

SECTION '2' – Applications meriting special consideration

Application No : 19/01864/FULL1

Ward:
Darwin

Address : Christmas Tree Farm, Cudham Road,
Downe, Orpington BR6 7LF

Objections: NO

OS Grid Ref: E: 543324 N: 161508

Applicant : Mr H Barritt

Description of Development:

Continued use of temporary overflow visitors car park in field east of Christmas Tree Farm, accessed from Cudham Road

Key designations:

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

Proposal

The application proposes the continued use of temporary overflow visitor's car park in field east of Christmas Tree Farm, accessed from Cudham Road. The car park would provide approximately 50 spaces

The application was accompanied with a supporting planning statement which states that there are no other car parks in the village and as a result there are problems generally parking within the centre, particularly around the church. The owner has confirmed that the temporary car park has been used on many occasions for weddings and funerals held at the church and therefore provides an important community benefit to the village.

An arboricultural method statement is provided to support the application this report states that no trees have to be removed as part of this proposal. It recommended that adequate tree protection is implemented to preserve the amenity value of the preserved trees on site. The existing temporary car park does fall within the root protection area of the surrounding trees; however the report concludes that its current usage would not result in the significant loss of rooting area and will not result in any significant root damage. The solid has been overlaid with type 1 aggregate which the report recommended this to be topped up where required.

This application was "called-in" to Committee by the Ward Councillor.

Location and Key Constraints

The site is a triangular area piece of land which previously formed part of Thompson Wood and located to the east of Christmas Tree Farm. There is an existing car park serving

Christmas Tree Farm which can accommodate approximately 40 cars. Access is via an entrance off Cudham Road.

The site is within the designated Green Belt and within an area of Archaeological Significance (AAS).

Comments from Local Residents and Groups

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

Support:

- Support this application as it will reduce parking and congestion in the village centre;
- The car park has been used for a number of years and is crucial to the flow of traffic in the village when the farm is busy;
- Without the car park the traffic chaos in the centre of the village would be greatly increased resulting in inconvenience and endangering all road users;
- The farm also allow the car park to be used for events such as funerals and wedding which would otherwise add to the congestions;
- Keeping parking off the street is essential especially as part of the road speed limit is 40MPH.

Downe Residents' Association:

This application is for the continued use of an overflow car park that has successfully been in use for many years by Christmas Tree Farm.

The facility of the overflow car park is very necessary due to farm visitor numbers at peak times and helps to mitigate the traffic congestion, which can result in total gridlock, and lack of parking available in the village. Without such a facility the traffic situation would be significantly worse putting all road users and particularly pedestrians at risk. This is of serious concern due to the number of families with small children visiting the farm and the lack of pavements in the area.

The visual impact of the car park is not detrimental and, for most of the time when there are no cars parked, it is not evident that it is used as such. The ground of this car park is left in a natural state and the fencing is in keeping with the surrounding environment. The location of the car park is convenient for the farm and unobtrusive being at the edge of the village and with no properties adjoining it.

It is not usual for the Downe Residents' Association to write a letter of support, however in this case, given the importance of this facility and the serious negative consequences if the application is refused, we support your approval of this application.

Comments from Consultees

Highways: The previous application was withdrawn but the application indicates that the car park has been in use for the last 9 years.

There is a public right of way, FP238, which runs between the site and Cudham Road which must not be obstructed.

The proposed car park has a sub-standard access onto Cudham Road in terms of width and sightlines. The access is only wide enough for one vehicle to pass through at the time. There do not appear to have been any accidents in the vicinity of the access.

No objections subject to a condition requiring the temporary car park to be controlled by a member of staff when the temporary car park is open as the access is only wide enough for a single vehicle.

Trees: No objections.

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework was published on 24 July 2018 and updated on 19 February 2019.

The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 2016). The NPPF does not change the legal status of the development plan.

The application falls to be determined in accordance with the following policies:

London Plan Policies (2016):

7.4 Local character
7.16 Green Belt

Bromley Local Plan (2019):

30 Parking
32 Road Safety
37 General Design of Development
49 Green Belt
73 Development and Trees

Supplementary Planning Guidance

SPG1 – General Design Principles

Planning History

83/02071/OUT - Planning permission was refused and dismissed at appeal for detached house for agricultural dwellings OUTLINE

85/02248/FUL – Planning permission was refused and dismissed at appeal for a detached single storey building for use as tea shop and sale of farm produce

86/01768/OUT - Planning permission was refused for a detached farmhouse

93/00106/FUL – Planning permission was refused for a detached building for use as a Wendy House

06/03864/ELUD - Car Park CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE

07/03957/FULL1 – Planning permission was granted for a replacement barn.

14/04699 – Planning permission was refused for a proposed replacement timber framed building with dimensions of 6.4m x 36.78m x 3.5m and a partially overhanging roof for the following ground:

"The proposal would, by reason of its scale and massing, will result in dominant feature, injurious to the visual amenities and openness of the Green Belt and, in the absence of very special circumstances to justify it, would be inappropriate development contrary to Policy G1 of the Unitary Development Plan and the National Planning Policy Framework."

15/02829/FULL1 – Planning permission was granted for the replacement timber framed building.

Considerations

The main issues to be considered in respect of this application are:

- Green Belt
- Design
- Highways
- Neighbouring amenity
- Trees
- CIL

Green Belt:

The proposal seeks a material change of use. Paragraph 146 of the National Planning Policy Framework (NPPF) sets out certain other forms of development that are not to be considered inappropriate provided they maintain openness. However a material change of use is not one of the listed exceptions. Paragraph 144 of the NPPF sets out that inappropriate development is, by definition, harmful and should not be approved except in very special circumstances. It also makes clear that the Secretary of State attaches substantial weight to the harm to the Green Belt. The Council's Policy G1 also states that the material change of use of land will be inappropriate unless it maintains the openness and does not conflict with the purposes of including land in the Green Belt.

Paragraphs 133 - 147 of the NPPF sets out the Government's intention for Green Belt. The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The Green Belt is intended to serve five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraphs 143 - 147 deal specifically with development proposals in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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 resulting from the proposal, is clearly outweighed by other considerations.

Bromley Local Plan Policies provide the same level of protection to Green Belt as the NPPF.

The proposal does not fall within any of the exceptions listed in either the NPPF or Policy 49 having regard to the extent of the works proposed.

The proposal constitutes inappropriate development in the Green Belt as set out in paragraph 143 of the NPPF where a proposal is inappropriate development in the Green Belt, it is by definition harmful and should not be approved except in very special circumstances.

It is proposed to change the use of the site from mixed woodland/field to the use as an additional car park for up to approximately 50 vehicles. It is considered that the proposal does not fall within the criteria of Policy 49 nor the NPPF of appropriate uses within the Green Belt. Therefore, very special circumstances must be provided in order to justify any form of development that does not meet the accepted criteria.

Paragraph 144 of the NPPF advises that LPAs should give substantial weight 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.

Therefore, the harm in principle to the Green Belt remains even if there is no further harm to openness because of the development.

- *Impact on openness:*

Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form. Even if there is absence of harm to openness, there can be harm in principle to the Green Belt from inappropriate development.

The fundamental aim of Green Belt policy, as set out in paragraph 133 of the NPPF, is to prevent urban sprawl and the change of use would lead to a perceptible change in appearance. Whilst the constructed parts of the car park would be at ground level, the site would have the potential to be occupied by parked cars for considerable lengths of time. Whilst it is acknowledged that the car park would be screened to a certain degree by the existing trees which would surround it, intermittent views of the cars would still be noticeable, particularly in the winter months. Moreover, the car park and parked cars would be highly visible when driving east along Cudham Road and as such the proposed car park would appear as visual intrusion into the woodland.

The NPPF indicates that other forms of development such as uses of land and some other forms of development such as this proposal provided they preserve the openness of the Green Belt. The proposed use is not one of those uses indicated within the NPPF. In this instance the proposal fails to preserve the openness of the Green Belt and would be inappropriate development in the Green Belt.

The intensification of the site from open field/mixed woodland should be maintained in the interests of protecting the Green Belt. Whilst no changes are proposed to the proposed car park, matting has been already installed however prior to this the site was an open field. The altered surfacing is very different in appearance from that associated with the previous use. In addition it would contrast starkly with the surrounding area and the overall impact would be to introduce a more urban character to this part of the site. Although the site is somewhat screened, a large area of surfacing would be visible from the road which would be an alien element in this rural setting.

The impact of the car park would be further exacerbated by the presence of parked cars when the car park is in use. When occupied by parked vehicles this area would be a visually dominant and intrusive feature and, overall, have an undesirable urbanising effect. It is considered that the car park would appear as an alien feature and not comparable to the previous mixed woodland/field area. It is therefore considered the development would have a harmful impact on the openness of the Green Belt.

It is considered that the proposed hard surfacing area laid out for a car park would reduce the openness of the area significantly and would result in an urbanising effect. Transforming the Green Belt land into an urban form of development, would lead to encroachment into the countryside having a greater impact on the openness of the Green Belt than the current use. On this basis, the proposal would constitute inappropriate development and would diminish the sense of openness of this part of the Green Belt contrary to Policy 49 of the BLP and the NPPF.

It is acknowledged that given the level of screening and the transient nature of cars, it is considered that the loss of openness would be limited however; the proposal would have both a visual and physical impact on the openness of the Green Belt and thus fail to preserve it.

- *Very special circumstances:*

There has been a claim made of very special circumstances.

The NPPF indicates that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. In addition, any harm to the Green Belt carries considerable weight and 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 supporting planning statement provided with the application indicates that the existing level of parking within the existing farm car park is not sufficient to provide for all cars currently generated on a daily basis and would lead to an increase in on-street parking which would be detrimental to highway and pedestrian safety and free flow of traffic given the width of Cudham Road and resultant single lane access.

Whilst it is acknowledged that additional parking would reduce the level of parking on the surrounding roads and assist in the operation of the farm, it is considered the above does not clearly outweigh the harm arising through inappropriateness and the other harm identified and therefore the very special circumstances necessary to justify development in the Green Belt do not exist.

It is therefore considered that there would be harm from inappropriateness as well as a limited loss of openness to the Green Belt. As such the harm to the character and appearance of the area are not clearly outweighed either individually or cumulatively by other considerations sufficient to demonstrate the very special circumstances that are necessary to justify inappropriate development in the Green Belt and in this case there are no material considerations that may amount to or contribute to a case for very special circumstances.

Design:

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 124 of the NPPF (2018) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the NPPF (2018) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

London Plan and BLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

Policy 37 of the BLP states that development should not detract from the existing street scene and/or landscape and should respect important views, skylines, landmarks or landscape features.

The proposal would not require any alterations to the existing car parking layout.

Whilst it is acknowledged that the car park would be screened to a certain degree by the existing trees which would surround it, intermittent views of the car park and cars would still be noticeable, particularly in the winter months. Moreover, the car park and parked cars would be highly visible from Cudham Road and the entrance.

It is therefore considered that due to the scale, resulting in a substantial incursion into the woodland the car park would appear as visual intrusion into the woodland setting.

Highways:

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

London Plan and BLP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan and BLP should be used as a basis for assessment.

The proposal would provide approximately 50 parking bays including. No technical highway objections were received subject conditions ensuring the car park is controlled by a member of staff when the temporary car park is in use.

Whilst it is appreciated that the proposed car park would be reducing the level of parking on the surrounding roads it is considered that the harm to the Green Belt as set out above does not outweigh the harm identified to the character and appearance of the Green Belt.

Trees:

Policy 73 of the BLP states that proposals for new development will be required to take particular account of existing trees on the site and on adjoining land, which in the interests of visual amenity and/or wildlife habitat, are considered desirable to be retained. Tree preservation orders will be used to protect trees of environmental importance and visual amenity. When trees have to be felled, the Council will seek suitable replanting.

No trees have to be removed as part of this proposal and given that whilst the car park does fall within the root protection area of the surrounding trees; however given the current usage the development would not result in the significant loss of rooting area and will not in any significant root damage. As such no objections regarding the trees are raised.

Neighbouring amenity:

Policy 37 of the Bromley Local Plan seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance. This is supported by Policy 7.6 of the London Plan.

No objections have been raised from local residents with regards to noise and disturbance. Whilst the proposed car park would lie near to the entrance to Down Court however, due to the distance, the retention of trees between the car park and the property and the scale of the proposal that there would be no material harm to the occupiers of these properties in terms of noise and disturbance. As such there has been no material change in this respect between the two applications it is considered that development proposed would not materially harm the living conditions of the occupiers of neighbouring properties and therefore be compliant with the above policies.

CIL:

The Mayor of London's CIL is a material consideration. CIL is not payable on this application and the applicant has completed the relevant form.

Conclusion

The NPPF indicates that inappropriate development is, by definition is harmful to the Green Belt and should not be approved except in very special circumstances. In addition, any harm to the Green Belt carries considerable weight and 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. In this case, there is harm from inappropriateness as well as a limited loss of openness to the Green Belt and harm to the character and appearance of the area.

Whilst it is appreciated that the overflow car park would reduce the level of parking on the surrounding roads, it is considered that the harm to the Green Belt and the harm to the character and appearance of the area are not clearly outweighed, either individually or cumulatively by other considerations sufficient to demonstrate very special circumstances that are necessary to justify inappropriate development in the Green Belt and as such the proposal is recommended for refusal.

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

as amended by documents received on 05.07.2019

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 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 49 of the Bromley Local Plan (2019) and the requirements of the NPPF (2018).

- 2. The proposal would constitute an unsatisfactory intensification of development into the countryside, which would result in a harmful impact on the openness and rural character of the Green Belt, contrary to Policies 37 and 49 of the Bromley Local Plan (2019) and the NPPF (2018).**