



Appeal Decision

Site visit made on 11 June 2025

by **S Burch BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 July 2025

Appeal Ref: APP/G5180/W/25/3360748

Scout Hall Adjacent To 41 Brow Crescent, Orpington, Bromley, BR5 4LL

- 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 Jozef Borecki against the decision of the Council of the London Borough of Bromley.
- The application Ref is DC/24/03292/FULL1.
- The development proposed is described as the 'proposed demolition of the former scout hut and erection of 1 detached three-bedroom bungalow with associated landscaping, amenity space and cycle and refuse stores.'

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would represent the unacceptable loss of a community facility.

Reasons

3. The appeal site comprises a former Scout Hut. The evidence before me outlines how the site was previously used by 1st Ramsden Scout Group until 2008. Following this, the site was briefly let out to a football club for a number of years. I understand that the site has been vacant for several years.
4. Policy 20 of the Bromley Local Plan (2019) (BLP) states that planning permission will not be granted for proposals that would lead to the loss of community facilities unless enhanced provision is made in an equally accessible location, or that it can be demonstrated that there is no longer a need for them or other forms of social infrastructure. Policy S1 of the London Plan 2021 (LP) similarly states that redundant social infrastructure should be considered for full or partial use as other forms of social infrastructure before alternative developments are considered, unless this loss is part of a wider public service transformation plan.
5. The proposal does not appear to include measures to make enhanced provision and accordingly, it seems that the appellant's case relies on there no longer being a need for the community facility.
6. Paragraph 3.1.8 of the BLP clarifies that in relation to Policy 20 such a demonstration of need should include consultation with relevant Council departments and third party providers to establish whether any community groups or service providers express a need for the site and are interested in buying or leasing it, as well as a six month period of marketing which is current and robust at a realistic value reflecting its existing use value .

7. Whilst I am aware that the building has remained vacant for a number of years, this consideration alone does not adequately demonstrate whether there is any interest in the site as a community facility.
8. The Council previously owned the site. The evidence before me outlines how sale was attempted by the Council in 2015 and 2017 before being sold at auction in 2021. The application was submitted in 2024. Marketing can therefore not be considered current. It is likely that the market may have changed in the intervening period between the most recent marketing of the site in 2021 and 2024 when the application was submitted. The fact that the appellant undertook pre-application advice in 2022 does not justify outdated marketing, nor does the fact that an initial planning applications was submitted in 2023.
9. Notwithstanding the above, the appellant outlines how the Council failed to sell the site between 2015 and 2021, and therefore this is in excess of the required six-month period. The evidence outlines how the marketing exercise in 2015 did not lead to sale. Following this it was marketed at auction in May 2017, again this did not generate a sale. In January 2021, the site was then sold at online auction. The specific dates and length of time that the site was marketed for are however not clear. From the evidence before me, I can therefore not be sure that the site was indeed marketed for a period of six months.
10. The Council raise concerns that there is a lack of evidence that £150,000 reflects the site's existing value. The appellant outlines how the value was placed on the property by specialist commercial and property consultants appointed by the Council at the time of initial marketing. Even if I did accept that this was a realistic value, this marketing attempt was in 2015. It is therefore significantly outdated. Both other marketing exercises in 2017 and 2021 are similarly outdated, due to the intervening time between them and the submission of the application.
11. Finally, the Council raise concerns whether any community uses were outbid in the final auction, were there was a guide price of £20,000, which led to the sale of the site. The appellant advises that since the sale was conducted online there are no records of those who were outbid or any indication of their intended use. They go on to explain that only the auction house has this information and GDPR regulations would prevent disclosure of the identity of a bidder without their written permission. Whilst I acknowledge the issues faced by the appellant in obtaining such information, without this information I cannot be certain that no community groups or service providers were interested in buying the site.
12. Whilst the Council's marketing in 2015 did suggest the site may be suitable for residential use, this was clearly highlighted as '*subject to planning.*' In any instance, this marketing attempt pre-dates the adoption of the BLP. Similarly, whilst the Council did approach the adjoining social landlord regarding the sale of the site, this pre-dates the adoption of the BLP which requires the appropriate marketing of community facilities for proposals that would lead to their loss.
13. The appellant also outlines how the marketing of the site was a last resort having established no interest from community users. I however do not agree that this was the case. The Council's Executive and Resources Policy Development and Scrutiny Committee (ERPDS) report (No. DRR15/080) states that the possibility of re-letting the hall had been considered but was not believed to be a viable option, for a number of listed reasons. This report did not conclude that the sale

was due to no interest from community users. Whilst the Council has not indicated that the site has significant value as a community use, this does not justify the schemes noncompliance with the requirements of Policy 20 of the BLP.

14. Although the site was declared as surplus to requirements by the Council's ERPDISC this was prior to the adoption of the BLP. In any case, this doesn't outweigh the need for the scheme to comply with policy. It is also outlined how the Council previously accepted the length of time the property had been marketed for, consultation with third-party provided and that it had been marketed at a realistic value. I however have limited information relating to previous applications before me and therefore cannot confirm this. In any case, each application is determined on its own merits, and I have assessed the appeal accordingly.
15. For the reasons outlined above, I therefore conclude that it has not been sufficiently demonstrated that there is no longer a need for the community facility or other forms of social infrastructure. Accordingly, the proposed development would result in the unacceptable loss of a community facility and would be contrary to Policy 20 of the BLP and Policy S1 of the LP in this regard.

Other Matters

16. I note that the Council raise no other issues in relation to design, archaeological impact, standard of accommodation, neighbouring amenity, highways and sustainability amongst other things. However, as these are requirements of policy and legislation, the absence of harm in respect of these matters are neutral factors that weigh neither for nor against the development. The fact that the site has a PTAL of 2 and no parking available does not justify the schemes noncompliance with policy.
17. The appellant has drawn my attention to another appeal decision (APP/G5180/W/24/3340223). However, the loss of a community facility was not a main issue in this appeal. Furthermore, it was for a large mixed-use development scheme and was dismissed. It is therefore not directly comparable to the scheme before me.
18. The appellant outlines how the Council's five-year housing land supply could be as low as 0.7 years supply based on the current forecast supply and December LHN. Even if this was the case, I would still be of the opinion that the adverse impacts arising from the development would outweigh the benefits of the scheme, as outlined below.

Planning Balance

19. It is accepted that the Council cannot currently demonstrate a 5-year housing land supply. Their appeal statement outlines the current published five-year housing land supply is 3.99 years supply and this was agreed in November 2021. It goes on to explain how an appeal decision from October 2024 (APP/G5180/W/24/3340223) concluded that they had a supply of 2,628 units or 2.4 years. This represents a significant shortfall. There is nothing before me to suggest that there are any policies in the Framework that protect areas or assets of particular importance that provide a strong reason for refusing the development under paragraph 11d)(i).

20. Therefore, due to the provisions of footnote 8, the balance in paragraph 11d(ii) applies such that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, having particular regard to specified key policies.
21. The proposal would deliver one dwelling, representing a minor contribution to the supply of housing within the Borough. The scheme would make efficient use of previously development, brownfield land in an existing urban area. There would be some temporary and ongoing economic benefits arising from the development. There would be improvements to landscaping, site security and potentially drainage. Whilst these are important benefits, given the modest scale of the development I attribute limited weight to them.
22. I have found that the proposal would result in the unacceptable loss of a community facility.
23. Accordingly, I find that the adverse impacts arising from the development would significantly and demonstrably outweigh the minor weight attributed to the benefits when assessed against the policies in the Framework taken as a whole. The presumption in favour of sustainable development does not apply in these circumstances.

Conclusion

24. The proposal would conflict with the development plan as a whole and there are no other material considerations which outweigh this finding. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

S Burch

INSPECTOR