

## **SECTION '2' – Applications meriting special consideration**

**Application No :** 15/01024/FULL2

**Ward:**  
**Chelsfield And Pratts**  
**Bottom**

**Address :** Lilly's Farm Chelsfield Lane Orpington  
BR6 7RP

**OS Grid Ref:** E: 548176 N: 164335

**Applicant :** Mr T Pitham

**Objections :** YES

### **Description of Development:**

Change of use and demolition of existing commercial buildings and erection of 3 x four-bedroom houses, garage for plot 3, associated access road and parking.

#### Key designations:

Conservation Area: Chelsfield  
Areas of Archeological Significance  
Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
Green Belt  
London City Airport Safeguarding  
Local Distributor Roads

### **Proposal**

The proposal entails the demolition of all existing (commercial) buildings on the site, and the erection of three detached residential dwellings with associated access road and parking.

The dwellings comprise 2 x four bed detached houses, both single storey in height and incorporating an integral double garage both of which will be situated toward the centre of the site around the location of the retail area (Plots 1 & 2). In addition, a detached two-storey four bedroom dwelling will be situated to the NE corner of the site which will benefit from an associated detached double garage block (Plot 3). The proposed houses will utilise tile hanging and weather boarding on their external elevations, akin somewhat to a "barn style".

The application is accompanied by a Planning, Heritage, Design and Access Statement. Amongst other things, this states that there will be an overall reduction in floor area of 286.4sq m and an overall reduction in the area of hardstanding of 895.3sq m (taking into account an allowance for patios). This also includes an Assessment of Very Special Circumstances in respect of the proposal.

## **Location**

The site is located within Chelsfield village within the Chelsfield Village Conservation Area. The village forms a rural settlement entirely within the Green Belt.

The site is currently occupied by single storey and warehouse style commercial buildings used primarily for a Koi Carp business and associated storage. A significant amount of hardstanding, including a large car parking area to the front, surrounds the buildings. There are some ponds and polytunnels located to the rear of the site. The site lies within the Green Belt. Other land outside the application site but forming part of land in the same ownership extends to a further area of approximately 2.25 hectares.

The site is bounded to the north by open Green Belt land. To the west is a large detached residential property known as Lilly's. To the east of the site lies Rosewood Farm a residential property which has two large detached outbuildings to the rear, understood to be used for purposes ancillary to the residential use. To the south is Chelsfield Lane and the current vehicular and pedestrian access to the site joins Chelsfield Lane close to its junction with Warren Road.

## **Comments from Local Residents**

Nearby owners/occupiers were notified of the application and representations were received, both in support and in opposition to the proposal.

### Objecting:

- size of proposed houses is more akin to those at Chelsfield Park and not Chelsfield Village
- existing footprint of 1422sq m stated in the application is an increase of 37% over the footprint of permanent buildings of 1037.44% shown on earlier Council plans included in the 2011 application. This increase has been achieved by stealth.
- refused applications to extend buildings on site have been carried out anyway using temporary constructions
- encroachment beyond existing footprint
- inadequate marketing
- proposal will set undesirable precedent
- remaining land will have poor accessibility for maintenance
- legal restriction should be placed upon further development of land within the site
- contrary to a claimed 20.1% reduction in footprint, the current application footprint represents an increase of 9.46%
- grant of planning permission should be conditional upon restoration of pond to support local ecology. Species placed in pond should be specified.
- long-term concerns about long-term upkeep of site
- proposal will encroach on urban open space

- development will encompass existing car park, impinging on open urban fringe and open character of the area
- site is not in residential use therefore a change in use is still applicable
- no special circumstances to support change of use and agricultural land and horticultural practice should be protected
- excessive advertised cost of site has not been reduced
- proposed buildings not in keeping with existing buildings and are much taller
- loss of privacy and outlook
- loss of a significant parking facility which would result in additional on-street parking

#### Supporting:

- sympathetically designed proposal will enhance the village
- proposal will not adversely impact on the Green Belt
- proposal will put an end to use of site by illegal businesses
- visual improvement
- improvement in traffic conditions
- opportunity to clean up the site
- existing business of the site is not financially viable

#### **Comments from Consultees**

The Advisory Panel for Conservation Areas has objected to the proposal on the grounds of overdevelopment, and that the proposal would be unsympathetic to the Conservation Area.

Historic England (formerly English Heritage) is seeking an archaeological assessment report.

The 'Designing Out Crime Officer' has recommended various measures to mitigate the risk of crime.

No objection has been raised by Thames Water.

No technical Highways objections have been raised in principle to the proposal.

#### **Planning Considerations**

The application falls to be considered with regard to the following UDP policies:

- H1 Housing
- H7 Housing density and design
- T3 Parking
- T11 New accesses
- BE1 Design
- BE3 Buildings in rural areas
- BE11 Conservation areas

BE12 Demolition in conservation areas  
BE14 Trees in conservation areas  
BE16 Archaeology  
NE7 Development and trees  
G1 The Green Belt  
EMP5 Development outside business areas

The Supplementary Guidance for the Chelsfield Village Conservation Area states that:

***“The Council will expect all proposals for new development to conform to the general character of the area, especially with regard to materials used and the height and scale of construction. It is anticipated that all improvement work will respect the character of the buildings and the village as a whole, and alter them as little as possible. Change of use will be acceptable only where, in the opinion of the Council, they have no detrimental effect on the character of the area”.***

It continues:

***“Chelsfield is located within the Green Belt, and opportunities for new development on infill sites will be extremely restricted. There are some significant areas of open land around the village that make a positive contribution to the character and the setting of the conservation area. The siting of new development will be considered with great care, and will not be permitted where detriment to the character of the conservation area would result. Increases in development density and height or the development of additional houses between existing frontages could damage the character of the area; therefore proposals of this nature will be strongly resisted”***

The National Planning Policy Framework and London Plan also constitute important policy considerations. The above UDP policies are considered to be consistent with the objectives of the NPPF.

London Plan Policy 3.4 Optimising Housing Potential  
London Plan Policy 3.5 Quality and Design of Housing Developments  
The Mayor's Housing Supplementary Planning Guidance (SPG) November 2012

## **Planning History**

The site has an extensive planning history related to the current commercial use. There have been attempts to secure planning permission for residential development at the site before. Under reference 83/02578 permission was refused by the Council for an outline proposal for a detached bungalow and garage as the site was located in the Green Belt, an Area of Great Landscape Value and the Cray Valley Area of Special Character and no very special circumstances had been provided to warrant an exception to the policies for such areas.

A further attempt was made in 1984 under reference 84/02587 for full planning permission for a detached three bedroom house with garage. This was refused for similar reasons as the 1983 proposal, and dismissed at appeal, as the case for an agricultural dwelling had not been suitably demonstrated and the residential development was inappropriate.

The existing storage building to the NE corner of the site was originally constructed under an agricultural notification but was never used for agricultural purposes. This was the subject of an appeal decision dated 24.06.1992, following an enforcement notice issued by the Council. The Planning Inspector considered that the non-agricultural uses of the building were inappropriate in the Green Belt and harmful to the Conservation Area. The building itself has remained in place.

In 2003 application 03/01398 was also refused for outline permission for a detached dwelling on the basis that the proposal was inappropriate development and no very special circumstances had been demonstrated, and that the proposal would harm the Area of Special Landscape Character within which the site was then located.

Under ref. 11/03108 planning permission was refused in respect of the existing commercial buildings and the erection of 4 x four bed, 1 x five bed and 1 x six bed detached residential dwellings with associated vehicular access and parking, and formation of community car parking area and village pond. This was refused for the following reasons: (1) that the proposal constituted inappropriate development in the Green Belt and no very special circumstances had been demonstrated to warrant the setting aside of normal policy considerations; (2) the proposal by reason of its density, size and siting would result in unacceptable visual impact and harm to the openness of the Green Belt; (3) the proposal would, by reason of its density, size and siting, fail to preserve or enhance the character and appearance of the Chelsfield Village Conservation Area.

#### 2012 application: 12/02558

Under this scheme (which was accompanied by a corresponding application for Conservation Area Consent for the demolition of the existing buildings, ref. 12/02559), an application involving the demolition of existing commercial buildings and the erection of 5 x 4 bed residential dwellings with associated vehicular access and parking, and formation of community car parking area was refused, in August 2012. The application submission included an explanation about the current business, and its needs to relocate to a more accessible location in order to remain viable. The application was refused on the following grounds:

- 1. “The proposal constitutes inappropriate development in the Green Belt and no very special circumstances have been demonstrated to warrant the setting aside of normal policy considerations, contrary to Policy G1 of the Unitary Development Plan and the National Planning Policy Framework 2012.”**
- 2. “The proposed development by reason of its density, size and siting would result in unacceptable visual impact and harm to the**

***openness of the Green Belt, therefore contrary to Policy G1 of the Unitary Development Plan and the National Planning Policy Framework 2012.”***

***3. “The proposed development would, by reason of its density, size and siting, fail to preserve or enhance the character and appearance of the Chelsfield Village Conservation Area, contrary to Policies BE1, BE3 and BE11 of the Unitary Development Plan and the Chelsfield Village Conservation Area Supplementary Planning Guidance.”***

A subsequent appeal was dismissed in September 2013. Key findings of the Appeal Decision are listed as follows:

***“However, whilst material [the reduction in the gross internal floor area and volume of built]... is not, in my view, on its own conclusive in terms of considering whether the development would have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. The existing built development is focused towards the rear of the site, but in comparison, the proposed scheme would extend and spread largely two-storey built development across a much greater extent of the site. There would be some gain in openness towards the very rear of the site, with the removal of the single storey warehouse commercial building, and replacement with the rear garden to the house on Plot 5... Across the main part of the site, and notwithstanding the reduction in the area of hardstanding used for car parking, I consider that there would be a significant increase in both the overall spread and massing of mainly two storey built development in the layout and form of the houses proposed, together with their driveways and ancillary development. The proposed village car park on the very front part of the site, bounding onto Chelsfield Road, would introduce a more formal hard surfaced layout compared with the existing position.”***  
(Para 7)

The Inspector concluded (in Para 9) that, overall, the proposal would have a materially greater impact on the openness of the Green Belt and the purpose of including land in it than the existing development. This would constitute inappropriate development in terms of the NPPF.

In regard to the Chelsfield Village Conservation Area, the Inspector commented that:

***“Although of utilitarian appearance, the existing commercial buildings are set back within the site and have a very limited impact on the character and appearance of the Conservation Area. The proposed development would not encroach on open countryside but it would, in my view, present a more intensive and urban form of development across much of the appeal site given the spacing and massing of the***

***five large detached houses. I consider that this would detract from the more open and sporadic form of development which is characteristic of this part of the village.”*** (Para 12)

The Inspector welcomed the introduction of a landscaped area with a village pond along part of the Chelsfield Lane frontage, but considered that this benefit would be reduced by the area of hard standing for a new village car park which would be situated toward the front of the site. Overall, the Inspector did not consider that the development would preserve the character and appearance of the Chelsfield Village Conservation Area.

The Inspector did not raise a specific objection in respect of the loss of the business site, although she noted that whilst “references in some of the representations [allude] to the busy nature of the site and large commercial vehicles entering the site, there is no direct evidence... to indicate that the existing commercial activities have a harmful effect on the living conditions of adjoining residents.” She therefore afforded this matter “very limited weight in support of the proposal.”

## **Conclusions**

The primary issues to be considered in the determination of this application are whether the proposal is appropriate development in the Green Belt and, if not, whether very special circumstances have been demonstrated to warrant the setting aside of the normal presumption against inappropriate development within the Green Belt; and, secondly, the impact of the proposal on the character and appearance of the Chelsfield Village Conservation Area, which should be preserved or enhanced. The above Appeal Decision also represents an important material consideration in the determination of this revised proposal.

The National Planning Policy Framework 2012 (NPPF) allows some “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.”

In terms of the question of whether the site represents previously developed land, it is noted that the site has been occupied by agricultural buildings and therefore it does not fall within the NPPF definition of previously developed land. Whilst this was previously not considered to be the case by the Council, following a reassessment it is considered that as a matter of fact and degree the site does not fall within the defined criteria of previously developed land. Accordingly, the proposed development of the site for housing represents inappropriate development in the Green Belt and very special circumstances will be required to be demonstrated to justify the proposed development.

Paragraph 87 of the NPPF states that “as with previous Green Belt policy, inappropriate development is by definition harmful to the Green Belt and should not be approved, except in very special circumstances”. Paragraph 89 states that “a

local planning authority should regard the construction of new buildings as inappropriate in the Green Belt” The NPPF lists a number of exceptions and those of relevance.

The applicant does present very special circumstances (as part of an Assessment of Very Special Circumstances relating to the proposal) which are as follows:

- overall reduction in footprint and volume and overall amount of built development amounting to no resultant harm to the openness of the Green Belt;
- development relocated closer to frontage and further from the part of the site abutting the rear so achieving a reduction in the impact of the development on the openness of the Green Belt;
- removal of commercial use and associated activity to the benefit of surrounding neighbours (there having been no interest from other commercial users);
- new housing
- enhanced landscaping
- significant landscape enhancement and an upgrading generally of the visual amenity of the area

The applicant has provided floorspace and volume figures and considers that these show that the proposal represents an overall reduction in the footprint and volume of built development comprising buildings and hardstanding.

Despite their utilitarian appearance, the majority of the existing buildings are single storey and set well back into the site, resulting in little visual impact. The larger barn / warehouse style building to the NE corner of the site still maintains a relatively low profile due to its colour and location within the site, despite being taller than the other buildings. Several of the buildings have flat roofs and are timber clad.

In comparison to the 2012 application, the overall number of units has been reduced from five to three, whilst two of the units (Nos. 1 and 2) will form bungalows rather than two-storey houses. The unit at Plot 3 will incorporate a similar footprint as the existing store, and will include accommodation over two storeys. There has been a corresponding change in the siting of the proposed houses, meaning that the units at Plots 1 and 2 maintain a less clustered footprint than the four units previously proposed around the central portion of the site. In addition, the visitors’ parking and reinstatement of the “village pond” previously proposed has been excluded from this scheme.

In assessing the 2012 scheme the Inspector recognised the consequent reduction in floor area and volume that would arise from this proposal, but considered that the spread and massing of buildings across a greater extent of the site would have a materially greater impact on the openness of the Green Belt. The Inspector noted that there would be some gain in openness towards the very rear of the site, with the removal of the single storey warehouse commercial building, and replacement with the rear garden to the house on Plot 5. The Inspector also considered that the scheme would detract from the character and appearance of the Conservation Area, suggesting that it would “present a more intensive and urban form of development across much of the appeal site” and that “this would detract from the



more open and sporadic form of development which is characteristic of this part of the village.” The Inspector considered that the existing commercial buildings exerted a “very limited impact on the character and appearance of the Conservation Area.”

Having regard to the changes which have been undertaken following the previous application, it is recognised that these do some way to address the concerns cited by both the Council and Inspector. In particular, the provision of two houses of single-storey form in lieu of four two-storey detached houses toward the central portion of the site will result in a less intensive and urban form of development and, pictorially, the ‘front’ dwelling at Plot 1 will maintain similarities to the existing shop building the presently fronts the site, although it will project a lot further forward than the existing shop. However, on a broad perspective, the design and layout of the two houses proposed at Plot 1 and 2 are considered acceptable in principle.

With regard to the dwelling proposed at Plot 3, this will maintain a similar footprint as the existing store, although some of the surrounding land will benefit from soft landscaping. As reflected above, the existing building still maintains a relatively low profile due to its colour and location within the site, despite being taller than the other buildings, and it is not considered that this building essentially detracts from the character and appearance of the Conservation Area. The proposed dwelling will effectively replace the dwelling proposed at Plot 5 within the 2012 application, but the revised siting will mean that the openness at the very rear of the site will now be lost. In contrast to the proposed houses at Plots 1 and 2 this building will incorporate two storeys of accommodation and a significantly smaller useable rear garden area. The SE elevation will measure approximately 29m in length and the central projection will result in a maximum building depth of 13m, resulting in a substantial building mass, rather over-sized and disproportionate in appearance, and rather less akin to traditional barn conversion which might be expected in a rural location. This building is therefore considered unacceptable in terms of its scale, form and layout, and it is considered that this will impact unduly on the character and appearance of the Conservation Area. Whilst this will building will, in effect, replace the existing store, both the NPPF and local planning policy encourage good design, and this proposal will fail to preserve or enhance the CA, contrary to Policies BE1, BE3 and BE11 of the UDP.

Whilst the changes made following the 2012 are recognised, cumulatively it is considered that there will remain an unacceptable visual impact and harm to the openness of the Green Belt. It is considered that the overall spread of the buildings within the site remains somewhat excessive, particularly on account of the significant forward projection of the dwelling at Plot 1 and the overall scale and massing of the dwelling at Plot 3. The dwellings will all attract individual residential paraphernalia and car parking spread across the site.

Although a finely balanced matter, because of its layout and design, it is considered that this proposal will result in a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. For this reason and due to its location on land not previously developed as defined in the NPPF, it is considered to be inappropriate

development in the Green Belt and very special circumstances would need to be demonstrated to overcome the 'in principle' harm caused.

Whilst six very special circumstances have been presented in support of this application, none of these – either in their own right, or collectively –are considered sufficiently compelling or far-reaching enough to outweigh the harm caused to the Green Belt and to justify such inappropriate development in the Green Belt. In particular, it is considered that the harm resulting from the proposed building at Plot 3 will outweigh a number of the improvements achieved elsewhere in the site following the previous application.

Overall the harm caused by this proposal to the Green Belt is considered to outweigh any benefits, and none of the circumstances put forward, in particular the argument that this proposal will improve the openness of the site and the need for the existing business to relocate, are considered to be very special.

The detailed quote set out above from the Council's Supplementary Planning Guidance for the Chelsfield Village Conservation Area sets out the Council's requirements for new development within the village area. It is clear that the proposed dwellings, despite the reduction in floorspace and the figures provided will result in a more prominent form of development when compared to the existing buildings, being further forward on the site.

Consideration must also be given to any impact upon the amenities of adjoining residential properties. There is a good separation from the buildings to adjacent properties and there would not appear to be any potential for loss of amenity from the proposal.

On balance, the proposed residential redevelopment of this site will result in harm to the character and appearance of the Chelsfield Village Conservation Area, and represent inappropriate and harmful development within the Green Belt, in view of its siting and design, and none of the benefits or very special circumstances outweigh the harm that this will cause.

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

## **RECOMMENDATION: APPLICATION BE REFUSED**

The reasons for refusal are:

- 1. The proposed development would, by reason of its size and siting would fail to preserve or enhance the character and appearance of the Chelsfield Village Conservation Area, contrary to Policies BE1, BE3 and BE11 of the Unitary Development Plan, the Chelsfield Village Conservation Area Supplementary Planning Guidance, and the National Planning Policy Framework 2012.**

2. **The proposed development constitutes inappropriate development and by reason of its size siting and would result in unacceptable visual impact and harm to the openness of the Green Belt, therefore contrary to Policy G1 of the Unitary Development Plan and the National Planning Policy Framework 2012.**