



Appeal Decision

Site visit made on 10 October 2025

by **P Barton BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10th November 2025

Appeal Ref: APP/G5180/W/25/3359015

Downe Court, Cudham Road, Downe, Orpington, Bromley BR6 7LF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant planning permission.
 - The appeal is made by Mr Matthew Lancaster against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/24/03201/FULL1
 - The development proposed is conversion of existing redundant rural barn to a small new dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of existing redundant rural barn to a small new dwelling at Downe Court, Cudham Road, Downe, Orpington, Bromley BR6 7LF in accordance with the terms of the application, Ref DC/24/03201/FULL1, subject to the conditions in the attached schedule.

Preliminary Matters

2. It appears that the Council had regard to the December 2023 version of the National Planning Policy Framework (the Framework) in making its decision. The main parties have had the opportunity to comment on the 2024 version of the Framework that had a revision on 7 February 2025. I have had regard to the latest version of the Framework in my decision.
3. There is dispute between the main parties as to the lawful planning status of the land subject to the appeal and whether it can be lawfully used for residential purposes. In the context of an appeal under section 78 of the Act, it is not within my remit to examine the lawful use of land. In any event, if I was to allow the appeal and grant planning permission for the development, this would convey a residential use of the land.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies; and
 - the effect of the proposed development on designated heritage assets.

Reasons

5. The appeal site is a single storey steel-framed barn with cement corrugated roof sheeting, and timber and metal cladding sitting on top of low blockwork walls. Adjacent to the barn is a shipping container, which is of a condition and appearance that indicates it has been in situ for some time. I saw that the barn and area around the shipping container are used for the storage of machinery and materials. The proposal would convert the barn to create a 2-bedroom dwelling with the incorporation of the shipping container as a permanent extension.
6. The site is located within the Green Belt, to which the Government attaches great importance. The Framework identifies that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open and the essential characteristics of the Green Belt are their openness and their permanence. The Framework is clear that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.
7. Policy 49 of the London Borough of Bromley Local Plan (January 2019) (LBBLP) and Policy G2 of the London Plan (March 2021) (LP) reflect national Green Belt policy and as such they are consistent with the Framework.
8. Several exceptions are identified in Paragraph 154 of the Framework where development would be regarded as not inappropriate. The appellant contends that paragraphs 154 c) and h) iv apply as; the proposal would represent the re-use of a building that is of permanent and substantial construction; would preserve openness and does not conflict with the purposes of including land within it; and an extension that does not result in a disproportionate addition over and above the size of the original building.
9. A structural appraisal has concluded that the barn is in a good condition and suitable for the proposed conversion. On this basis and from my own observations, I found that it was of permanent and substantial construction.
10. In considering the concept of openness, the courts have found that it broadly has visual and spatial dimensions. Moreover, the effect on openness is not confined solely to physical works but also the duration and activity associated with a proposal.
11. The barn is on the periphery of a group of buildings, with Downe Court and an L-shaped building abutting a drive. The barn is set back from the drive, but still within a large clearly defined area of manicured grassland containing trees and benches that creates a parkland setting to the house. A public footpath is located to the west of the site and these buildings, and their setting, are visible over an adjacent field.
12. The drive, which creates a loop, is a key feature of this area and had a number of vehicles parked on it that appeared to be associated with the residential use of the house.
13. The proposed spur off the drive to a modest parking area is short and, with the exception of a pathway to the barn, the open manicured grassland within the site would remain. The presence of residential paraphernalia associated with the new dwelling would be no more harmful on openness than the existing outdoor storage

associated with the existing use of the barn that I saw concentrated around the shipping container within a fenced area.

14. The creation of a new self-contained dwelling would increase the use of the appeal site compared to its current use for storage. Nevertheless, comings and goings associated with the 2-bedroom dwelling, as well as the parking of vehicles, would be negligible against those associated with Downe Court, which is a large dwelling, and within the context described above. Consequently, the proposal would not have a materially greater effect on either the spatial or visual openness of the Green Belt or represent an encroachment into the countryside. Moreover, for the reasons outlined above, whether the appeal site is within the curtilage of Downe Court or used for residential purposes is not a determinative factor in this case.
15. The Council did not raise an objection to the proposed extension that would modify the existing shipping container to form part of the dwelling. From the evidence before me and from my observations, I see no reason to disagree with the Council's position with respect to the extension not resulting in a disproportionate addition over and above the size of the original building.
16. Whether the barn is redundant and surplus to requirements is not a consideration under paragraph 154c) of the Framework for the re-use of a building in the Green Belt. If a replacement is required for storage, any structure requiring consent would need to be assessed on its individual merits.
17. In light of the above, I have not considered the proposal within the context of paragraph 155 of the Framework.
18. In conclusion, by virtue of meeting the requirements of paragraph 154c) and 154 h) iv. of the Framework, the proposed development would not be inappropriate development in the Green Belt. Moreover, it would be in accordance with Policy 49 of the LBBLP and Policy G2 of the LP.

Designated Heritage Assets

19. Downe Court is a Grade II listed building and within an Archaeological Priority Area. While there is an early deed referring to Downe Court Manor dated 1287, the building as it appears today was built in 1690 on the site of an earlier manor house. Its significance rests primarily with its age and architectural detailing.
20. When approaching Downe Court along the drive, the barn is visible with the L-shaped building, other farm buildings that fall outside the site, as well as Downe Court. Consequently, the barn forms part of its setting.
21. Due to its age, the barn is not historic, unlike the adjacent buildings that would have formed part of an original farm complex and are positioned in a close-knit arrangement with Downe Court.
22. The distance between the barn and Downe Court, as well as the presence of established trees between the barn and the L-shaped building, provides sufficient separation and screening. Therefore, the appeal scheme would preserve the setting of the listed building and the ability to appreciate it.
23. Comments have been received from interested parties relating to the proposal's proximity to Down House, the listed home of Charles Darwin and which I

understand was a candidate for UNESCO adoption. The Council has raised no concerns on this matter, and I saw that the site is sufficiently removed from the setting of Down House, as well as that of the Downe Conservation Area. Consequently, I have come to the same conclusion as the Council on this matter.

24. Therefore, the proposal would preserve the setting and the significance of the listed buildings and the ability to appreciate them. Furthermore, the scheme would not affect the setting or significance of the conservation area.

Other Matters

25. The appeal site has been identified by the main parties as being several hundred metres away from Down Bank and High Elms Site of Specific Scientific Interest (SSSI) as well as close to the Cudham Valley North and Downe Bank Sites of Importance for Nature Conservation (SINC). There is nothing before me from the Council, including its ecological advisor, that indicates that the proposed development would have any adverse impacts upon it. As a result, I have not considered this matter further in this appeal.
26. Limited details of the previous refusal on the site are before me, though I note the officer report identifies some of the ways the schemes differ. However, I have determined the appeal on its individual planning merits.
27. The Council has raised no objection to the design of the proposed conversion, which includes, amongst other things, the retention and repair of existing materials. Based on my assessment of the details before me and my observations on site, I find no reason to disagree with the Council.
28. Though the means of disposing of foul sewerage is still to be decided, there is no evidence before me to demonstrate that the proposal would not be able to achieve this, and it would be addressed under separate legislation.
29. The site is of a sufficient size to accommodate construction vehicles and materials clear of the highway. Whilst Cudham Road is narrow in places, the impact on the local highway network from construction traffic associated with the proposal of this scale and nature would be minimal.

Conditions

30. I have had regard to the conditions put forward by the Council, and the appellant's comments on these. I have amended the wording where necessary in the interest of clarity. I have also had regard to the tests in the Framework and the Planning Practice Guidance (PPG).
31. In addition to the standard time condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans as this provides clarity.
32. I have attached a construction method statement condition in the interests of highway safety.
33. A condition relating to contamination is reasonable and necessary in order to protect the health of occupiers of the proposal and to ensure that any contamination risks are mitigated.

34. A condition covering biodiversity protection and enhancement is necessary to preserve and enhance the biodiversity value of the site.
35. I have imposed a condition requiring details of landscaping works to be submitted. This is necessary in the interests of securing a visually satisfactory setting for the development.
36. A condition has also been attached requiring details of the storage and collection of refuse and recyclable materials, including means of enclosure, in the interests of visual amenity as well as being appropriate for collection purposes.
37. A cycle storage condition has been included to support the use of sustainable modes of transport and reduce reliance on private car transport.
38. I have removed certain permitted development rights, including enlargements, construction of additional storeys, and additions to the roof of the appeal building, as well as buildings within the curtilage. There is clear justification in the imposition to control future development in the interests of protecting the parkland setting to Downe Court and its characteristics detailed above. This approach is both reasonable and necessary in this case.
39. Restricting the emission rate of any boiler installed is reasonable and necessary in the interest of local air quality.
40. I have not imposed conditions requiring the access to be permeable with no loose materials, or the provision of the parking spaces, as these are covered with the approved plans condition. The site plan shows the new modest sized drive and parking spaces. They would be gravelled, which reflects the surface material of the existing drive, be surrounded by grassland and a distance from any building and public highway. Consequently, the condition is not necessary to reduce the impact of flooding.
41. Moreover, I have not attached the suggested informatives relating to the payment of the Mayoral Community Infrastructure Levy, consultation with the Council's Street Naming and Numbering Section, following Natural England's guidance, requirements under other legislation such as Building Regulations, and the requirements of Biodiversity Net Gain.
42. Informatives have no weight on the planning decision and do not replace planning conditions. As these informatives formed part of the Council's submission on the appeal, the appellant would be aware of them and as such they do not need to be repeated here.

Conclusion

43. For the above reasons, the development would not conflict with policies of the development plan or the Framework. I conclude that the appeal should be allowed.

P Barton

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos. 22015-SIT-001 P3 Location Plan, 22015-SIT-003 P2 Proposed Site Plan, 22015-GEA-001 P2 Proposed Plan, 22015-GEA-002 P2 Proposed Roof Plan, 22015-GEA-010 P2 Proposed North & East Elevations, and 22015-GEA-011 P2 Proposed South & West Elevations.
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development; and
 - iv) wheel washing facilities;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 4) No development shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the local planning authority. If any contamination is found, no development shall take place until:
 - i. a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority;
 - ii. the site has been remediated in accordance with the approved measures and timescale; and
 - iii. a verification report has been submitted to and approved in writing by the local planning authority.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until:

- i. additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority; and
 - ii. a verification report for all the remediation works has been submitted to and approved in writing by the local planning authority.
- 5) No development above ground level shall take place until details of biodiversity protection and enhancements have been submitted to and approved in writing by the local planning authority. Details shall include:

- i. new native species planting/landscaping including mixed native species hedgerow, with no non-native invasive species, to support ecological and biodiversity gain;
- ii. artificial lighting should be kept to a minimum and the design should be sensitive to wildlife; and
- iii. provision of a bat scoping report and PEA with appropriate supervision of a qualified ecologist if species are found.

The demolition/site clearance shall be sensitive to wildlife and materials removed and disposed of carefully to ensure animals can escape/leave.

Site clearance, tree and other vegetation removals shall be carried out in accordance with the Natural England precautionary approach/working measures.

The approved details shall be implemented during construction work and retained at the site thereafter.

- 6) No development above ground level shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - (i) A scaled plan showing all existing vegetation to be retained and trees and plants to be planted which shall include use of a minimum of 30% native plant species of home grown stock (where possible) and no invasive species;
 - (ii) Proposed hardstanding;
 - (iii) A schedule detailing sizes and numbers of all proposed trees/plants;
 - (iv) Sufficient specification to ensure successful establishment and survival of new planting.
 - (v) any excavation or raising or lowering of levels within the prescribed root protection area of retained trees.

The landscaping works shall be carried out in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner.

Any new tree that dies, is removed or becomes severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless the local planning authority gives it written consent to any variation, replacement planting shall be in accordance with the approved details.

- 7) No development above ground level shall take place until details of arrangements for the storage and collection of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) have been submitted to and approved in writing by the local planning authority. The approved details arrangements shall be fully implemented before any part of the development hereby permitted is first occupied and retained thereafter.
- 8) No development above ground level shall take place until details of arrangements for bicycle parking (including provision for cycles to have their front wheel and the frame secured and where appropriate covered storage

facilities) have been submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be designed in accordance with the London Cycling Design Standards. Before any part of the development hereby permitted is first occupied the approved details shall be fully implemented and retained thereafter.

- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A, AA, B or E of Part 1 of Schedule 2 to the Order shall be undertaken.
- 10) Any gas boilers installed at the development hereby permitted shall meet a dry NOx emission rate of <40mg/kWh.

****END OF CONDITIONS****