



Appeal Decision

Site visit made on 26 March 2025

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 June 2025

Appeal Ref: APP/G5180/W/24/3351847

Woodlands Kennels & Cattery, Grays Road, Westerham, Bromley TN16 2HU

- 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 P Saladas against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/23/04114/FULL1.
 - The development proposed is demolition of existing kennels, cattery and outbuildings and erection of two single storey dwellings with associated parking and bin stores. Formation of a new access.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of this application a revised National Planning Policy Framework (The Framework) has been published. The main parties have been given the opportunity to comment on any implications, and I have determined the appeal on the basis of the submissions received overall.

Main Issues

3. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies;
 - The effect on openness;
 - The effect of the proposal on the character and appearance of the area, including the Kent Downs National Landscape; and
 - Whether any 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.

Background

4. The proposal involves the removal of a range of outbuildings at the site, and the erection of two new dwellings, along with access arrangements. My attention has been drawn to a previous appeal for comparable development at the site¹. This considered, amongst other things, whether the site is previously developed land for the purposes of Green Belt policy. The previous Inspector found no evidence it

¹ Appeal Ref: APP/G5180/W/23/3326041.

was not. I shall determine this appeal on the same basis, as I have been given no cause to do otherwise.

5. The outbuildings at the site, mainly related to its former use as a kennels and cattery, are material to several aspects of this appeal. Whilst I shall address each in turn below, it is useful to record at the outset that the outbuildings are largely disused now, and that the business they supported has ceased.

Reasons

Whether inappropriate development; Openness

6. The site is in the Green Belt. Paragraph 153 of the Framework states that development therein is inappropriate save for certain exceptions. These include, at 154(g), the partial or complete redevelopment of previously developed land where it would not *cause substantial harm* to the openness of the Green Belt [my emphasis] and, at 155, the utilising of grey belt land subject to the criteria set out thereafter.
7. The development plan comprises the Bromley Local Plan (2019) and the London Plan (2021). For the purposes of this appeal, the pertinent development plan policies differ from the Framework insofar as they support the partial or complete redevelopment of previously developed land which would not *have a greater impact* on the openness of the Green Belt and have no equivalent to the provisions of paragraph 155. In these respects, I therefore attach greater weight to the policies of the Framework.
8. Turning first to the exception at paragraph 154(g); Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. The Council does not contest that the proposal would reduce the volume, gross external area, and footprint of buildings at the site by some 4.3%, 25.3%, and 25.3% respectively. In terms of the spatial aspect, the proposal would not cause substantial harm to openness.
9. In terms of the visual aspect the existing condition of the site, insofar as it contributes to openness, is pertinent. The site dwelling is a simple bungalow. It is visible from the road, as is a double garage to the side of it, hardsurfacing to the front, and two points of vehicular access. Even so, overall, the site appears only modestly developed.
10. This is due to several key features; A tall, dense bank of greenery screens the site from the road, such that the features described above are only partly visible. The outbuildings are behind the dwelling, where they cannot be seen, and there is no activity beyond that associated with a single, modest residential dwelling.
11. The proposal would necessitate a significant reduction in height for much of the roadside greenery to provide visibility splays. This would make the site far more visible and prominent. Whilst proposed Unit 1 would not be directly visible from the road, the presence of its accessway would be. This would result in a far more striking and pronounced indication of rearward development than exists currently.
12. Whilst Unit 2 would be set back from the road, it would nevertheless be directly visible in a way that outbuildings 1 and 2 are not. This would be exacerbated by internal lighting, noticeable through the front elevation glazing, and by the dwelling being positioned so that its continuous width would run parallel to the road.

Furthermore, the degree of domestic activity would treble from that generated by the site at present, resulting in a far more developed feel.

13. Overall, the proposal would cause substantial harm to the openness of the Green Belt, and so not benefit from the provisions of Framework paragraph 154(g). As the Framework states that the government attaches great importance to Green Belts, the essential characteristics of which are their openness and permanence, this provides a strong reason for refusal.
14. I recognise that the previous Inspector did not describe the scheme before him as causing substantial harm to openness. but that was not the test before him at that time. The absence of such language from his determination does not mean the previous scheme fell short of that level of harm, or that the one before me does.
15. Support from paragraph 155 depends, along with other things, on the development being in a sustainable location. The Framework describes the purpose of the planning system as being “to contribute to the achievement of sustainable development”, an aim containing an environmental objective of mitigating and adapting to climate change. This includes moving to a low carbon economy achieved, in part, by the promotion of walking, cycling and public transport.
16. The proposed dwellings would suit a family. I have no evidence that adequate services and facilities for domestic, family life exist near the site. The appellant cites Biggin Hill and Westerham, two nearby conurbations. These are both more than two miles away. Whilst there are bus services to both available from the A233, the bus stops are around a mile from the site, along an enclosed, unlit rural lane with no pavements. This would deter the vast majority from walking to either the bus stops, or the towns beyond, and all but the most confident from cycling, particularly after dark and in adverse weather.
17. Whilst the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, it is highly likely that occupiers of the proposed development would be all but wholly dependent upon the private car. The proposed development would not be in a sustainable location, and so, irrespective of whether policies relating to areas or assets in footnote 7 of the Framework (other than Green Belt) would provide a strong reason for refusal (a matter I shall address later), it does not benefit from the provisions of paragraph 155.
18. The proposed development would be inappropriate in the Green Belt having regard to the Framework and would cause significant harm to its openness.

Character and appearance

19. The appeal site is in the Kent Downs National Landscape (the NL). The Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in NLs which have the highest status of protection in relation to these issues.
20. The Planning Practice Guidance (PPG) sets out the relevance of management plans for NLs when assessing planning applications. Whilst these do not form part of the development plan, they help to set out the strategic context for development and provide evidence of the value and special qualities of these areas. The Kent Downs National Landscape Management Plan (2021-26) (KDMP) is therefore a

material consideration. It defines the landscape components of the NL as including tranquillity and remoteness, citing features such as dark night skies and peace, including hearing birdsong, as important perceptual qualities.

21. The land around the appeal site is largely arable or undeveloped, sporadically interspersed with occasional dwellings. The road outside the site is very secluded; much of it is enclosed by dense, tall greenery, breaks in which often reveal views of grassland, fields, and woodland beyond. The area possesses the tranquillity and remoteness cited by the KDMP as a component of the NL.
22. As set out above, whilst it is evident from the road that the site is developed, the extent of this appears modest. Views inwards are screened to a notable degree by existing greenery. Activities are limited to those associated with one dwelling. As also set out above, the proposal would result in prominent development to the front of the site and pronounced indications of further development to the rear. The degree of lighting, activity, and noise would treble. The proposal would have an erosive effect on the secluded, quiet nature of the area, and the tranquillity and remoteness of the NL.
23. I recognise that the proposal has potential for an extensive landscaping scheme, including new planting visible from the road. I do not doubt this would, within itself, be an attractive feature and create an enjoyable environment for future occupiers. I have no evidence however, that it would alter the effects of the proposed development as described above, particularly given the requirements for low level planting to the front in aid of visibility splays. Removing outbuildings from areas occupied by tree roots may benefit those trees, but I have little before me to suggest that the outbuildings are harming the trees at present, or that the appeal proposal is the only way in which any such harm could be addressed.
24. The proposed development would have a harmful effect on the character and appearance of the area, including the Kent Downs National Landscape, contrary to Bromley Local Plan Policy 76, which seeks to protect and enhance the NL, and to the Framework. Given the requirement in the latter for great weight to be given to conserving and enhancing landscape and scenic beauty of NLS, which have the highest status of protection in relation to these issues, this is a strong reason for refusal.

Other considerations

25. The appellant considers very special circumstances exist to justify approval of the proposed development which, for the reasons set out above, I have found to be inappropriate in the Green Belt.
26. The first pertains to the existing outbuildings at the site. The appellant has not contested that permission for the business use these outbuildings served was personal to a previous occupant. That said, even if the appellant cannot use the outbuildings for a kennels and cattery, I have no evidence that they must be removed. The appellant argues that, should he be unable to redevelop the land, he will renovate the outbuildings and seek a beneficial use for them.
27. I do not doubt that there is a real prospect of this. However, I have been provided with no indication of what that beneficial use might be. If it is one that requires planning permission, then it would be subject to control. Otherwise, it is not evident the outbuildings could be used for anything beyond ancillary or incidental uses to

the existing dwelling, likely limiting any impacts. Overall, I have no evidence that alternative uses for the outbuildings would result in harms comparable to those I have attributed to the appeal proposal. The fallback carries minimal weight, therefore.

28. I recognise that the Council cannot demonstrate a five-year supply of housing land, and that 2.96 years represent a very significant level of undersupply. As I have found the harms identified above to constitute strong reasons for refusal, the provisions of paragraph 11(d) of the Framework are not engaged. Even so, it is the Government's stated objective to significantly boost the supply of homes. The appeal proposal would assist in that regard. Economic benefits would accrue from the development, and it could be built quickly. These are modest benefits, given the size of the scheme. I have addressed the prospect of new landscaping above in respect of character and appearance; given the site already has a reasonably pleasant appearance, benefits arising from new planting would be modest.

Green Belt Balance and Conclusion

29. The proposal would constitute inappropriate development in the Green Belt and would harm openness. As such, 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.
30. The other considerations in this case are not sufficient to comprise the very special circumstances necessary to justify this development, which is contrary to the Framework.
31. I conclude that the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
32. The appeal is dismissed.

A Knight

INSPECTOR