



Appeal Decision

Site visit made on 22 August 2024

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2024

Appeal Ref: APP/G5180/W/24/3340767

Romney House, Luxted Road, Downe, Orpington, BR6 7JX

- 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 Mr & Mrs Locke against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/23/04101/FULL1.
 - The development proposed is Demolition of existing garage/office/workshop and cattery buildings. Erection of one dwelling with associated parking and works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. I invited the parties to consider whether the proposed reforms had relevance to this appeal and have taken account of their responses in my decision.

Main Issues

3. The main issues are;
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies,
 - The effect of the proposal on the openness of the Green Belt,
 - The effect of the proposal on the character and appearance of the area, and
 - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, whether these would amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether Inappropriate Development

4. The construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of exceptions set out in paragraphs 154 and 155 of the Framework. These exceptions include the limited infilling or the

partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development. Policy 49 of the London Borough of Bromley Local Plan (2019) (LP) reiterates paragraph 154 in relation to the redevelopment of previously developed land.

5. The appeal site forms part of the garden of Romney House, which lies to the east of Luxted Road. The appeal site and host dwelling form part of a small cluster of buildings along Luxted Road leading to Downe. The appeal site is located to the rear of the host dwelling and comprises an area of open garden with a number of small outbuildings, some being used as part of a cat rescues centre at the site, located predominantly to the northern boundary of the site. The appeal site and rear garden area, combined with the adjoining agricultural land create a gap in built form which reinforces the openness of the area.
6. Taking all circumstances together, because of the gap in development, the agricultural land and the rural characteristics of this part of Luxted Road, the appeal site has an affinity and association with the surrounding countryside.
7. Based on my findings above, the appeal site does not fall with a built-up area. However, the appeal site forms part of the residential garden of Romney House. Residential gardens which are not in built-up areas are not excluded from the definition of previously developed land contained within the Framework.
8. Paragraph 154 (g) of the Framework refers to the partial or complete redevelopment of previously developed land which would not have a greater impact on openness than the existing development. Therefore, it is necessary for me to consider openness.

Openness

9. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. It can be considered to be the absence of buildings and development. The appeal site forms part of the residential curtilage of Romney House. The proposed development would involve the demolition of approximately 12 structures. All but one of these structures are located adjacent to the northern boundary of the site, and whilst they vary in scale, are all single storey in height. The proposed development would therefore result in an approximate 22.6% reduction in floorspace and a 5.9% reduction in volume.
10. Whilst there would be a reduction in floorspace and volume, the existing buildings are inconspicuously located along the northern boundary. Their mix of scales and small gaps between them reduce their overall visual bulk. The location of the proposed dwelling is currently devoid of any buildings or structures. Whilst there would be an overall reduction in built form, the consolidation of built form into one dwelling, its location in a more conspicuous location centrally in the garden, and the associated infrastructure and domestic paraphernalia would unavoidably reduce the openness of the Green Belt in both spatial and visual terms.
11. As a result, the appeal scheme would unacceptably reduce the openness of the Green Belt, giving rise to further harm. Consequently, it would conflict with the

aims of LP Policy 49 and London Plan Policy G2 which seeks to protect the openness of the Green Belt from inappropriate development.

Character and Appearance

12. The appeal site lies behind Romney House, which fronts on to Luxted Road. The site is bound by agricultural land and residential properties, namely Flora Cottage and Greenacres as well as a scout building. It would be accessed via a driveway which currently serves Romney House, Greenacres and the scout building. The wider area comprises a mix in density, albeit dwellings are largely detached and semi-detached housing, of a variety of designs. Surrounding development mostly follows established building lines and generally have a presence within the street scene. However, there are nearby examples of dwellings constructed to the rear, without a street frontage.
13. The proposed dwelling would be single storey, it would therefore not appear prominent in views from the surrounding area. In glimpses of the proposed development from Luxted Road and the access track it would largely appear in the context of a small cluster of dwellings. Whilst the dwelling would be of a contemporary design, the use of timber cladding and a grass roof would echo material seen in the wider area.
14. Whilst it would be located to the rear of Romney House, other examples of similarly located dwellings are noted in the wider area. As such, a dwelling in this location would not be out of character with the wider area.
15. The proposed development would not therefore have a harmful impact on the character and appearance of the area. The appeal scheme would therefore comply LP Policies 3 and 37 and London Plan Policies D3 and D4 which seek, amongst other things, to ensure that developments do not have an unacceptable impact upon the character of an area.

Other Considerations

16. The Council can only demonstrate a 2.69-year supply of housing and the proposal would provide a single dwelling.
17. The appellant has referred me to a certificate of lawfulness¹ for a single storey outbuilding on the appeal site. The outbuilding would be located to the east of the proposed dwelling. As the outbuilding has a certificate of lawfulness, I consider this to be a fall back that has a more than theoretical prospect of being developed.

Other Matters

18. The appellant has drawn my attention to other appeal decisions² where a reduction in volume has been considered. Whilst I have not been provided with full details of these cases these appear to relate to larger housing schemes where the reduction in floorspace was considerable and they introduced wider benefits in terms of improving openness and landscaping. As such, these are not directly comparable to this appeal. In any event I have determined this appeal on its own merits.

Planning Balance

¹ DC/22/03309/PLUD approved 21 October 2022

² APP/G5180/W/16/3155275, APP/G5180/W/18/3206947/9 and APP/G5180/C/10/2142478/80

19. The proposal would be inappropriate development in the Green Belt, which, by definition, is harmful. To this must be added further moderate harm arising from the loss of openness, and from being contrary to the purposes of including land within the Green Belt. The identified harms must be afforded substantial weight, and planning permission should only be granted if very special circumstances have been demonstrated. Very special circumstances can only exist if the harm identified is clearly outweighed by other considerations.
20. The Council can only demonstrate a 2.69-year housing land supply and the provision of a single dwelling would help meet housing needs. However, as the proposal is only for a single dwelling the benefit is limited by its scale. I can only afford this moderate weight.
21. The certificate of lawfulness at the site would provide a modest single storey outbuilding. It would not be located in the same location as the proposed dwelling, albeit it would be located in an area of undeveloped land. However, it would also be considerably smaller than the proposed development and would not introduce a second dwelling and associated infrastructure and paraphernalia. I consider that the fall back is less harmful than the proposed development and I can therefore only give this limited weight.
22. I find that these other considerations are not of sufficient weight to clearly outweigh the substantial harm to the Green Belt by reason of inappropriateness and effect on openness and Green Belt purpose. As a result, very special circumstances do not exist.

Conclusion

23. For the above reasons, the appeal should be dismissed.

Tamsin Law

INSPECTOR