particular regard to its countryside location and accessibility. Accordingly, I find conflict with policies 30, 31 and 33 of the BLP and policies T3, T4 and T6 of the LP. Collectively, these policies seek to encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Similarly, I find

conflict with the Framework which seeks to promote sustainable patterns of development having regard to the accessibility of the development.

Living conditions

24. Residential properties are located to the west of the appeal site. I observed the rear elevation of these properties to face towards the appeal site and the presence of window openings. I also noted there to be a number of low-lying outbuildings close to the shared boundary.
25. The proposed development would be accessed via an existing gated access adjacent to Charmwood Farm House. An existing access track runs adjacent to No 2 Charmwood Cottage. From the evidence before me it would not be used as the primary access to the site. The appellant would be agreeable to a condition to restrict the use of this access solely for emergency access purposes. In the interests of minimising the impact of development upon the living conditions of the occupiers of this property, I see no reason why its use could not be restricted by planning condition if I were minded to allow the appeal.
26. Similarly, the hours of operation at the site could be conditioned in the interests of minimising the impact of the proposal on the living conditions of existing occupiers.
27. For the reasons stated, subject to the imposition of planning conditions, the proposal would not harm the living conditions of existing occupiers. The proposal would therefore accord with Policies 37, 83 and 119 of the BLP and Policies D4 and D14 of the LP which, amongst other things, seek to protect the occupiers of neighbouring buildings, ensuring they are not harmed by noise and disturbance. Similarly, I find no conflict with the Framework, which seeks to ensure that developments provide a high standard of amenity.

Other considerations

28. In advancing very special circumstances reference is made to the removal of a tall blue silo on immediately adjoining land. The appellant asserts this was a prominent and notable feature of the area that was visible from the A21, much of Charmwood Lane and local footpaths. Whilst this may have been so, at the time of my visit the silo was not *in situ*. From the evidence before me it is not clear whether the silo was used in connection with the site's former agricultural use, or the more recent industrial activities at the site. From the information before me the location differed to the appeal development and the proposed development is not comparable to the physical or visual mass of the silo. Accordingly, I attach very limited weight to the removal of the silo. Any minor benefit to openness from its removal does not outweigh the conflict with policy, as set out above, and the harm I have found.

Other Matters

29. It is recognised that the proposal gains support from policy 83 of the BLP which seeks the improvement to the quality and quantity of employment floorspace on sites containing existing industrial and related employment uses. However, as set out above, the development would be inconsistent with specific local plan policies governing development in the Green Belt, which weighs significantly against it.

30. The application does not address any particular business case or economic need as justification for the proposed development as very special circumstances. Nonetheless, the Framework supports all forms of economic growth. However, there is nothing to distinguish the potential job creation here compared with any other scheme. Accordingly, whilst there would be some social and economic benefits arising from the construction period and on-going once the premises are occupied these benefits carry limited weight.
31. The design of the proposed development, having regard to site's context and proposed materials, would be acceptable, including offering energy efficiency measures. I also note that the Council did not raise concerns in respect to a number of other matters, including whether the proposal would appear overbearing to existing residents, drainage and ecology. Based on the information before me, I see no reason to disagree. There would be no conflict with the development plan or the Framework in this regard. However, a lack of harm in these respects is neutral and weighs neither for, nor against the proposal.
32. Taking all these considerations into account, I judge that cumulatively the benefits and arguments in favour of approval merit moderate weight in favour of the appeal proposal.

Green Belt Balance

33. The proposed development would be inappropriate development in the Green Belt, which, by definition, is harmful. The Framework requires that the harm by reason of inappropriateness be given substantial weight, and that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
34. Whilst moderate weight is given to the benefits of the proposal, overall, the other considerations do not clearly outweigh the totality of harm to the Green Belt. Therefore, the very special circumstances necessary to justify the development do not exist.
35. Consequently, the proposed development conflicts with Policy 49 of the BLP, Policy G2 of the LP and the Framework which seek, amongst other things, to protect the Green Belt from inappropriate development.
36. The identified harm to the Green Belt provides a clear reason for refusing planning permission.

Conclusion

37. Although the proposal may comply with some policies, it would conflict with the development plan when read as a whole. In this circumstance the other material considerations do not indicate a decision otherwise than in accordance with it. This leads me to conclude that the appeal should be dismissed.

R Gee

INSPECTOR