

Committee Date	10.12.2020	
Address	Eden Fields Farthing Street Downe Orpington BR6 7JB	
Application Number	20/01510/FULL1	Officer - Gill Lambert
Ward	Darwin	
Proposal	Demolition of existing stables buildings and erection of detached single storey three bedroom dwelling	
Applicant	Agent	
Mr & Mrs P. Kulawy	Mr Peter Hadley	
Fairlawn Stables, Eden Fields Farthing Street Downe Orpington BR6 7JB	Robinson Escott Planning Downe House 303 High Street Orpington BR6 0NN	
Reason for referral to committee	Councillor call in	
	Call-In	Yes

RECOMMENDATION	Application Permitted
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<p>KEY DESIGNATIONS</p> <p>Biggin Hill Noise Contours Biggin Hill Safeguarding Area Green Belt London City Airport Safeguarding</p>

Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
Existing	Stables	173
Proposed	Residential	153

Residential Use – See Affordable housing section for full breakdown including habitable rooms					
	Number of bedrooms per unit				
	1	2	3	4 Plus	Total / Payment in lieu
Market			1		
Affordable (shared ownership)					
Affordable (social rent)					
Total			1		

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	5	5	0
Disabled car spaces			
Cycle			

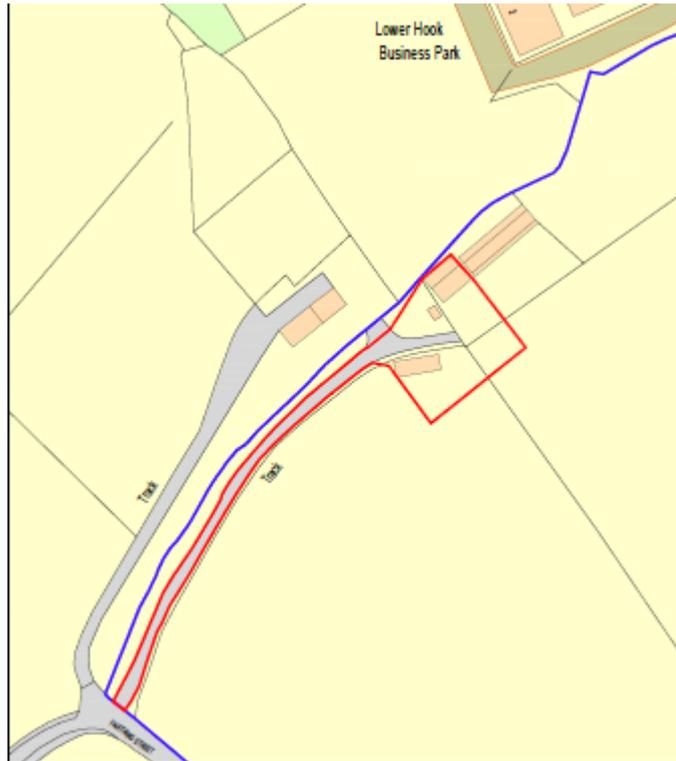
Representation summary	Residents letters were sent on 7 th May 2020 and 9 th November 2020 A Site Notice was displayed between 16 th May – 6 th June 2020	
Total number of responses		1
Number in support		0
Number of objections		1

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The development would not result in inappropriate development in the Green Belt
- The development would not have a harmful impact on the openness or visual amenities of the area
- The development would not adversely affect the amenities of neighbouring residential properties
- The proposals would not constitute an overdevelopment of the site
- The development would provide a satisfactory standard of residential accommodation
- The proposals would not have adverse impacts on parking or highway safety

2 LOCATION

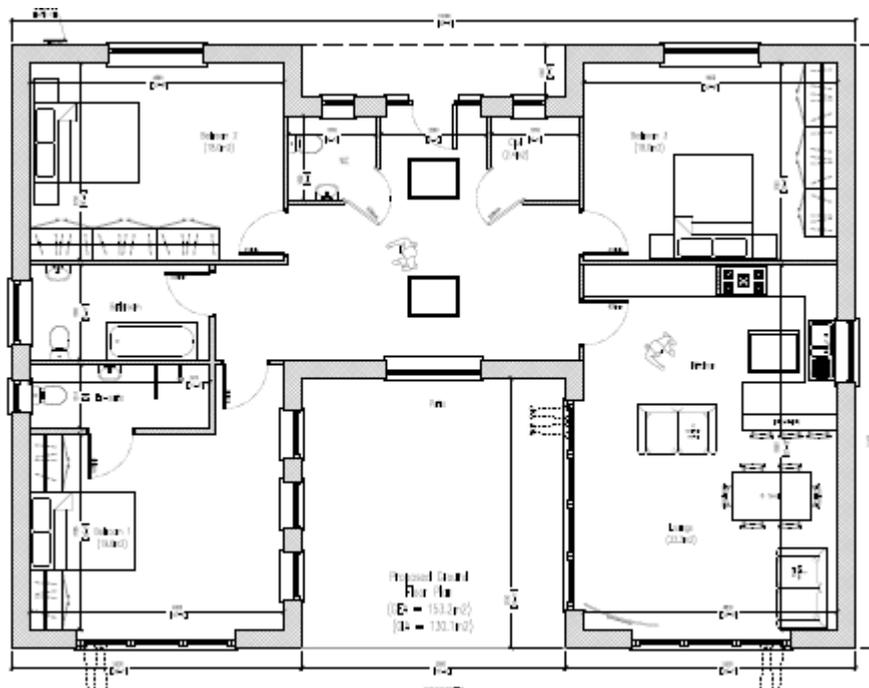
2.1 This site lies within the Green Belt and is located at the end of a long track leading from Farthing Street to the south. The application site contains three stable buildings/outbuildings within an existing complex of stables known as Fairlawn Stables, and lies adjacent to Lower Hook Business Park to the north and Shire Farm to the north-west. A further linear stable building at Fairlawn Stables lies outside the application site to the north-east.

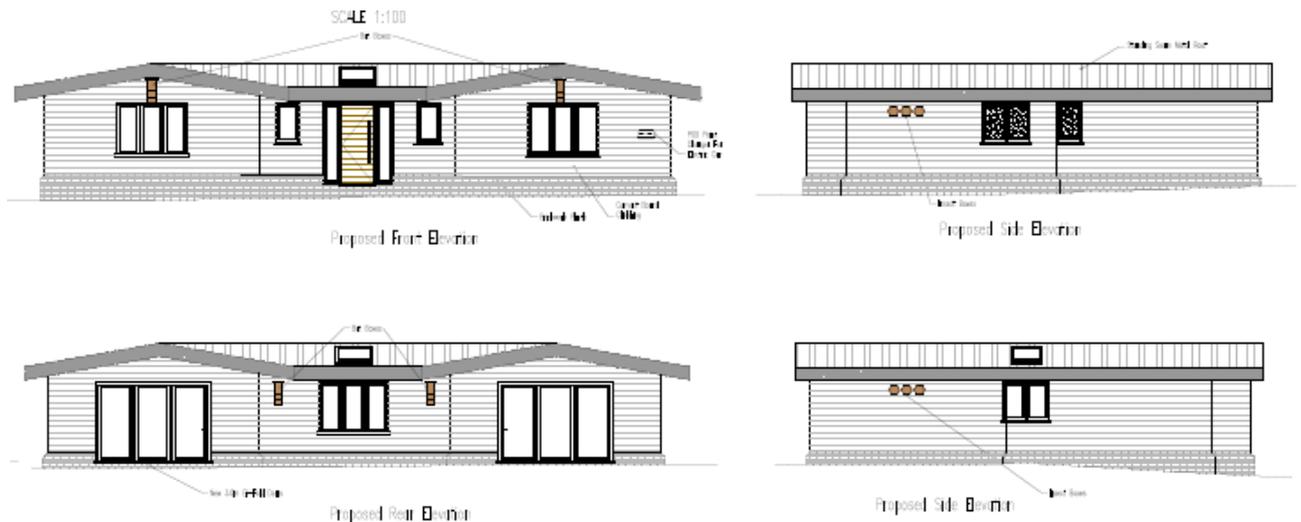


3 PROPOSAL

- 3.1 It is proposed to demolish three existing stable buildings at Fairlawn Stables and erect a detached single storey three bedroom dwelling which would be located in the middle of the buildings to be removed. A further stable building (which lies outside the application site) would be retained, and would continue to be accessed via the existing access road.
- 3.2 The proposed dwelling would be constructed using a brickwork plinth and cement board cladding, and would feature a low-pitched roof with rooflights. The dwelling would be H-shaped with two rear wings and a patio in between, and it would measure 16m in width and 11.5m in depth.
- 3.3 Parking would be provided adjacent to the new dwelling and it would be accessed from the existing access road.
- 3.4 The proposals make provision for bat and insect boxes which would be attached to the new dwelling, and an electrical vehicle charger would be provided.
- 3.5 The application was supported by the following documents:
 - Planning, Design and Access Statement
 - Preliminary Ecological Appraisal and Roost Assessment

3.6A revised plan was submitted on 5th November 2020 which amended the siting of the proposed dwelling.





4 RELEVANT PLANNING HISTORY

4.1 Permission was refused in 2009 (ref.08/03902/FULL1) for a single storey detached outbuilding to provide 2 stables, a tack room and a hay store and the formation of hardstanding on the following grounds:

“The proposed single storey detached outbuilding to provide 2 stables, tack room and hay store and associated hardstanding, by reason of their size, site coverage and siting constitute an undesirable form of development within the Green Belt resulting in an encroachment onto open countryside, harmful to the character and visual amenities of the area, contrary to Policies G1 and L3 of the adopted Unitary Development Plan (2006).”

4.2 The subsequent appeal was allowed in 2010 wherein the Inspector considered that the stable building would provide essential facilities for horses being kept in the field, and would not therefore constitute inappropriate development in the Green Belt. He also considered that although the stable building would reduce openness, given its modest size and siting within this large field, there would be little conflict with the fundamental aim of Green Belt policy to keep land permanently open. He further considered that the proposals would cause little harm to the visual amenities of the Green Belt due to the limited visibility of the development from outside the site. This building is the southernmost of the stable buildings to be removed under the current proposals.

5 CONSULTATION SUMMARY

A) Statutory/Non-Statutory

Highways – No objection

- The location is in the lowest PTAL (0) so all trips are likely to be by vehicles. The stables may well have generated some trips. Trips from a single dwelling are unlikely to have a significant impact, therefore no highways objections are raised to the proposals.

Natural England – No objection

- No objections are raised

Drainage – No objection

- There are no public foul or surface water sewers near the site, therefore, the applicant is required to maximise the use of SUDS to attenuate for surface water run-off. Standard conditions are suggested.

B) Local Groups (Downe Residents' Association)

Impact on Green Belt (addressed in paras. 7.2.7, 7.2.9, 7.2.10 & 7.2.11)

- Construction of a new dwelling in the Green Belt constitutes inappropriate development
- The proposed dwelling would have a greater impact on the openness of the Green Belt than the existing smaller buildings
- The associated parking, vehicles and residential curtilage would be harmful to the Green Belt
- The proposed house would extend further into the site and would further encroach into the countryside
- An outbuilding to be demolished should not be included in the calculations as it does not appear to be a lawful building
- An additional access path may be needed to access the remaining stables which would further erode the Green Belt
- Proposals would set an undesirable precedent for the replacement of stables with housing in the Green Belt
- The site does not comprise previously developed land
- The revised siting of the proposed dwelling (plan submitted 5th November 2020) does not overcome the fact that it constitutes inappropriate development in the Green Belt, and that there are no very special circumstances to justify it.

Character and appearance (addressed in para.7.2.9)

- The footprint of the dwelling would be significantly larger than the lawful buildings to be demolished

General (addressed in Standard Conditions)

- The scheme should not be compared with Forkways which was a controversial decision
- If permission is granted, permitted development rights should be removed and all buildings on the site should be demolished.

6 POLICIES AND GUIDANCE

6.1 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.

6.2 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.

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

6.4 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.

6.5 The 'Intend to Publish' version of draft London Plan (December 2019) is a material consideration in the determination of this planning application. Paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework.

6.6 The draft New London Plan was submitted to the Secretary of State (SoS) on 9 December 2019, following the Examination in Public which took place in 2019. This was version of the London Plan which the Mayor intended to publish, having considered the report and recommendations of the panel of Inspectors.

6.7 The London Assembly considered the draft new London Plan at a plenary meeting on 6 February 2020 and did not exercise their power to veto the plan.

6.8 After considering the 'Intend to Publish' Plan, on 13 March 2020 the Secretary of State for Housing, Communities and Local Government wrote to the Mayor identifying directed changes to a number of policies in the draft plan. The SoS considered these changes were necessary to address concerns regarding inconsistencies with national policy. The Mayor cannot publish the New London Plan until the directed changes have been incorporated, or until alternative changes to address identified concerns have been agreed with the SoS. This could affect the weight given to the draft plan with regard to the directed policies.

6.9 At this stage, the Council's up-to-date Local Plan is generally considered to have primacy over the draft London Plan in planning determinations. However, where no modifications have been directed the draft London Plan policies are capable of having significant weight (as seen in a recent SoS call-in decision in the Royal Borough of

Kensington and Chelsea). Where specific draft London Plan policies have been given particular weight in the determination of this application, this is discussed in this report.

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

6.11 National Planning Policy Framework 2019

6.12 The London Plan

- 3.3 Increasing Housing Supply.
- 3.4 Optimising Housing Potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable energy
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable drainage
- 5.14 Water quality and wastewater Infrastructure
- 5.15 Water use and supplies
- 5.16 Waste net self-sufficiency
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.13 Parking
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.6 Architecture
- 7.14 Improving Air Quality
- 7.16 Green Belt
- 8.2 Planning obligations
- 8.3 Community infrastructure levy

6.13 Draft London Plan

- D1 London's form and characteristics
- D4 Delivering good design
- D5 Inclusive design

6.14 Bromley Local Plan 2019

- 4 Housing Design
- 30 Parking
- 32 Road Safety

37	General Design of Development
49	Green Belt

6.15 Bromley Supplementary Guidance

Supplementary Planning Guidance 1 - General Design Principles
Supplementary Planning Guidance 2 - Residential Design Guidance
Major's Housing SPG
National Planning Policy Framework (NPPF)

7 ASSESSMENT

7.1 Principle - Acceptable

- 7.1.1 The current position in respect of Bromley's Five Year Housing Land Supply (FYHLS) was agreed at Development Control Committee on 24th September 2020. The current position is that the FYHLS (covering the period 2020/21 to 2024/25) is 2,690 units, or 3.31 years supply. This is acknowledged as a significant undersupply and for the purposes of assessing relevant planning applications means that the presumption in favour of sustainable development will apply.
- 7.1.2 The NPPF (2019) sets out in paragraph 11 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with an up to date local plan, applications should be approved without delay. Where a plan is out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 7.1.3 According to paragraph 11(d) of the NPPF in the absence of a 5 year Housing Land Supply the Council should regard the Development Plan Policies for the supply of housing including Policy 1 Housing Supply of the Bromley Local Plan as being 'out of date'. In accordance with paragraph 11(d), for decision taking this means where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7.1.4 Policy 3.3 Increasing housing supply, Policy 3.4 Optimising housing potential and Policy 3.8 Housing choice in the London Plan generally encourage the provision of redevelopment in previously developed residential areas provided that it is designed

to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space.

7.1.5 Policies including 3.3 of The London Plan 2016 and Policy 1 of the Bromley Local Plan have the same objectives. The London Plan's minimum target for Bromley is to deliver 641 new homes per year until 2025. The new/intended to published London Plan's minimum target for Bromley will be increased to 774 new homes a year.

7.1.6 This application includes the provision of one residential dwelling which would represent a minor contribution to the supply of housing within the Borough. This will be considered in the overall planning balance set out in the conclusion of this report, having regard to the presumption in favour of sustainable development.

7.2 Green Belt - Acceptable

7.2.1 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.

7.2.2 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.

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

7.2.4 Paragraph 145 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) 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;

- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;

f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

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

7.2.6 Policy 49 of the BLP states that the construction of new buildings on land falling within the Green Belt will be inappropriate, unless it is for the following purposes:

- agriculture and forestry;
- appropriate facilities for outdoor sport and outdoor recreation and cemeteries which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it;
- extension or alteration of a building 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.

7.2.7 The three buildings to be removed are used for the stabling of horses and ancillary storage, and were clearly present in 2013 (as shown on the aerial photograph submitted by the applicant), thereby constituting lawful buildings. The proposed dwelling would be built partly on the site of the most recently built stable building which was allowed on appeal in 2010 and built shortly afterwards. Previously developed land is defined as land which is or was occupied by a permanent structure, including the curtilage of the developed land, and although it excludes land last occupied by agricultural or forestry buildings (amongst other uses), it does not exclude buildings used for the stabling of horses. The application site is therefore considered to comprise previously developed land, and its redevelopment to provide a detached single storey residential dwelling could comprise appropriate development in the Green Belt so long as it would not have a greater impact on the

openness of the Green Belt and the purpose of including land within it than the existing buildings.

7.2.8 Impact on openness:

Openness is an essential characteristic of the Green Belt and is different from visual impact as it 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.

7.2.9 The three buildings to be removed have a total floor area of 173sq.m. (measured externally) whilst the new dwelling would have a floor area of 153sq.m., which would result in a reduction of 20sq.m. of overall footprint of built development on the site which equates to an 11% reduction. The total volume of the buildings to be demolished is 474cu.m., whilst the volume of the proposed dwelling would be 467cu.m. which would represent a reduction in overall volume of development on the site of 7cu.m. or 0.01%.

7.2.10 The proposals would result in the consolidation of built form on the site as the new dwelling would lie within the middle of the 3 buildings to be removed, and although the dwelling would be slightly higher than the existing stable buildings, the proposals are not considered to have a significantly greater impact on the openness of the Green Belt than the existing development which is spread further across the site.

7.2.11 The NPPF and BLP Policy 49 dictate that the construction of new buildings in the Green Belt is inappropriate, with a few exceptions. In this case, the proposed development is one of the specified forms of development considered to be an exception. The Council is therefore satisfied that the proposed form of development would constitute appropriate development in the Green Belt.

7.3 Design, layout and scale – Acceptable

7.3.1 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.

7.3.2 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.

7.3.3 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.

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

7.3.5 Policies 4 and 37 of the Bromley Local Plan (BLP) and the Council's Supplementary design guidance seek to ensure that new development, including residential extensions are of a high quality design that respect the scale and form of the host dwelling and are compatible with surrounding development.

7.3.6 The proposed dwelling would be constructed using weatherboarding and a brickwork plinth, and would have a low-pitched metal roof. It would be slightly higher than the existing stable buildings on the site (0.3m higher), but the design of the dwelling is not considered to appear out of character with development in the surrounding area.

7.4 Standard of residential accommodation – Acceptable

7.4.1 In March 2015 the Government published The National Technical Housing Standards. This document prescribes internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The Gross Internal Areas in this standard will not be adequate for wheelchair housing (Category 3 homes in Part M of the Building Regulations) where additional internal area is required to accommodate increased circulation and functionality to meet the needs of wheelchair households.

7.4.2 Policy 4 of the BLP sets out the requirements for new residential development to ensure a good standard of amenity. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Governments National Technical Housing Standards.

7.4.3 The London Plan makes clear that ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily

adaptable for residents who are wheelchair users. The relevant category of Building Control Compliance should be secured by planning conditions.

7.4.4 The minimum space standard for the proposed dwelling is 95sq.m. for a three bedroom single storey dwelling for 6 persons, and the proposed dwelling would provide 153sq.m. floorspace which would comply with the required standards.

7.4.5 The proposed dwelling would have a rear garden of 10m in depth and 35m in width which is considered acceptable to serve a family sized dwelling.

7.5 Highways – Acceptable

7.5.1 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.

7.5.2 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.

7.5.3 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 Bromley Local Plan should be used as a basis for assessment.

7.5.4 No highways objections are raised to the proposals.

7.6 Neighbouring amenity - Acceptable

7.6.1 Policy 37 of the BLP 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.

7.6.2 The proposed dwelling would lie some distance from the nearest residential properties, and the development would not therefore cause harm to residential amenity.

7.7 CIL

7.7.1 The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

8 CONCLUSION

8.1 The proposals would constitute appropriate development in the Green Belt, and would not have a detrimental impact on the openness or visual amenities of the Green Belt, nor on the amenities of neighbouring residential properties. Additionally, the provision of 1 new dwelling would make a minor contribution towards meeting the Council's housing targets, which also weighs in its favour.

8.2 Conditions are recommended to secure an acceptable form of development which protects the amenities of the surrounding area.

RECOMMENDATION: PERMISSION BE GRANTED As amended by documents received on 5th November 2020

Standard Conditions:

- 1. Standard time limit of 3 years**
- 2. Standard compliance with approved plans**

Pre-Commencement Conditions:

- 3. Surface water drainage**
- 4. Slab levels**

Above Ground Works conditions:

- 5. Soft and hard landscaping and boundary enclosures**
- 6. Material details/samples**

Compliance conditions:

- 7. Remove PD Rights (Classes A/B/C/E)**
- 8. Demolish existing buildings**

Any other planning condition(s) considered necessary or requires amending by the Assistant Director of Planning

Informatives:

- 1. CIL**