



Appeal Decision

Site visit made on 12 September 2018

by **N A Holdsworth MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 November 2018

Appeal Ref: APP/D5120/W/18/3196449

63 Orchard View Farm, Parsonage Lane, Sidcup, DA14 5EZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission.
 - The appeal is made by Mrs K Perez against the decision of the Council of the London Borough of Bexley.
 - The application Ref 17/02176/FUL, dated 8 September 2017, was refused by notice dated 20 December 2017
 - The development proposed is demolition of existing buildings, removal of mobile home and the construction of three single storey dwellings
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing buildings, removal of mobile home and the construction of three single storey dwellings at 63 Orchard View Farm, Parsonage Lane, Sidcup, DA14 5EZ in accordance with the terms of the application, Ref 17/02176/FUL, dated 8 September 2017, subject to the attached schedule of 13 conditions.

Procedural Matter

2. The updated National Planning Policy Framework ("the Framework") was published on 24 July 2018 by the Ministry of Housing, Communities and Local Government. Both main parties have had the opportunity of commenting on the new Framework in the course of this appeal.

Main Issues

3. The site is within the Green Belt and the main issues are
 - i) whether the proposal is inappropriate development within the Green belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and
 - ii) the effect on the character and appearance of the area.

Reasons

4. The site is located within the Green Belt. The Framework makes clear that the fundamental aim of planning policy in relation to such areas 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.

5. Whilst it may have been historically been used for agriculture, the main parties agree that the site now comprises previously developed land and this is apparent in its current appearance. It comprises a variety of buildings in commercial and residential use surrounded by an extensive area of hardstanding.
6. Paragraph 145 of the Framework sets out an exception to inappropriate development where the partial or complete redevelopment of previously developed land is proposed. However, this is subject to the requirement that it does not have a greater impact on the openness of the Green Belt than the existing development.
7. In this case there would clearly be a significant decrease in the total amount of built form on the site, and the overall area of hardstanding would reduce. The new residential buildings would be spaced out across the site with extensive new areas of soft landscaping between them. They would have low pitched roofs, which minimise the extent to which they would be seen from the surrounding area.
8. There is a previous appeal decision relating to this site, which I have had regard to¹. In finding that the previous proposal would have a materially greater effect on openness than the existing development the Inspector drew particular attention to the height of the chalet bungalows previously proposed. However, the total height of the buildings now being proposed would be similar to the existing structures that I observed on the site. There would be no loss of openness, in this regard.
9. Whilst there would be artificial lighting and vehicular movements as a consequence of the residential use, these would not represent a significant change given the existing development at the site. Overall, the limited height of the proposed buildings, in combination with the reduction in built form and increase in soft landscaping lead me to the view that the impact on the openness of the Green Belt would be no greater than that of the existing development.
10. The Council and interested parties suggest that the proposal would conflict with the purposes of including land within the Green Belt. However, the site already has a built up appearance typically associated with urban land. In consequence, the replacement of the existing structures with a smaller amount of built form in a soft landscaped setting would not conflict with any of the purposes of including land in the Green Belt, including checking the unrestricted sprawl of large built-up areas, preventing neighbouring towns merging in to one another, or safeguarding the countryside from encroachment. Overall, I consider that the proposal meets the exception set out under Paragraph 145 (g) of the Framework, and is not inappropriate development.
11. Whilst other previously approved developments are cited, my findings relate to the particular circumstances of the case before me. Given that there is an existing residential and commercial use on the site, I do not agree that the development would lead to additional pressure to upgrade or enlarge the roads in the surrounding area. Any future development proposals on the site and in the surrounding area would need to be considered on their individual planning merits.

¹ APP/D5120/W/15/3033665

12. Saved policy ENV11 of the Bexley Council Unitary Development Plan (2004) ("UDP") states that the Council will oppose residential development in the Green Belt with the exception of agricultural workers dwellings that meet certain, specific criteria. As the proposal involves new, unrestricted residential development it conflicts with this development plan policy. However, this policy pre dates the publication of the Framework and is not consistent with it. The proposal complies with the Framework, saved policy ENV4 of the UDP, policies CS01, CS06 and CS17 of the Bexley Core Strategy (2012) ("Core Strategy"), together with policy 7.16 of the London Plan (2016, consolidated with alterations since 2011) which, amongst other things, seek to prevent inappropriate development in the Green Belt, ensuring development does not detract from the function and appearance of the Green Belt. The proposal is not inappropriate development in the Green Belt and there is no requirement to demonstrate very special circumstances to justify the development proposed.

Character and appearance

13. Parsonage Lane is comprised of houses of various styles in a loose formation facing the road, interspersed with undeveloped land. To the south of the site is land with the appearance of open countryside. It comprises an attractive Kent Countryside landscape, with a network of lanes, copses and rolling hills. On the evidence before me, the site falls within heritage land, and saved policy ENV22 of the UDP requires the Council to protect the individual quality and character of such land. This is also reflected in policy 7.8 of the London Plan. The significance of this policy designation arises from its high landscape quality, in relation to the surrounding large urban settlements.
14. However, this site already has a built up, urbanised appearance. It bears no qualities that would ordinarily be regarded as rural, or otherwise make any positive contribution to the landscape quality of the heritage land. In terms of the existing built development along Parsonage Lane, this is well spread out, with limited visual uniformity in the appearance of these buildings.
15. The use of zinc and timber cladding, together with the large expanses of glazing associated with the proposed dwellings, would differ from the appearance of other houses on this lane. However, the new buildings would be set well back from the road. Their limited height means that they would not be conspicuous or noticeable features in the wider surrounding landscape. The development would read as part of the dispersed, sporadic development found along Parsonage Lane. The contemporary appearance of the proposed buildings would not appear unduly incongruous in localised views along Parsonage Lane, or in longer views from the heritage land. Overall, I consider that a good standard of design would be achieved.
16. The previous planning Inspector commented that the development would result in a more suburban character and appearance. In the proposal before me, the plots would be well spread out, with the new single storey dwellings and associated hardstanding occupying a small proportion of each plot, with a large proportion of land being devoted to green, landscaped space. It would not result in an unduly suburban appearance.
17. Overall, there would be no harm to the character and appearance of the area, and the proposal would preserve the individual quality or character of the Cray Valley heritage land. There is no conflict with saved policy ENV22 of the UDP, policies CS06 and CS17 of the Core Strategy, policies 7.6 and 7.8 of the

London Plan, nor the relevant parts of the Framework which seek to, amongst other things, protect the individual quality and character of heritage land.

Other Matters

18. Interested parties refer to previous appeal decisions in the surrounding area², where other proposals have been found to lead to harm to the Green Belt, and the character and appearance of the area. However, the existing use and appearance of the site is a key consideration in this case. Whilst my conclusions may differ from these other appeal decisions, they are justified by reference to the individual circumstances of this particular site.
19. The vehicular movements associated with the residential use of the site are likely to be of an occasional nature which is broadly consistent with the existing use of the road as a footpath and bridleway, in addition to vehicular access to the other properties along it. Consequently, the proposal would not lead to unacceptable levels of congestion, or harm to highway safety.
20. The height of the buildings would be broadly similar to the existing buildings on the site. I do not agree that this development would be visually intrusive. The new buildings are located a sufficient distance away from any surrounding residential buildings to avoid any harm to the living conditions of surrounding residents. I consider that the residential development proposed would be compatible with its surroundings. On the evidence before me the infrastructure surrounding the site is adequate to support the new development.
21. The proposal is located along a road with other residential properties, reasonably close to an urban area, although the public transport serving the site is limited. However, given the existing use of the site, I consider that it is an appropriate location for housing, and there is likely to be a demand for these residential properties. Whilst it is argued that there is also a demand for the continued commercial use of the site, the Council do not object to the principle of the redevelopment of the site for residential purposes. On the evidence before me I have no reason to take a different view.
22. Both main parties, together with interested parties, refer to other planning policies including those in the development plan. However, my conclusions relate to the most relevant development plan policies to the main issues in this appeal.

Conditions

23. Conditions are necessary in the interests of complying with statutory requirements [1] and certainty [2]. Pre commencement conditions are exceptionally justified on this occasion to ensure that any decontamination necessary is identified and dealt with prior to works being carried out in the interests of the protection of human health [3]. It is also necessary to ensure that measures relating to sustainable drainage are given full consideration prior to any groundworks being carried out, to ensure that appropriate drainage is provided in respect of the development [4]. Conditions are also necessary to ensure that the appearance of the development is appropriate [5, 6 and 7].
24. Cycle and waste storage are shown on the submitted plans and a condition requires that these are implemented [8] and retained for the lifetime of the

² Including those cited in the representation received from the North Cray Residents Association.

development. There is disagreement between the parties as to the extent of vegetation necessary to be removed in order to provide acceptable visibility splays whilst preserving the character and appearance of the area. I consider that this is a matter that can be resolved by planning condition [9]. Both of these conditions are necessary in the interests of highway safety.

25. Conditions are also necessary to ensure that acceptable ecological enhancement measures are installed [10], and to apply optional standards in respect of water efficiency and wheelchair access which, on the evidence before me, are justified by the requirements of development plan policies [11 and 12]. Finally, as the proposal falls within the Green Belt and has been justified on the basis that there would be a reduction in built form on the site, the removal of permitted development rights that would allow the future enlargement of the approved buildings is exceptionally justified on this occasion [13]. However, it is not necessary to prevent the erection of microwave antennas on the proposed buildings, as these do not ordinarily have a significant volume. In some cases I have amended the wording of the conditions to comply with paragraph 55 of the Framework.

Conclusion

26. I conclude that, whilst the proposal conflicts with policy ENV11 of the UDP, it complies with National planning policy as principally set out in the Framework which seeks to prevent inappropriate development in the Green Belt. This is a material planning consideration that indicates the decision should be taken other than in accordance with the conflict with the development plan. For the reasons given above and having had regard to all other matters raised, I conclude that the appeal should succeed subject to the conditions set out in the schedule below.

Neil Holdsworth

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun within 3 years from the date of this permission.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, being Drawing No(s) 4279-PD-100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112 and 113 and any approval granted subsequently pursuant to this permission.

3. Development shall not commence until a contaminated land assessment and associated remedial strategy together with a timetable of works has been submitted to and approved in writing by the Local Planning Authority.

a) The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval. The desk study shall detail the history of the site's uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the Local Planning Authority prior to investigations commencing on site.

b) The site investigation including relevant soil gas surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with Quality Assured sampling and analysis methodology.

c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority. The Local Planning Authority shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology. If during any works contamination is encountered which has not previously been identified then the additional contamination should be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for approval.

e) Upon completion of the works this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of the proposed remediation works and the quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

4. Prior to commencement of the development (excluding demolition and site

clearance), a scheme for a Sustainable Drainage System shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of:

- a. How reduction in surface water runoff to the greenfield runoff rate shall be achieved;
- b. Installation petrol/oil interceptors as necessary;
- c. Distribution of foul water flows into the surrounding sewer network as necessary;
- d. Installation of rainfall attenuation units for capturing and reusing water;
- e. Information about the design storm period and intensity, the method employed to delay and control surface water discharged from the site and measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- f. Include a timetable for its implementation; and,
- g. Provide a management and maintenance plan for the lifetime of the development.

The development shall only be carried out in accordance with the approved details.

5. No development shall take place above foundation level until a schedule of materials and finishes to be used for the external walls and roofs of the proposed building has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved schedule.

6. No development shall take place above foundation level until details of the screen walls and fences, boundary gates and all enclosures have been submitted to and approved in writing by the Local Planning Authority, and such walls and fences shall be erected before the buildings with which they are associated are first occupied and shall thereafter be maintained.

7. Prior to occupation of the development hereby approved details of hard and soft landscaping works shall be submitted to and approved in writing by the local planning authority. These details shall include vehicle and pedestrian access and circulation areas; and hard surfacing materials.

Soft landscape details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate; implementation programme. The works approved under the terms of this condition shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.

Any trees or plants that within 5 years after planting are removed, die or become in the opinion of the Local Planning Authority seriously damaged or defective shall be replaced as soon as is reasonably practicable with other species, size and number as originally approved, unless the Local Planning Authority gives written consent to a variation.

8. The areas for cycle and waste storage shown on plan number 4279-PD-102 shall be installed prior to the first occupation of the development and shall thereafter be retained for the purposes of cycle parking and waste storage only.

9. Detailed drawings of the vehicular access to the site and each individual dwelling, including the visibility splays, shall be submitted to the Local Planning Authority prior to the first occupation of the development. The development shall not be occupied until the vehicular access and visibility splays have been provided in accordance with details approved under the terms of this condition, and once installed shall be retained free of obstruction thereafter.

10. Prior to occupation of the development hereby approved, details shall be submitted to and approved in writing by the Local Planning Authority of enhancement measures for bat and bird habitats including the locations of bat and bird boxes. The approved measures shall be implemented prior to the first occupation of the dwellings.

11. Before occupation of each dwelling, that dwelling shall comply with Building Regulations Optional Requirement Approved Document M4 (2) Category 2: Accessible and adaptable dwellings (2015 edition). Before occupation, evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

12. Before occupation of each dwelling, that dwelling shall comply with Building Regulations Optional Requirement Approved Document G2 – Water efficiency (2015 edition). Before occupation evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no development permitted by Classes A, B, D, E or F of Part 1 or Classes A or B of Part 2 of Schedule 2 of the 2015 Order (as amended), shall be erected or made within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.

END OF SCHEDULE