

SECTION '2' – Applications meriting special consideration

Application No : 15/00864/FULL1

Ward:
Chelsfield And Pratts
Bottom

Address : Cookham Farm Skeet Hill Lane
Orpington BR5 4HB

OS Grid Ref: E: 548838 N: 165519

Applicant : Ms Sally Campbell

Objections : YES

Description of Development:

Demolition of existing dwelling garage, barn and outbuildings and erection of detached two storey 4 bedroom dwelling with first floor terrace and solar panels on roof.

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding
Smoke Control SCA 26

Proposal

This application was deferred from the committee on 18th June in order to seek a plan showing the proposed residential curtilage of the new property, and clarification of the proposed slab levels of the new building in relation to the site levels. Members also requested that the application be put back to committee on List 2 for special consideration rather than on List 4 for refusal.

A plan has now been submitted which shows the residential curtilage extending approximately 70m in width and 50m in depth, and includes the majority of the existing outbuildings apart from the furthest barn planned to be removed, and the remains of the glasshouses to the south. The residential curtilage would be slightly deeper than that sought under Certificate of Lawfulness ref.12/03653 which was dismissed on appeal in September 2012. The agent states that this area has been used for domestic purposes since 2011, and that the Inspector acknowledged its current status in his appeal decision.

The plan also shows a section through the new dwelling in comparison with the retained barn and the existing farmhouse which is to be demolished. The agent points out that the new building would be significantly lower than the existing building, and that virtually the whole of the lower ground floor has been designed to sit back into the existing bank. In the agent's view, the openness of the countryside would be enhanced by the reduction in height, particularly as the built footprint of

the site would be reduced by about 50sq.m., and the number of buildings reduced from 6 to 4.

Further information in support of the proposals has also been submitted by the applicant, and is available on file for Members' information.

I repeat the earlier report, suitably updated.

It is proposed to demolish the existing farmhouse, a detached garage, a barn, a concrete pig sty building and a timber shed, and construct a replacement two storey dwelling further to the south, whilst retaining an existing workshop building in the northern part of the site, and an open barn to the west of the proposed new dwelling.

The existing dwelling has a floorspace of 120.8sq.m., whilst the floorspace of the existing garage, barn, shed and pig sty totals 145.2sq.m. Therefore, the total floorspace of buildings to be removed under this proposal would be 266sq.m.

The proposed two storey dwelling would have a floorspace of 280sq.m. with a footprint of 159sq.m., and would be located approximately 13m to the south of the existing dwelling, and 9m to the east of the existing open barn which is to remain. It would be of a contemporary L-shaped design, and would be set lower into the sloping site resulting in upper and lower ground floor levels requiring the construction of concrete retaining walls. The dwelling would have a flat roof with solar panels and a green roof system planted with wild meadow flowers and grasses. An upper floor terrace would be provided to the southern and eastern elevations overlooking open fields.

The application is accompanied by a Design and Access Statement, a Sustainability Statement, and a structural survey of the condition of the existing farmhouse which concludes that remedial work is required in the form of underpinning the building, which is not considered by the applicant to be economically viable.

Location

This site is located on the southern side of Skeet Hill Lane, and lies within the Green Belt. It occupies an area of 0.7ha., and incorporates a farmhouse, a garage, a workshop building and a number of barns and outbuildings. The site slopes down towards the south and east.

Consultations

A letter of objection has been received from Feathercot to the east of Cookham Farm on Skeet Hill Lane, and the concerns raised are summarised as follows:

* inappropriate development in the Green Belt due to size, siting and appearance, with no very special circumstances put forward to outweigh harm to the Green Belt

- * contrary to the NPPF which states that replacement buildings in the Green Belt should not be materially larger than the existing building
- * the size and position of the dwelling is substantially more obtrusive and detracts from the openness of the immediate setting
- * the design of the dwelling is out of character with those in the surrounding area, and does not represent an outstanding or innovative design to justify inappropriate development in the Green Belt
- * significant excavation and engineering works would be detrimental to the Green Belt
- * the former agricultural buildings should not be included in the floorspace calculations as a recent appeal decision did not accept that they were ancillary or incidental to the main dwelling
- * inadequate and inaccurate figures given for the buildings to be demolished
- * the floorspace for the new dwelling does not include the extensive balconies and veranda
- * the barn to be removed is an unlawful structure which was erected less than 4 years ago, and its floorspace should not be taken into account
- * a recent Lawful Development Certificate to establish the residential curtilage was dismissed on appeal, and the current proposals include an even larger curtilage than that dismissed
- * the large amount of glazed areas would result in excessive light pollution
- * no ecological or bat surveys have been submitted
- * a new dwelling was recently refused at Cookham Hill Farm 200m to the west.

The occupiers of Woodlands, which lies on the opposite side of Skeet Hill Lane, have confirmed that they support the application.

Comments from Consultees

The Council's Highway Engineer raises no objections to the proposed replacement dwelling as it would use the existing vehicular access onto Skeet Hill Lane, and would not result in an unacceptable increase in trips to and from the site.

No objections are raised from an environmental health or drainage point of view, subject to safeguarding conditions.

Planning Considerations

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

BE1 Design of New Development
 H7 Housing Density and Design
 G1 The Green Belt
 G5 Replacement Dwellings in the Green Belt
 T3 Parking

The National Planning Policy Framework is also relevant.

The application has been called in to committee by a Ward Councillor.

Planning History

A number of Certificates of Lawfulness have been submitted for extensions to the existing house, an outbuilding for a gym and games room, and the use of an existing outbuilding as a workshop, home office and living accommodation ancillary to the main dwelling. A further Certificate was submitted for the establishment of the residential curtilage. They are summarised as follows:

Ref.12/02411 for a two storey rear extension, a single storey side extension and a porch to the principal elevation was refused on the following grounds:

"The proposed side and rear extensions do not constitute development within the curtilage of a dwellinghouse and are not development permitted under Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (as amended)."

Ref.12/02418 for the erection of a single storey outbuilding for use as a gym and games room within the residential curtilage for purposes incidental to the enjoyment of the main dwelling was refused on the following grounds:

"The proposed outbuilding is located outside of the residential curtilage of the dwellinghouse and its size and proposed use go beyond that expected for an ancillary building and it is therefore not development permitted under Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (as amended)."

Ref.12/02419 for the proposed use of an existing outbuilding to the eastern boundary as a workshop, home office, bedroom, bathroom and storage ancillary to the main dwelling was refused on the following grounds:

"The outbuilding is located outside of the residential curtilage of the dwellinghouse and does not constitute a use ancillary to the main dwelling."

Ref.12/03653 for the use of the land as a residential curtilage and the use of outbuildings within that curtilage as being ancillary to the existing dwelling was refused on the following grounds:

"The residential curtilage identified has not subsisted, on the balance of probabilities, for more than ten years continuously and as such is not considered to be lawful and as such the outbuildings contained therein do not constitute a use ancillary to the main dwelling."

The subsequent appeal was dismissed in March 2014, wherein the Inspector found that although it appeared that the appeal site and all the buildings within it comprised at that time the residential curtilage of the dwellinghouse, there was insufficient evidence to establish that the residential curtilage was lawful as it had not been demonstrated that the land and buildings benefitted from a lawful use for purposes incidental to the enjoyment of the dwellinghouse during the previous 10

years. For this reason, the Inspector was unable to define the lawful residential curtilage of Cookham Farm.

Conclusions

The main issues in this case are whether the proposals comprise inappropriate development in the Green Belt, particularly with regard to the lack of an established residential curtilage, and if so, whether very special circumstances exist that clearly outweigh the harm by reason of inappropriateness or any other harm; and secondly, whether the proposals would be harmful to the character or appearance of the surrounding area, or detrimental to the amenities of nearby residential properties.

In the recent appeal decision, the Inspector was unable to define the lawful residential curtilage of Cookham Farm with any reasonable certainty due to the limited evidence provided, and the current situation therefore is that outside the footprint of the dwelling itself, the land and outbuildings do not have lawful curtilage status. The proposal is to provide a replacement dwelling on land which is at least 13m away from the existing dwelling and does not form part of a lawfully established residential curtilage to Cookham Farm, and would therefore constitute inappropriate development in the Green Belt for that reason. A plan showing the proposed residential curtilage has now been put forward by the applicant, and is similar to (but slightly deeper than) that which was dismissed on appeal.

The National Planning Policy Framework (NPPF) contains a general presumption against inappropriate development within the Green Belt. Paragraph 87 states that such development should not be approved except in very special circumstances, whilst paragraph 89 sets out a number of exceptions, including the replacement of a building where the new building is in the same use and not materially larger than the one it replaces.

Policy G5 of the UDP allows for a replacement dwelling in the Green Belt provided that the resultant dwelling would not result in a material net increase in floor area compared with the existing dwelling (an increase of over 10% would normally be considered material, depending on design issues), and that the size, siting, materials and design of the replacement dwelling would not harm the visual amenities or the open or rural character of the locality.

The existing dwelling has a floor area of 120.8sq.m., whilst the new dwelling would have a floor area of 280sq.m., resulting in an increase in floor area of 159.2sq.m., which equates to a 132% increase. This constitutes a material net increase in floor area compared with the existing dwelling, and would therefore be considered inappropriate development in the Green Belt. The applicant has put forward the special circumstances that 4 outbuildings would be removed (a garage, barn, shed and pig sty), however, none of these lie within 5m of the dwellinghouse, and it has not been established that any of these buildings have lawful curtilage status. Furthermore, the barn to be removed lies outside the area that is currently sought as residential curtilage, and is outside the area previously sought as the residential curtilage of the existing dwelling under ref.12/03653.

With regard to the impact on the character and appearance of the surrounding area, the proposed dwelling would encroach further south into a part of the site which is currently more open and rural in appearance, and although it has been designed to address the sloping land levels, it would appear more prominent on the site than the existing smaller scale dwelling which is set closer to the road and further away from the open part of the site. Significant excavation works would be required, and the proposals are therefore considered to have a detrimental impact on the visual amenities and open and rural character of the Green Belt.

With regard to the impact on residential amenity, the replacement dwelling would be located a significant distance away from neighbouring properties, and the proposals are not, therefore, considered to result in any undue loss of light, privacy or prospect to adjoining residents.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

1. The proposed replacement dwelling, by reason of its size, bulk and location outside an established residential curtilage, constitutes inappropriate development within the Green Belt which would be harmful to its openness and character. No very special circumstances have been demonstrated to warrant the setting aside of normal policy requirements, and the proposal is therefore contrary to Policy G5 of the Unitary Development Plan and the National Planning Policy Framework 2012.
2. The proposed dwelling, by reason of its size, bulk and siting, would appear overprominent on the site, and would have a detrimental impact on the visual amenities and open and rural character of the Green Belt, thereby contrary to Policies BE1, H7 and G5 of the Unitary Development Plan.

You are further informed that :

- 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