

SECTION '2' – Applications meriting special consideration

**Application No :** 12/01934/FULL1

**Ward:**  
**Darwin**

**Address :** 131 Cudham Lane North Orpington BR6  
6BY

**OS Grid Ref:** E: 545189 N: 162629

**Applicant :** Mr Brian Piggott

**Objections :** NO

**Description of Development:**

Demolition of existing commercial buildings and erection of 2 detached two storey 4 bedroom dwellings, each with detached double garage with associated car parking and access road, and creation of residential curtilages

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
Flood Zone 3  
Green Belt  
London City Airport Safeguarding  
Local Distributor Roads  
Tree Preservation Order

**Proposal**

It is proposed to demolish the commercial buildings on this strip of land, and erect 2 detached two storey 4 bedroom dwellings, each with a detached double garage. Access to the dwellings would be from the existing access road which serves the commercial buildings. The total floorspace provided by each dwelling would be 203sq.m., including the detached garages.

The application is accompanied by a Planning, Design and Access Statement, and an Arboricultural Report.

**Location**

This site is located within the Green Belt, and is occupied by a number of workshop/storage buildings which have a longstanding permission for commercial use, and total 790.85sq.m. in floorspace. The land comprises a 150m long strip, approximately 11m wide, which slopes down from Cudham Lane North from the west, and rises gently towards the east.

The main dwelling at No.131 is located to the north-west of the application site, and has been extended in the past. The site is surrounded by open countryside and woodland.

The eastern part of the site is covered by a blanket Tree Preservation Order (194).

### **Comments from Local Residents**

Nearby owners/occupiers were notified of the application and no representations were received.

### **Comments from Consultees**

The Council's highway engineer considers that it is unlikely that the proposed new dwellings would result in a significant increase in vehicular trips to the site compared with the existing commercial units, and that the sightlines to the access onto Cudham Lane North are relatively good, therefore, no objections are raised to the proposals.

Drainage comments suggest that soakaways would need to be installed to dispose of surface water run-off as there is no public surface water sewer in close proximity to the site.

Thames Water raise no objections to the proposals in principle.

Environmental Health comment that although no objections are raised in principle, due to the lack of information regarding the past land use, a standard condition should be imposed requiring a contaminated land assessment.

The Council's Waste department requires refuse to be taken to Cudham Lane North on the day of collection, while Crime Prevention have requested that a "secure by design" condition be imposed.

With regard to the trees on the site, the land to the east of the dwelling shown on Plot 2 is covered by a TPO, and these trees would not be affected by the proposals. However, trees to the north and south of the site are important for screening, and although they would not be directly affected by the proposals, they should be retained if the site is to be developed.

### **Planning Considerations**

The application falls to be determined in accordance with the following policies of the Unitary Development Plan

- BE1 Design of New Development
- BE3 Buildings in Rural Areas
- H7 Housing Density and Design
- G1 The Green Belt
- EMP5 Development Outside Business Areas
- T3 Parking

T18 Road Safety  
NE7 Development and Trees

The National Planning Policy Framework (NPPF) was introduced in March 2012 and supersedes Government's guidance previously given in PPGs and PPSs. As with previous Green Belt policy, the NPPF confirms that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. In general, the construction of new buildings in the Green Belt should still be regarded as inappropriate, however, the NPPF does allow for "limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which 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."

### **Planning History**

Permission was originally granted for these agricultural buildings in 1974, but later permissions (most recently ref. 94/02692) allowed their use for storage and workshop purposes, as they were considered to be appropriate uses for the re-use of redundant farm buildings.

Permission was refused in June 2011 (ref.11/00445) for the demolition of the existing commercial buildings and the erection of 2 detached two storey 4 bedroom dwellings, each with detached double garage with associated car parking and access road, and creation of residential curtilages, on the following grounds:

- 1 The site is located within the Green Belt wherein there is a presumption against inappropriate residential development, and the Council sees no very special circumstances in this case which might justify the grant of planning permission as an exception to Policy G1 of the Unitary Development Plan.
- 2 The proposals would result in the unacceptable loss of a business site which could continue to be used, with or without adaptation, for business purposes, thereby contrary to policy EMP5 of the Unitary Development Plan.
- 3 In the absence of adequate information to demonstrate the impact on the protected trees, the proposals would be harmful to the protection and well-being of trees on the site, which would be detrimental to the character, appearance and openness of the Green Belt, thereby contrary to Policies G1 and NE7 of the Unitary Development Plan.

### **Conclusions**

The primary considerations in this case are, in the first instance, whether the proposal would constitute inappropriate development within an area designated as Green Belt, and if so, its effect on the openness and visual amenities of and the purposes for including land in the Green Belt, and whether any benefits of the scheme would clearly outweigh any harm by reason of inappropriateness and any

other harm, and thus justify the development on the basis of very special circumstances.

If the principle of the scheme is accepted, the other main considerations are the impact of the proposals on the character and spatial standards of the surrounding area, on the amenities of neighbouring residents, on protected trees on the site, and on pedestrian and vehicular safety in the close vicinity.

The main differences between the current and refused schemes are that an arboricultural statement has now been submitted to address the third ground for refusal, and the NPPF has been introduced which, in the applicant's view, reclassifies the proposals as appropriate development within the Green Belt.

UDP Policy G1 states that the construction of new buildings within the Green Belt is inappropriate unless it is for purposes including agriculture, forestry, essential facilities for outdoor sport and recreation, and limited extensions, alterations or replacement of existing dwellings. In this regard, the permitted use of the site is for commercial purposes, and its redevelopment for residential purposes would constitute inappropriate development in the Green Belt, which is, by definition, harmful to the openness of the Green Belt. Although the NPPF now allows for limited infilling or the partial or complete redevelopment of previously developed sites in the Green Belt, the definition of "previously developed land" given in Annex 2 of the NPPF excludes "land that is or has been occupied by agricultural or forestry buildings". As the previous use of the commercial buildings was for agricultural purposes, the current proposals would still, therefore, constitute inappropriate development in the Green Belt.

The applicant considers that as the proposals are appropriate development, they do not need to demonstrate special circumstances to justify the development, however, the following points (summarised) have been put forward to support the application:

- the redevelopment of the site would result in an overall reduction in floorspace of 49% (from 791sq.m. to 406sq.m.), and an overall reduction in the volume of built development of 49% (from 2620cu.m. to 1276cu.m.) thus resulting in a significant increase in openness which would be of benefit to the Green Belt
- the reduced level of vehicular movements to and from the site compared with the existing commercial units would result in a less intensive use of the land
- the existing unattractive buildings which are of poor quality and out of character with the area would be replaced with high quality dwellings which would respect the landscape character of the surrounding area
- the surrounding area is largely residential, therefore the proposals would not be out of character with the area
- the current commercial use of the buildings is considered inappropriate within the Green Belt, and they are situated in an unsustainable location
- the proposals would maximise the use of a previously developed site in accordance with the NPPF.

The current buildings are of a rustic design typical to a rural location, and the existing workshop and storage uses of the buildings are considered appropriate (rather than inappropriate) uses for the re-use of agricultural buildings. Therefore, the benefits of reducing the overall amount of built development on the site, would not outweigh the harm caused by replacing an appropriate use with an inappropriate residential use of the site which has a more suburban than rural character with individual curtilages and higher buildings. Therefore, it is considered that no very special circumstances exist to justify the scheme in principle.

The applicant has also addressed the issue of the loss of employment land in respect of Policy EMP5 of the UDP which allows for the loss of such land where the particular characteristics of the site make it unsuitable for business uses within Use Classes B1, B2 or B8, and that marketing of the site confirms the unsuitability and financial non-viability of the site for such uses. In this respect, the applicant states that the commercial units are poor quality and do not provide adequate accommodation for modern business needs. Furthermore, the site was run for a long period of time as a family business by the occupiers of the dwelling at No.131, and the applicant considers that to subdivide the commercial units into separate ownership would have a detrimental impact on the amenities of the occupiers of No.131 to a degree that would not occur if the commercial units were replaced by two dwellings.

With regard to the marketing of the site, the applicant previously submitted details of a large number of commercial units available to let, mainly in the Bromley and Croydon areas, which were considered by the applicant to be of a higher standard of accommodation than the existing units on this site. It is not clear whether the application site has been actively marketed for commercial uses, however, the applicant states that units of this nature are currently in low demand, and provide little to the local economy.

There is no evidence that the buildings could not continue to be used, with or without adaptation, for workshop/storage purposes, nor that there is no longer a need for low-key rural business units. Such units are not uncommon and can provide an ideal location for small rural enterprises which are supported by planning policy. In addition, the premises are conveniently sited in relation to the A21, Bromley Town Centre and the M25, and therefore offer a sustainable location for an employment use.

With regard to the trees on the site, an arboricultural report was submitted which shows that no important trees on the site would be lost as a result of the development.

Notwithstanding the provisions of the NPPF, the proposals are still considered to constitute inappropriate development within the Green Belt, and would result in the unacceptable loss of a business site.

Background papers referred to during production of this report comprise all correspondence on files refs. 11/00445 and 12/01934, excluding exempt information.

## **RECOMMENDATION: PERMISSION BE REFUSED**

The reasons for refusal are:

- 1 The site is located within the Green Belt wherein there is a presumption against inappropriate residential development, and the Council sees no very special circumstances in this case which might justify the grant of planning permission as an exception to Policy G1 of the Unitary Development Plan.
- 2 The proposals would result in the unacceptable loss of a business site which could continue to be used, with or without adaptation, for business purposes, thereby contrary to Policy EMP5 of the Unitary Development Plan.

### INFORMATIVE(S)

- 1 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)).

If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website [www.bromley.gov.uk/CIL](http://www.bromley.gov.uk/CIL)

**Application:**12/01934/FULL1

**Address:** 131 Cudham Lane North Orpington BR6 6BY

**Proposal:** Demolition of existing commercial buildings and erection of 2 detached two storey 4 bedroom dwellings, each with detached double garage with associated car parking and access road, and creation of residential curtilages

