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# Appeal Decision

Site visit made on 29 October 2024

**by M Ollerenshaw BSc (Hons) MTPI MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 26 November 2024**

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**Appeal Ref: APP/D5120/W/24/3343777**

**Homewood Stud Farm, 89 North Cray Road, Sidcup DA14 5EP**

- 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 Jackaman against the decision of the Council of the London Borough of Bexley.
  - The application Ref is 23/03326/FUL.
  - The development proposed is change of use of the ground floor west building from stables (Class Sui Generis) to residential (Class C3) and the removal of the external staircase to the first floor flat and its replacement with an internal access and change of use in the east building of the remaining stables (Class Sui Generis) to residential (Class C3).
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## Decision

1. The appeal is allowed and planning permission is granted for change of use of the ground floor west building from stables (Class Sui Generis) to residential (Class C3) and the removal of the external staircase to the first floor flat and its replacement with an internal access and change of use in the east building of the remaining stables (Class Sui Generis) to residential (Class C3) at Homewood Stud Farm, 89 North Cray Road, Sidcup DA14 5EP in accordance with the terms of the application, Ref 23/03326/FUL, subject to the conditions set out in the attached schedule.

## Procedural Matters

2. The Council says that there is no record of permission for the 'existing dwelling' indicated on the plans between the western building and the pole barn. It is not within the scope of this appeal to determine the lawfulness of this dwelling. As it is proposed to be removed, it does not prejudice consideration of the appeal.
3. As part of the appeal the appellant submitted an amended plan detailing roof lights to the eastern building and an indicative landscaping scheme. These plans were not before the Council at the time of the planning application. However, they do not fundamentally change the proposal. The Council had the opportunity to comment on them as part of their appeal submission. Therefore, my acceptance of these plans would not result in procedural unfairness to any party.

## Main Issues

4. The main issues are:
  - whether the proposal would be inappropriate development in the Green Belt having regard to the development plan and the National Planning Policy Framework (Framework);

- whether the proposal would provide satisfactory living conditions for future occupiers, with particular regard to outlook, privacy, external amenity space and fire safety; and,
- the effect of the proposal on the character and appearance of the area.

## **Reasons**

### *Whether inappropriate development*

5. The appeal site comprises stable buildings, a first floor flat above the western stable block, and horse exercise areas. It is accessed via a private access track from North Cray Road. The stables are arranged around a courtyard with a gated access on the southern side. The site is within the Metropolitan Green Belt.
6. Policy SP8 of the Bexley Local Plan (2023) (Local Plan) and Policy G2 of the London Plan (2021) seek to protect the Green Belt from inappropriate development. Framework paragraph 152 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
7. Although the site is outside the borough's Sustainable Development Locations, this does not mean that the proposal would be inappropriate development in the Green Belt. Indeed, Local Plan Policy SP2 indicates that sensitive residential intensification outside the Sustainable Development Locations will be permitted subject to Policy SP1 (part 4), with the latter stating that proposals will be supported where they fully demonstrate compliance with all relevant development plan policies.
8. Framework paragraphs 154 and 155 indicate certain forms of development that are not inappropriate in the Green Belt. One of these exceptions is the re-use of buildings of permanent and substantial construction, provided this would preserve the openness of the Green Belt and not conflict with the purposes of including land within it. Another exception of relevance to the appeal proposal is the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development.
9. The appeal proposal involves the re-use of the eastern and western stables. Both are of permanent and substantial construction. Therefore, the proposal would not be inappropriate development, provided it would preserve the openness of the Green Belt and not conflict with the purposes of including land within it.
10. New glazing, lighting, domestic paraphernalia and car parking would result from the proposed change of use. However, these would be limited in extent, and the site is very well contained. There is already some activity on the site and adjoining areas due to the livery stables and existing first floor flat, with associated vehicle movements and lighting. Furthermore, there are other dwellings and a large car park nearby, and the Council has recently granted permission for a new dwelling on the site. The proposed external alterations to the buildings would create very limited additional volume which would be offset by the removal of the 'existing dwelling' and the external staircase to the western building. Consequently, the proposal would not be visually intrusive and there would be no encroachment into the countryside.

11. For the above reasons, I conclude that the proposal would preserve the openness of the Green Belt and there is no conflict with any of the purposes of including land within it. Therefore, the appeal scheme would not be inappropriate development in the Green Belt. There is no conflict with London Plan Policies H1, H2 and G2 and Local Plan Policies SP1, SP2, SP8 and DP1. Amongst other things, these policies seek to protect the Green Belt from inappropriate development and promote sustainable development and the supply of housing.
12. Since the proposal does not represent inappropriate development in the Green Belt, there is no need to consider whether there are any very special circumstances in this case.

#### *Living conditions*

13. The proposed accommodation in the eastern building would be dual aspect. It would contain habitable room windows adjacent to and directly facing the horse exercise area. These windows, though quite small, would provide some outlook from the rooms which would also be served by roof lights, and some would also have an outlook onto the courtyard. The high-level position of the windows on the eastern side, and the limited hours of use of the horse exercise area, would ensure sufficient levels of privacy to these rooms. Consequently, this unit would provide an acceptable overall standard of accommodation.
14. The appellant has indicated how the courtyard would be subdivided with low level walls, fencing and hedges to provide external amenity space for the new dwellings, together with a bin and bicycle store near the gated entrance. The amenity areas would be small, but sufficiently private and functional spaces.
15. London Plan Policy D12 requires the highest standards of fire safety to be provided. Part B of that policy requires a fire statement as part of major development proposals. Although the proposal is not a major development, in response to the Council's fourth reason for refusal the appellant has submitted a fire statement which shows that the proposal takes into account fire safety and sets out the fire safety measures to be incorporated into the scheme. I consider that the proposal would be able to achieve suitable fire safety measures and the final design would be subject to Building Regulations.
16. For the above reasons, I consider that the proposal would provide satisfactory living conditions for future occupiers, having regard to outlook, privacy, external amenity space and fire safety. Therefore, it complies with London Plan Policies D6 and D12 and Local Plan Policies DP2 and DP11 which, amongst other things, seek to ensure that development is of high-quality design and provides comfortable, functional layouts and sufficient private amenity space.

#### *Character and appearance*

17. The surrounding area is distinctly rural in character. It is interspersed with occasional dwellings and associated buildings. While the existing stables on the site are substantial structures, their general form and materials are sympathetic to the rural landscape.
18. Given that the site is already partly in residential use and laid to hardstanding, the provision of small curtilages for the new dwellings, and the paraphernalia associated with residential occupation, would have a very limited urbanising effect on the character of the area. The conversion of the buildings would be sympathetic. New windows and doors in both buildings to facilitate the change of

use would change the appearance of the buildings but would not be a discordant element given the presence of other dwellings in the vicinity. Furthermore, the site is well contained and does not appear to be visible from public vantage points. Moreover, the removal of an existing building and the external staircase would arguably improve the appearance of the site.

19. I conclude that the proposal would not be harmful to the character and appearance of the area. It does not conflict with Local Plan Policy SP5, which seeks to ensure that development is of high-quality design which contributes positively to the local environment and character.

### **Conditions**

20. I have had regard to the conditions suggested in the Council's statement. In addition to the standard implementation condition, I have imposed a condition specifying the relevant plans as this provides certainty. Conditions requiring the submission and implementation of a landscaping scheme, together with the use of matching external materials, are necessary in order to safeguard the character and appearance of the area. I have also included a condition requiring details of the parking area serving the development, in the interests of highway safety.

### **Conclusion**

21. The proposal complies with the development plan as a whole. There are no material considerations to indicate that a decision should be taken other than in accordance with it. Therefore, I conclude that the appeal should be allowed.

*M Ollerenshaw*

INSPECTOR

## **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: HSDD-0247-003 rev A: Existing Site Location Plan; HSDD-0247-015 rev B: Ground Floor Part Courtyard Plan; HSDD-0247-015 rev C: West Building Proposed Elevations and Plans; and HSDD-0247-016 rev B: East Building Proposed Elevations and Plans.
- 3) The external materials to be used in the construction of the development hereby permitted shall match those used in the existing buildings.
- 4) Prior to the first occupation of the dwellings hereby permitted, details of the parking area shall be submitted to and approved in writing by the local planning authority. The parking spaces shall be provided in accordance with the approved details prior to the first occupation of the development and shall thereafter be retained for their designated purpose.
- 5) Prior to the first occupation of the dwellings hereby permitted, a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of the species, size and density of proposed new planting; external amenity areas including boundary treatments; biodiversity enhancements; refuse and cycle storage facilities; and external lighting. The details approved shall be provided and completed in accordance with this condition prior to the first occupation of the development, with the exception of new planting which shall be provided in accordance with this condition prior to the end of the first planting season following completion of the development and maintained for a period of five years from the date of planting. Any new planting which dies, is severely damaged, becomes seriously diseased or is removed within that period shall be replaced by planting of a similar size and species to that originally planted.