



Appeal Decision

Site visit made on 6 October 2025

by **S Burch BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 November 2025

Appeal Ref: APP/G5180/W/25/3362602

Hunters Den, South of Knockholt Railway Station, Sevenoaks Road, Halstead, Sevenoaks, Kent TN14 7HR

- 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 BSP Skips against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/24/00497.
 - The development proposed is described as ‘use of land for horticulture and erection of polytunnels, storage shed, hardstanding for car park and wildlife pond.’
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- whether the scheme is inappropriate development in the Green Belt having regard to relevant development plan policies, the provisions of the Framework and the effect on the openness of the Green Belt;
- the effect of the proposed development on highway safety;
- the effect of the proposed development on biodiversity and ecological habitat within a Site of Importance for Nature Conservation (SINC), including protected species; and
- if the scheme is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the development.

Reasons

Whether inappropriate development

3. The appeal site is an area of land positioned between Sevenoaks Road and Knockholt Railway Station. The site lies within the Metropolitan Green Belt and the Knockholt Station and Chelsfield Lakes Golf Course SINC.
4. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very

special circumstances. Policy 49 of the Bromley Local Plan (BLP) and Policy G2 of the London Plan (2021) (LP) similarly state that the Green Belt should be protected from inappropriate development.

5. Certain forms of development are, however, not inappropriate. A number of exceptions have been put forward by the appellant. I have considered these below.

Paragraph 154(a)

6. Paragraph 154(a) relates to the provision of buildings for agriculture or forestry. The development includes numerous polytunnel for horticulture, and also a storage shed. I accept that horticulture is included under the definition of agriculture, as set out in the Town and Country Planning Act 1990.
7. The appellant however outlines that given the small size of the site, agriculture would be unviable. They go on to state that there are no firm development proposals for the site, however residential or commercial/business uses are being considered. Additionally, the storage building, as described in the application form, is marked as a sales/storage area on the submitted plans. The appellant also discusses the proposed farm shop, and car parking spaces for staff and visitors in their submissions. The site does not appear to be part of a farmstead, and there is no evidence before me to suggest it is.
8. Given the above, there is uncertainty as to whether the scheme is in fact for agricultural purposes. Based on the evidence before me, I therefore cannot be satisfied that the proposal would fall under the exception set out in paragraph 154(a).

Paragraph 154(g)

9. One exception listed at paragraph 154(g) of the Framework is the limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
10. Policy 49 of the London Borough of Bromley Local Plan (2019) (the BLP) contains similar exceptions to inappropriate development in the Green Belt; however, its wording is rooted in the previous version of the Framework. One listed exception is the limited infilling or the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use (excluding temporary buildings), provided that the development would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
11. The specific criterion which allows for the redevelopment of previously developed land in Policy 49 of the BLP is therefore not entirely consistent with paragraph 154(g) as it imposes more stringent tests for the re-development of previously developed land. The requirements of Policy 49 are therefore inconsistent with the Framework in this regard. As such, I have afforded limited weight to this policy and assessed the proposal principally against the most up to date policy and wording of the Framework.

12. Previously developed land is described by the Framework as 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). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed.
13. Most of the site is laid with hardstanding. On my site visit there were several cars parked and a number of shipping containers on the site. However, there is no evidence before me to indicate that the hardstanding is lawful. The fact that the site has been tarmacked for many years does not demonstrate that it is lawful. Based on the evidence before me, I am therefore not satisfied that this site can be considered previously developed land. The scheme would not meet the exception set out in paragraph 154(g).
14. Given the scheme would not meet this exception, I have not considered openness further.

Paragraph 155- Grey belt

15. Paragraph 155 of the Framework establishes that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where it utilises grey belt land subject to several criteria. The appeal site is not within or close to a large built-up area, nor does it prevent neighbouring towns merging, or preserve the setting and special character of a historic town. As such, it does not strongly contribute to any of purposes (a), (b) or (d) of paragraph 143 of the Framework. It therefore meets the Framework definition of grey belt land for the purposes of this appeal. The criteria at paragraph 155 of the Framework therefore apply.
16. One of the criteria requires there to be a demonstratable unmet need for the type of development proposed. As outlined previously, there is uncertainty as to whether the scheme is in fact for agricultural purposes. Nonetheless, there is no evidence before me to demonstrate an unmet need for agriculture or horticulture. Consequently, the scheme fails to meet the requirements of criterion (b) and therefore the exception at paragraph 155 cannot be met.

Overall

17. The proposed development would not meet the exceptions listed in paragraphs 154 and 155 of the Framework, as put forward by the appellant. From the information before me, there is no reason to believe that the scheme would meet any of the other exceptions set out in paragraph 154. The development is therefore inappropriate development within the Green Belt and is contrary to Policies 49 of the BLP and Policy G2 of the LP in this regard.

Highway safety

18. Policy T4 of the LP outlines how transport assessments are necessary so that the impact and opportunities which arise as a result of development proposals are identified and assessed, so that appropriate mitigation and opportunities can be secured through the planning process.

19. 8 car parking spaces are proposed, with 2 for staff and the remainder for visitors. The existing access would be utilised. The Design & Access Statement outlines how approximately 10 vehicles per hour would visit the site. At final comments stage the appellant outlines how the site would generate 3 vehicle movements per hour. Given this, there is uncertainty regarding how many vehicle movements the site would generate. This is exacerbated by the uncertainty over the proposed use. Furthermore, it is possible that deliveries may be required for the farm shop discussed in the appellants submissions, which could have implications for parking, turning and access.
20. No assessment or statement of the effects of the proposal on the surrounding highway network has been provided. I am not satisfied that this could be ensured via a temporary permission to allow any impacts to be monitored, as the impacts must be fully understood before planning permission is granted. The appellant outlines how traffic calming measures have been introduced on Sevenoaks Road in recent months. However, I have no further information regarding this before me. In any case, this does not outweigh the lack of assessment of the proposal on the highway network.
21. Sevenoaks Road is situated within the District of Sevenoaks Council, who have no objection to the scheme. This however is a neutral consideration and does not weigh in favour of, nor against the appeal.
22. In light of the above there is no compelling evidence before me to demonstrate that the scheme would not detrimentally impact highway safety. Given this, the scheme would fail to comply with Policy 32 of the BLP and Policy T4 of the LP in that the impacts and opportunities which would arise as a result of the development have not been identified can therefore not be assessed.
23. I find no conflict with Policy T3 of the LP in this regard. This policy focusses on public transport.

Biodiversity

24. The site is situated within the Knockholt Station and Chelsfield Lakes Golf Course SINC. It is also located close to the Metropolitan Grade Hewitts Chalk Bank SINC. A Preliminary Ecology Appraisal (PEA) was submitted alongside the application, however this is dated June 2022. The specific nature of the proposed development was also unknown to the ecologist who prepared the report. The report does not acknowledge that the site is located within and near a SINC. It also did not consult the Greenspace Information for Greater London CIC (GIGL) in respect of the records of species recorded on or near the site, instead consulting the Kent Biological Records Centre.
25. The report outlines how the site is suitable for foraging and commuting bats, nesting birds, reports and invertebrates. Given the report is dated from a number of years ago and did not consult the GIGL, any recent reports of species, which could be protected, on or near the site may not have been incorporated into the report.
26. It is essential that the presence or otherwise of protected species, and the extent that they may be affected by a proposed development is established before planning permission is granted. Additionally, as the report does not acknowledge

the sites ecological designation, I cannot conclude with any certainty regarding the loss of biodiversity or ecological habitat within the SINC.

27. The report outlines how any development is likely to result in significant changes to the whole site. Various planning conditions are proposed, including lighting schemes that would not disturb bats and undertaking any vegetation clearance outside of bird nesting season. However, as the report does not acknowledge the sites designation, is a number of years old and the specific details of the development are unknown, I cannot be certain that the recommended conditions are tailored to the specific circumstances of the site and the proposed development.
28. It also recommends various enhancement and compensation measures such as hedge planting, new trees, a wildflower meadow and a pond. Whilst these measures may promote biodiversity, they do not outweigh the need for a full, complete and up to date ecological assessment of the site. Furthermore, as the report does not acknowledge the sites ecological designation, I cannot be sure that these measures would adequately compensate for any loss of habitat. I am not satisfied that the above issues could be overcome by an appropriately worded condition as the context of the site and any implications of the development must be fully understood before planning permission is granted.
29. Overall, the absence of sufficient information means I cannot rule out the loss of biodiversity or ecological habitat within a SINC or any harm to protected species. The scheme would therefore be contrary to Policies 69, 70 and 72 of the BLP and Policy G6 of the LP. Collectively, amongst other matters, these policies seek to protect SINC's, ensure that any harm is overcome by mitigating measures and prevent harm to protected species.
30. I do not find conflict with Policy G7 of the LP in this regard. This policy seeks to ensure that wherever possible, existing trees of value are retained. The development does not propose the removal of trees on the perimeter of the site.

Other Matters

31. The appellant suggests that farm shops do not require planning permission. There is however no evidence before me to suggest that this is the case. Furthermore, the description of development does not reference a farm shop.
32. The case officer report outlines how the scheme would have an unacceptable urbanising appearance on the character of the land. This is however not referenced in the refusal reasons. As can be seen from my findings above, this issue would not be determinative. I have therefore not considered it further.

Planning Balance and Conclusion

33. The proposed development would be inappropriate development in the Green Belt. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition, there would also be harm to highway safety and potential harm to biodiversity and ecological habitat within a SINC, and to protected species. 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 are clearly outweighed by other considerations.

34. Given the substantial weight to be given to Green Belt harm combined with the other identified harm and that no specific benefits of the proposed scheme have been drawn to my attention, the harm is not clearly outweighed by other considerations. Therefore, the very special circumstances necessary to justify the proposal do not exist, such that the appeal should be dismissed.

S Burch

INSPECTOR