



Appeal Decision

Site visit made on 29 April 2025

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 20 June 2025

Appeal Ref: APP/G5180/W/24/3354946

12 Cudham Park Road, Cudham, Bromley, Sevenoaks TN14 7RE

- 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 J Vemaak (Spiritual Planet) against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/22/00716/FULL1.
 - The development proposed is the demolition of existing stable buildings and erection of a single storey storage and studio/workshop utilising existing access driveway and parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- whether or not the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- the effect of the development on the openness of the Green Belt;
- the effect of the proposed development on the character and appearance of the area, including the suitability of the access to accommodate the new use, and
- whether or not the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether or not inappropriate development in the Green Belt

3. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
4. The construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of exceptions set out in paragraph 154 of the Framework. One such exception, at paragraph 154 g), is the 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. As a result of updates to the Framework, Policy 49 of the Bromley Local Plan 2019 (the BLP) no longer directly aligns with this approach. I therefore give greater weight to the Framework than to this policy.

5. The appeal site falls within the Metropolitan Green Belt. The proposed development involves the demolition of two disused stable buildings and a hay store to construct a single-storey building for the business, Spiritual Planet, which sells hand-selected crystals. The new building, for storage, packaging, and remote client interaction, would have a mixed Class E/B8 use. It is understood that this business has been operating from the main property for the last three years. The appeal site also includes a shed and a sand school, with access via a tarmacked track around the house.
6. In part, the definition of PDL, as set out in Annex 2 of the Framework, refers to land which has been lawfully developed and is, or was, occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed).
7. I am satisfied that the appeal site is PDL as the boundaries of the site appear consistent with the former use of the stables and it is within the curtilage of the developed land. The parties also agree that the appeal site constitutes PDL. Accordingly, whether the proposal would constitute inappropriate development will depend on whether or not it would cause substantial harm to the openness of the Green Belt as set out in paragraph 154 g) of the Framework.

Openness

8. The Planning Practice Guidance (PPG) states that assessing the impact of a proposal on the openness of the Green Belt requires a judgement based on the circumstances of the case. It outlines several matters that may need to be taken into account when making this assessment, including - but is not limited to - the spatial and visual aspects of the proposed development. Other relevant considerations may include the duration of the development, its remediability and the degree of activity likely to be generated, such as traffic generation.
9. The plans indicate that the existing stable buildings have an approximate gross internal area (GIA) of 133.7 sq m, a gross external floor area (GEA) of 185.1 sq m, and a volume of 434 cu m. They also show that the proposed single-storey building would have an approximate GIA of 123.7 sq m, a GEA of 137.8 sq m and a volume of 378.9 cu m. Additionally, the proposed building would also be around 0.5 metres lower in height than the existing structures. Although they disagree on the specific figures, it is not in contention between the parties that the proposed development would result in a reduction in GIA, GEA and volume. While the overall area of hardstanding would increase, the reduction in built form would, in my judgement, result in a minor spatial improvement to openness. Visually, the effect on openness would, I consider, be neutral, as the reduced built form would be consolidated into a single and more bulky structure rather than dispersed across two separate blocks.
10. It is not disputed between the parties that the business activities of Spiritual Planet are currently conducted within the main dwelling, and the stables are presently considered part of the overall recreational use of the site. The proposed development would result in a physical expansion of the business use beyond the

main property and entail the redevelopment of the recreational stable use into a mixed Class E (administration, packing products, zoom calls) and B8 (small parcel distribution and storage) use.

11. As a physically detached and self-contained building with its own independent access and capacity for several workspaces, the unit could, in principle, be severed from the residential use of the main dwelling and operated independently, including by third parties. Although it may not be the intention at the present time, as a permanent, purpose built and readily useable building, the proposed development could accommodate a wide range of business activities in the future. The scale and nature of the proposed activities could be difficult to effectively control, with particular regard to the part Class B8 use. This use has the potential to generate a significant increase in comings and goings, including vehicle movements, on-site parking demand, and general operational activity. Collectively, this would result in a level of activity that would be likely to materially harm the openness of the site and its surroundings. Given the size of the building, I consider that the harm to openness arising from the use of the appeal site could be quite significant.
12. I recognise that the appellant has sought to address these concerns through the use of planning conditions, including a suggestion that the use of the proposed development could be tied to the occupiers of the main dwelling. This approach seeks to address the limitation set out in the PPG, which states that a condition limiting the benefit of the permission to a company is inappropriate, because its shares could be transferred to other persons without affecting the legal personality of the company. However, the PPG does acknowledge that, in exceptional occasions, development that would not normally be permitted may be justified on planning due to the personal circumstances of the intended occupier - for example, where an identified exceptional need has been demonstrated.
13. However, notwithstanding the personal benefits regarding convenience and transport, I am not satisfied that sufficient justification has been provided to demonstrate an exceptional need for the proposed development in this location. The proposal seeks approval for a permanent building with a separate vehicular access, and the personal circumstances of the current occupiers will likely change over time. Furthermore, the business use of the appeal site is neither related to the recreational equestrian use nor ancillary to the residential use, and it could operate independently.
14. The appellant's appeal statement confirms that they already occupy an industrial unit in Farningham, which serves as the main storage location for the business, where larger shipment import deliveries are received, processed and unpacked. The fact that the business has operated for several years from an alternative location further undermines the justification and reasonableness for imposing a personal condition. On this basis, such a condition would not meet the tests for conditions set out in the Framework. Accordingly, it is reasonable to consider that the use could, particularly in the future, operate as a separate entity.
15. Drawing these matters together, the construction of the building in itself, following the demolition of the stables, would result in a minor spatial improvement to openness. However, this would be more than offset by the effects of the use of the building. The proposed mix of Class E and B8 uses in a purpose built structure of this size would likely generate activity, deliveries and parking at an appreciable and significant level that, in my judgement, would be harmful to openness. The PPG

explains that the degree of activity likely to be generated, such as traffic generation, is a legitimate concern when assessing openness. I agree with the Council that, even taking into account the spatial benefits from the smaller volume of built form, there would still be substantial harm to the openness of this part of the Green Belt.

16. Consequently, I conclude that the proposed development would cause substantial harm to the openness of the Green Belt, contrary to paragraph 154 g) of the Framework, such that it would not meet this exception. There is no suggestion that it would meet any other exception in the Framework and consequently the development would represent inappropriate development, which by definition is harmful to the Green Belt. In this regard, it would also fail to comply with Policy 49 of the BLP and Policy G2 of The London Plan 2021 (TLP).

Character, Appearance and Suitability of access

17. The stable buildings on the appeal site are currently disused but are considered part of the site's overall recreational use, associated with the residential property. The stables consist of loosely arranged timber buildings across two blocks and are comparatively modest but subordinate to the main dwelling. Their form is typical of development in the surrounding area, assimilating well into the landscape and reflecting the rural character of the setting. They are enclosed by mature landscaping along the site's boundaries and are positioned at a distance from neighbouring residential properties, with the main dwelling acting as a buffer. The limited development on the appeal site to date contributes to a pleasant and rural environment.
18. The proposed development would be a single, rectangular building with a very shallow pitched roof. It would feature metal roof cladding with a truss roof system, smooth rendered walls, large roller shutter doors, double-glazed windows, and a facing brickwork plinth. This gives it a distinctly commercial appearance, particularly in terms of form, scale, and materials, which would be markedly different from other development in this rural area. In particular, the roof form would appear as an incongruous and untypical feature.
19. Although the building would have limited visibility from public viewpoints, being sited behind the main dwelling and accessed via a gated track, it would nevertheless have some visitors or workers from time to time. In any case, the lack of visibility is not a justification for poor design. The Framework, for instance, explains that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. This is reinforced by Policy 37 of the BLP which states that development should complement the scale, proportion, form, layout and materials of adjacent buildings and areas.
20. The functional and generic appearance of this business building would not be sympathetic to the character of the area and would appear as an imposition harming this rural location. It would appear distinctly commercial in form, scale, and materials and would contrast sharply with the existing loosely arranged timber stable buildings, which currently assimilate well into the landscape and reflect a local vernacular. This commercial intrusion would erode the contribution that the appeal site makes to the open, rural character of the countryside and would result in a harmful change in character and built form.

21. It is acknowledged that the site benefits from good accessibility to the A21 and the M25, which might be convenient for the proposed business use. However, Cudham Park Road is an unmade, unadopted road whose maintenance is the responsibility of local residents. These residents have already raised objections citing frequent visitors, increased traffic, large lorries, and significant damage to Cudham Park Road's surface. The Highway Authority has raised similar concerns, noting that the unmade road and the condition of the right of way appear unsuitable for an increase in traffic, particularly large vehicles. The risk of future intensification, particularly under an unrestricted Class E or Class B8 use, presents a significant issue. Such uses would likely introduce a greater volume of commercial activity and vehicle movements, which would be out of keeping with the rural and residential character of the area.
22. In conclusion, the proposed development would cause unacceptable harm to the character and appearance of the surrounding area. It would not reach an appropriately high standard of design, contrary to Policy 37 of the BLP. It would also not provide a sympathetic form of access for the proposed uses of the building and the likely related activity would in turn cause harm to the amenity of the area. As a consequence, this would not reflect and be integrated with current and planned transport access, capacity and connectivity, contrary to Policy T4 of the TLP.
23. The Council also cites conflict with Policy 31 of the BLP and Policies T3 of the TLP, which relate respectively to relieving Congestion and Transport capacity, connectivity and safeguarding. However, these policies are primarily concerned with the provision of public transport, and limited wording has been identified that directly relates to this main issue. Accordingly, these policies have not been referenced in this conclusion.

Other considerations

24. The appellants have referred to three other developments in support of the proposal: Forkways, Rock Hill, Orpington (15/01097); Eden fields, Farthing Street, Downe (20/01510/FULL1); and Snag Farm, Snag Lane, Cudham (DC/21/02230/FULL1). However, each of these permissions relates to the demolition of existing stable buildings and the construction of residential dwellings. The impact on openness arising from residential development is likely to be materially different from that associated with the introduction of a mixed Class E/B8 commercial use, as proposed in this case. In particular, the current proposal would introduce a new commercial element into what is otherwise a predominantly residential and rural area, raising distinct openness concerns.
25. Additionally, regarding Forkways, this decision was made on 19 May 2015, before subsequent revisions to the Framework, the BLP, and the TLP. As such, it was determined within a significantly different planning policy context. At Eden Fields and Snag Farm, no concerns were raised about the condition or suitability of the road for increased traffic. However, the situation here differs due to effects on the area's character and the upkeep of the unadopted road. Accordingly, I am not satisfied that the circumstances in these cases are sufficiently similar to the appeal before me and so ascribe them only limited weight in support of the present proposal.

Other Matters

26. The appellants consider that there were significant delays in determining the application, due to the replacement of the Council's case officer. While I understand the points that are being made, this is not a matter for my consideration in terms of the planning merits of the proposal at appeal.

Green Belt Balance

27. I have concluded that the proposal would be inappropriate development and would therefore, by definition, be harmful to the Green Belt. I have also found that the proposal would cause substantial harm to the openness of the Green Belt. These are matters to which I give substantial weight as required by paragraph 153 of the Framework. I have additionally found that the proposal would cause harm to the character and appearance of the area, including with the use of the access. These matters weigh heavily against the development.
28. Nevertheless, significant weight is given to the objective of supporting economic growth and productivity, as outlined in paragraph 85 of the Framework. Paragraph 88 further supports the sustainable growth and expansion of all types of business in rural areas. It is acknowledged that the proposal would assist the operation of an existing business, generating associated economic and social benefits. However, paragraph 89 emphasises that development should be sensitive to its surroundings, which the proposed development fails to achieve. As such, these identified benefits do not outweigh the substantial harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. As such, the proposed development would be contrary to the Framework. It would also conflict with Policy 49 of the BLP which sets out that the Green Belt should be protected against inappropriate development.

Conclusion

29. The proposal conflicts with the development plan taken as a whole and material considerations do not indicate that the appeal should be determined other than in accordance with it. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

S Lo

INSPECTOR