

Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

Application No : 16/05334/FULL1

Ward:
Chelsfield And Pratts
Bottom

Address : Rosewood Farm Warren Road
Orpington BR6 6EP

OS Grid Ref: E: 548163 N: 164275

Applicant : Mr J Richie

Objections : YES

Description of Development:

Demolition of storage/workshop buildings and erection of detached three bedroom bungalow with attached garage and associated parking on land to the north-east of Rosewood Farm

Key designations:

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

Proposal

It is proposed to subdivide part of the rear garden of this property, and erect a detached 3 bedroom bungalow with an attached garage and associated parking which would replace two storage buildings currently used by the occupiers of Rosewood Farm.

Vehicular access to the new dwelling would be from the access road to Lilly's Farm which lies immediately to the west of the site, and the dwelling would be set back 3.5m from the front boundary, although the proposed garage would lie within 1.5m. The dwelling would have an 8m deep rear garden, and a 13m wide side garden abutting the new rear boundary of Rosewood Farm.

Location

The site is located on the northern side of Warren Road close to the junction with Chelsfield Lane, and lies within the Green Belt. It also falls within Chelsfield Conservation Area and an area of archaeological interest.

The site is bordered to the east by a residential property known as 2 Lillys Farm Cottage and by the rear gardens of dwellings in Orlestone Gardens, and to the

west by Lilly's Farm for which permission has recently been granted on appeal for a residential development.

Consultations

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- * overdevelopment of the site
- * increased traffic movements in the area
- * workshops are better suited to the area than a dwelling
- * the application relies on getting access to the site via the adjacent property
- * increased parking problems in the village
- * possible impact on rare and endangered species in adjacent fields
- * overlooking of neighbouring properties
- * increased noise and disturbance to adjoining neighbours.

This application was called into committee by a Ward Councillor.

Comments from Consultees

Highways comment that the proposals include access over adjoining land at Lilly's Farm which currently appears to be in commercial use and undoubtedly generates a number of vehicular movements per day over its access road. This type of vehicular use would seem unlikely to sit well with the proposed residential use, which would include pedestrian movements, including moving refuse bins down to Warren Road and back again on collection days. (Notice has been served on the owner of Lilly's Farm).

The proposals may also involve vehicle reversing movements to and from the proposed dwelling due to the limited space available in front of the proposed garage and the proposed location of the access point. Visibility to and from the proposed access to Lilly's Farm access road could be limited by the proposed new fencing being immediately adjacent to the widened access road. It is not clear whether the widening is intended as additional carriageway or for the provision of a footway.

The access is not lit and this would be detrimental to conditions of safety for pedestrians.

A transport statement covering these issues and including vehicle swept path analysis of cars accessing and leaving the site in forward gear to and from the garage should be submitted as part of the proposals.

The Advisory Panel for Conservation Areas raises concerns about the design of the development which is considered to be neither a good, sympathetic vernacular design which would reflect the general character of the Conservation Area, nor a good modern contrast design.

Historic England comment that the proposals lie within an area of archaeological interest and that a pre-determination archaeological assessment should be submitted in order to reach an informed judgement of its impact on heritage assets of archaeological interest.

No drainage objections are seen to the proposals.

Planning Considerations

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

G1 Green Belt

BE1 Design of New Development

BE3 Buildings in Rural Areas

BE16 Ancient Monuments and Archaeology

H7 Housing Density & Design

T3 Parking

T18 Road Safety

The Council is preparing a Local Plan and commenced a period of consultation on its proposed submission draft of the Local Plan on November 14th 2016 which closes on December 31st 2016 (under The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended). It is anticipated that the draft Local Plan will be submitted to the Secretary of State in the early part of 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances. The relevant policies are as follows:

Draft Policy 3 - Backland and Gardenland Development

Draft Policy 4 - Housing Design

Draft Policy 30 - Parking

Draft Policy 32 - Road Safety

Draft Policy 37 - General Design of Development

Draft Policy 46 - Ancient Monuments and Archaeology

Draft Policy 49 - Green Belt

London Plan (2015) Policies:

Policy 3.3 Increasing Housing Supply.

Policy 3.4 Optimising Housing Potential

Policy 3.5 Quality and design of housing developments

Policy 3.8 Housing choice

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.7 Renewable energy

Policy 5.9 Overheating and cooling

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management
Policy 5.13 Sustainable drainage
Policy 5.14 Water quality and wastewater Infrastructure
Policy 5.15 Water use and supplies
Policy 5.16 Waste net self-sufficiency
Policy 5.17 Waste capacity
Policy 5.18 Construction, excavation and demolition waste
Policy 6.5 Funding Crossrail and other strategically important transport infrastructure
Policy 6.9 Cycling
Policy 6.13 Parking
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.14 Improving Air Quality
Policy 7.16 Green Belt
Policy 8.2 Planning obligations
Policy 8.3 Community infrastructure levy

Housing Supplementary Planning Guidance (2016)

The National Planning Policy Framework (NPPF) is also a consideration.

Planning History

A Certificate of Lawfulness for the use of the barn for storage and use of the yard for the parking of commercial vehicles was refused in 1995 (ref.95/01713) as it had not been proved that the use had subsisted continuously over a period of 10 years.

Permission was refused in 2001 and 2002 (ref.01/01685 and 02/01789) for the retention of the detached storage building, but was allowed on appeal in 2003 subject to conditions that it should be clad with dark stained timber boarding and the roof covered with Eternit slates, and should be used solely for purposes incidental to the enjoyment of the dwellinghouse at Rosewood Farm.

In 2002, a Certificate of Lawfulness was granted (ref.02/02081) for the use of the land at Rosewood Farm as residential curtilage.

Conclusions

The main issues in this case are; whether the proposals would comprise 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; the impact on the open and rural nature of the Green Belt; the impact on Chelsfield Conservation Area; the impact on nearby residential properties; the impact on highway safety; and the impact on heritage assets of archaeological interest.

Principle of development

The site is located within the Green Belt, wherein there is a presumption against inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The NPPF states 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'.

The 5 purposes of the Green Belt are set out in Paragraph 80 of the NPPF as follows:

- (1) To check the unrestricted sprawl of large built-up areas
- (2) To prevent neighbouring towns merging into one another
- (3) To assist in safeguarding the countryside from encroachment
- (4) To preserve the setting and special character of historic towns
- (5) To assist in urban regeneration by encouraging the recycling of derelict and other urban land.

The local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- * buildings for agriculture and forestry;
- * the provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- * the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- * the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- * limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- * 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.

London Plan Policy 7.16 strongly supports the current extent of London's Green Belt, its extension in appropriate circumstances and its protection from inappropriate development. This policy states in effect that the strongest protection should be given to London's Green Belt, in accordance with national guidance. Inappropriate development should be refused, except in very special circumstances, and that development will only be supported if it is appropriate and

helps secure the objectives of improving the Green Belt as set out in national guidance.

Policy G1 of the UDP states that permission will not be given for inappropriate development unless very special circumstances can be demonstrated that clearly outweigh the harm by reason of inappropriateness or any other harm. Construction of new buildings or extensions to buildings on land within the Green Belt will be inappropriate, unless it is for the following purposes:

- (i) agriculture and forestry (unless permitted development rights have been withdrawn);
- (ii) essential facilities for outdoor sport and outdoor recreation and open air facilities and other uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it;
- (iii) limited extension, alteration or replacement of existing dwellings;
- (iv) limited infilling or redevelopment in accordance with the guidance within the designated major developed sites at Biggin Hill Airport and Cheyne Centre, Woodland Way, West Wickham.

The applicant has put forward the following special circumstances in support of the proposals:

- * the site should be considered to be previously developed land as was the adjoining site at Lilly's Farm when an appeal for residential development was granted in 2016 (ref.15/01024)
- * judgements on other sites (eg. Bromley Common Liveries) regarding the definition of "previously developed land" have been challenged by the Council and have been upheld at the High Court
- * the proposed building would have a smaller volume and footprint than the existing buildings which are to be demolished and would result in an increase in openness in the Green Belt
- * the development would not result in encroachment into the countryside and would not be contrary to any of the 5 purposes of the Green Belt identified in the NPPF.

The application site clearly falls within the residential curtilage of Rosewood Farm (as was determined by the Lawful Development Certificate in 2002), although the site now appears to include what may have previously been part of the rear garden of No.2 Lilly Farm Cottage. The NPPF states that "previously developed land" is land which is or was occupied by a permanent structure, but excludes private residential gardens in built up areas. Therefore the proposed redevelopment of the site, which is part of the residential curtilage of Rosewood Farm, for an additional dwelling would comprise inappropriate development in the Green Belt, as the locality is clearly a "built up" area and the site comprises a private residential garden.

In granting permission on appeal for the redevelopment of Lilly's Farm to provide three dwellings, the Inspector considered that the site was previously developed land as it had been in commercial use. The land did not fall within a residential

curtilage, therefore, it cannot be compared with the current proposals for Rosewood Farm.

Impact on openness

The proposed single storey dwelling would have a similar footprint to the existing storage buildings that would be removed, but these buildings are of a rural nature with barn style timber cladding and slate roof tiles, whilst the proposed dwelling would have more of an urban appearance with plain clay roof tiles, part brickwork/part weatherboarding and gable end roof designs. However, the dwelling would not appear significantly bulkier than the existing buildings on the site, and would allow greater separation to the host dwelling.

The proposals are not therefore considered to have a significant impact on the open nature of the Green Belt, nor on the visual amenities of the area. However, this does not outweigh the harm caused by reason of inappropriateness.

Impact on Chelsfield Conservation Area

The appeal decision for a residential development on the adjacent Lilly's Farm makes it clear that this location within the Conservation Area has a lower heritage value than the historic core. Although the design of the new dwelling is fairly basic, the existing storage buildings are not of historic or architectural value, therefore the proposals are not considered to be harmful to the overall character and appearance of the Conservation Area.

Impact on adjoining properties

The proposed dwelling would be set back 8m from the rear boundaries of Nos.2 and 3 Orlestone Gardens, which would be 4m further away than the existing storage building within the eastern part of the site. It would be similar in height to the existing building, and no rooflights are proposed, thereby protecting privacy.

The dwelling would also be set approximately 33-37m away from the dwellings at Rosewood Farm and 2 Lillys Farm Cottage, and the proposals are not therefore considered to have a detrimental impact on the amenities of adjoining occupiers.

Impact on highway safety

The site has no direct access to the public highway, and the proposals would require vehicular and pedestrian access over land that is not in the applicant's ownership. The proposed access across land at Lilly's Farm is not included within the application site, and therefore the site is effectively landlocked, with no guarantee that access to the site would be able to be achieved.

Furthermore, the proposals do not adequately address potential issues with cars reversing out into Lilly's Farm car park, inadequate visibility splays, lighting of the access road and refuse collection.

Impact on heritage assets of archaeological interest.

The proposals lie within an area of archaeological interest, and insufficient information has been submitted to assess the impact on heritage assets of archaeological interest.

Conclusions

The proposals therefore comprise inappropriate development within the Green Belt, and it has not been demonstrated in this case that there are very special circumstances to justify inappropriate development in the Green Belt.

The proposals do not demonstrate that the site can be adequately accessed nor that there would be adequate manoeuvring, visibility splays, lighting of the access road and refuse collection. Furthermore, no archaeological assessment has been submitted in order to assess the impact on heritage assets of archaeological interest.

RECOMMENDATION: APPLICATION 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 and the requirements of the NPPF.**
- 2 The site has no direct access to the public highway, in the absence of which, the proposals comprise an unacceptable form of development, contrary to Policies BE1, H7 and T3 of the Unitary Development Plan.**
- 3 In the absence of adequate information regarding the manoeuvring of vehicles, visibility splays, lighting of the access road and refuse collection, the proposals would have a detrimental impact on the free flow of traffic and conditions of safety in the highway, thereby contrary to Policy T18 of the Unitary Development Plan.**
- 4 The site lies within an area of archaeological interest, and insufficient information has been submitted to assess the impact of the proposals on heritage assets of archaeological interest, thereby contrary to Policy BE16 of the Unitary Development Plan.**

You are further informed that:

- 1 *[CIL Informative]***