
Appeal Decision

Site visit made on 2 April 2025

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 May 2025

Appeal Ref: APP/D5120/W/24/3350390

Land Between 35 and 37 Monterey Close, Bexley DA5 2BX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr I Stevenson of RES Construction Ltd against the decision of the Council of the London Borough of Bexley.
 - The application Ref is 24/01002/OUT.
 - The development proposed is outline application with matters reserved relating to appearance, landscaping, layout and scale with access to be determined for the erection of up to two dwellinghouses with a maximum height of 2-2.5 storeys
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is submitted in outline with the matters of scale, appearance, landscape and layout reserved for future consideration. I have therefore treated all plans, other than those relating to access as illustrative.
3. The description of development as found on the decision notice is different to that given on the application form. The description on the decision notice refers to the number of dwellings proposed and their height. Both parties were requested to confirm this change. Following this confirmation, I have utilised the description of development as found on the decision notice, as this provides accurate detail of the proposed development.
4. A revised National Planning Policy Framework (the Framework) was published after this appeal was made. Comments were requested from both parties on the changes from the previous Framework, insofar as it relates to this appeal. I have considered any comments received in addition to the evidence initially provided in the appeal.

Main Issues

5. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt having regard to the Framework and any development plan policies, including any relevant effects on the openness of the Green Belt; and,
 - if inappropriate, whether any harm by reason of inappropriateness would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether it is inappropriate development in the Green Belt

6. The appeal site is in the Green Belt. Paragraph 154 of the Framework notes that the construction of new buildings in the Green Belt should be regarded as inappropriate. Several exceptions are listed in Paragraph 154. The appellant suggests that the appeal proposal would meet the exception in Paragraph 154 (g) of the Framework. This exception is concerned with limited infilling or the partial redevelopment of previously developed land. The exception cited under Paragraph 154 (e), which refers to limited infilling in villages, is also cited by the appellant.
7. Policy SP8 of the Bexley Local Plan Part 1 2023 (LP) notes that green infrastructure will be protected, enhanced, restored and protected. This will be achieved by protecting the Green Belt from inappropriate development. Policy G2 of The London Plan 2021 states that development in the Green Belt should be refused except where very special circumstances exist, subject to the Framework tests. Both policies note that the Green Belt should be protected from inappropriate development in accordance with the Framework tests.

Paragraph 154 (e) of the Framework

8. The Framework does not define 'limited infilling' and is therefore a matter of planning judgment. The proposal consists of the provision of two residential properties. Therefore, this would be limited. The appeal site was previously a section of the garden area for No. 37 Monterey Close. It is bound by residential properties on two sides and an access track to its front. The proposal for two dwellings, bound by these existing residential properties and the access track to the front, is therefore limited by the modest scale of the plot and the development which surrounds it. As such, I conclude that the development under consideration would constitute limited infilling.
9. In consideration of if the site is within the village, the Framework does not provide a definition of 'village' and therefore, this is also a matter of planning judgement. Notwithstanding defined map boundaries, the boundaries of such diverse settlements are in many instances subjective.
10. The appeal site is located behind a row of two-storey dwellings on Monterey Close. This row of two-storey dwellings has created a defined boundary through their strong boundary treatments to the rear of these properties. Access to the appeal site is provided through a small gap between this row of properties from Monterey Close. The character here changes from that of a typical suburban housing estate to that of a more rural and secluded character, despite their close distance to each other. This is due to the provision of a confined access track, the siting of defining boundary treatments such as high fences to the properties on Monterey Close which define this suburban estate, the surrounding open fields and strong collection of trees in this location. As such, these defining elements separate the appeal site from Monterey Close and its suburban character.
11. The appellant has drawn my attention to several shops and services in the vicinity. Whilst they may be reached by bus, the closest bus service and the services cited by the appellant are physically separated from the appeal site by a significant distance. As such, the combination of the location of the appeal site and its

distance from local shops and services does lead me to conclude that the appeal site is not located within or have a functional relationship with a village.

12. In reaching this view I have had regard to an appeal decision in Gravesham in the assessment of this matter, as provided by the appellant. Particularly, that under the exception noted at Paragraph 154 (e) of the Framework, there is no further requirement to assess openness. This is correct. However, I have found that the appeal site in this particular case would not be in a village. A further appeal decision is cited at Badgers Mount. This site is a significant distance from the appeal site. Every decision is made on its own merits and whilst this decision has been provided, I cannot ascertain any similarities of this case to the appeal proposal due to the absence of a set of approved plans.
13. Collectively, I conclude that the appeal site does not immediately have a functional relationship with the village. The site is not located in a village and would therefore not benefit from the exception in Paragraph 154 (e) of the Framework.

Paragraph 154 (g) of the Framework

14. This exception requires that development in the Green Belt should be regarded as inappropriate unless it is a proposal for limited infilling or the partial or complete redevelopment of previously developed land (PDL), which would not cause substantial harm to the openness of the Green Belt. The parties agree that the site should be regarded as PDL and on the evidence before me, I have no reason to take a different view.
15. I now turn to the effect of the development on openness. This is an essential characteristic of the Green Belt which can have spatial as well as visual aspects. The proposal would create two new dwellings in an area of land where, despite this being considered as PDL, there is none. As such, the creation of an additional built footprint, across two dwellings would have implications on the spatial dimension of openness in purely numerical terms.
16. In visual terms, due to the absence of elevation details of the proposed buildings, I cannot ascertain the specific visual implications of the appeal proposal. The appeal is made in outline. As such, at this stage, I must consider whether the plans submitted show acceptable details due to the matters which are reserved. Whilst it does not provide an accurate proposal for the appearance, layout, scale and landscaping it is highly likely that the buildings proposed could only be expressed in a limited number of ways and would be based on the submitted drawings.
17. Despite being situated between two neighbouring dwellings, the appeal site is bound by significant woodland areas, a large field to the north, and numerous fields in the wider area. There is a clear perception and appreciation of the openness of this part of the Green Belt in spatial and visual terms. Whilst there is a presence of neighbouring properties in this immediate area, these buildings are single storey, with living accommodation within the roof. Due to this low height, these buildings are not immediately noticeable. At a height of up to 2.5 storeys, these proposed dwellings would stand above their immediate neighbours. As such, these properties would result in a visual urban encroachment into the Green Belt with two buildings of a significant size.
18. The appellant suggests that these heights would be a maximum, and the height of any dwellings could be conditioned to a restricted height which could inform the

reserved matters application. However, in my view of this suggestion, this would permit a height which would still be harmful.

19. Consequently, the overall likely size and scale of the buildings would reduce the openness of the Green Belt in this particular location to such an extent that the proposal would cause substantial harm to the openness of the Green Belt and would not therefore benefit from the exception in Paragraph 154 (g).

Paragraph 155 of the Framework

20. Paragraph 155 also notes that the development of homes in the Green Belt should not be regarded as inappropriate where the development meets all of the criteria set out under four bullet points. In this appeal, housing is proposed. Neither party has set out the housing land supply position of the Council in this appeal. Therefore, I cannot conclude whether there is a demonstrable unmet need for the type of development proposed, as required by Paragraph 155 (b). It follows that as set out in Footnote 56 of the Framework, there is not a demonstrable unmet need for the type of development proposed. This criterion is not therefore met and the appeal proposal would be inappropriate development.

Conclusions on Inappropriate Development

21. To conclude, on the evidence before me and through my own observations, the proposal would not meet any of the exceptions within Paragraphs 154 and 155 of the Framework and therefore would be inappropriate development. Therefore, the proposal would constitute inappropriate development in the Green Belt and as a consequence, would therefore conflict with the Framework. The proposal would also conflict with Policy SP8 of the LP and Policy G2 of the London Plan.

Other considerations

22. The proposal would be inappropriate development in the Green Belt. Substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations as set out at Paragraph 153 of the Framework.
23. The scheme would provide an additional two dwellings to the supply of housing. There would be some modest construction and ongoing economic and social benefits from two dwellings. These other considerations would not clearly outweigh the harm to the Green Belt by reason of its inappropriateness. Consequently, the very special circumstances necessary to justify the proposed development do not exist.

Conclusion

24. The proposal would conflict with the development plan when read as a whole. Material considerations, including the Framework, do not indicate that the decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

J Smith

INSPECTOR