

Committee Date	04.02.2021	
Address	Holwood Farm Shire Lane Keston BR2 6AA	
Application Number	20/02391/FULL1	Officer - Nicholas Trower
Ward	Darwin	
Proposal	Part change of use of Green Barn to provide take-away tea and coffee facilities, use of a grassed area to rear of Green Barn for outside customer seating, relocation of pergola to grassed area, addition of fencing, provision of cycle parking, reuse of storage container for 'Click and Collect' facilities and addition of 4 car parking spaces.	
Applicant	Agent	
Mr Gary Mercer	Caroline Marginson	
Holwood Farm Shire Lane Keston BR2 6AB		
Reason for referral to committee	Councillor call in	
	Significant Objections / Controversial	No

RECOMMENDATION	Application Refused
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<p>KEY DESIGNATIONS</p> <p>Biggin Hill Noise Contours Biggin Hill Public Safety Zone Biggin Hill Safeguarding Area Green Belt London City Airport Safeguarding Smoke Control SCA 24</p>

Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
Existing	A1/Sui generis	133.3sqm (Green Barn) 14.8sqm (Shipping container)
Proposed	A1	No enlargement or reduction in floor space proposed.

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	32	36	+4
Disabled car spaces	2	2	0
Cycle	4	Fenced area of approx.44sqm to be provided with wire loops and locks.	

Electric car charging points	0
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Representation summary	<i>Site notice – displayed 20.08.2020</i> <i>Press advert – published 12.08.2020</i> <i>Neighbour letters – issued 10.08.2020</i>	
Total number of responses	214 (2 general comments also received)	
Number in support	208	
Number of objections	4	

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposed retention of the storage container would constitute inappropriate development which would be harmful to the openness and visual amenities of the Green Belt;
- There are no other considerations that would clearly and demonstrably outweigh the harm to the Green Belt by reason of inappropriateness and other harm.

2. LOCATION

2.1 The application site comprises a detached building and car park which are situated on the eastern side of New Road, close to the junction with Shire Lane and Downe Road. Green Barn, the shipping container and car park are situated within the former Holwood Farm complex and are associated with 'Yellow Barn' which contains a farm shop and café. The area is predominately rural in character and lies within the Green Belt. Yellow Barn and the adjoining properties to the north of the site are locally listed buildings.

2.2 Site Location Plan:



3. PROPOSAL

3.1 The application seeks planning permission for the part change of use of the outbuilding known as the 'Green Barn' to provide take-away tea and coffee facilities, use of grassed area to rear of Green Barn for outside customer seating, relocation of pergola to grassed area, addition of fencing, provision of cycle parking, reuse of storage container for 'Click and Collect' facilities and addition of 4 car parking spaces.

3.2 The hours of operation listed in the application form are as follows:-

Monday - Saturday (inclusive) - 9:00am - 18:30

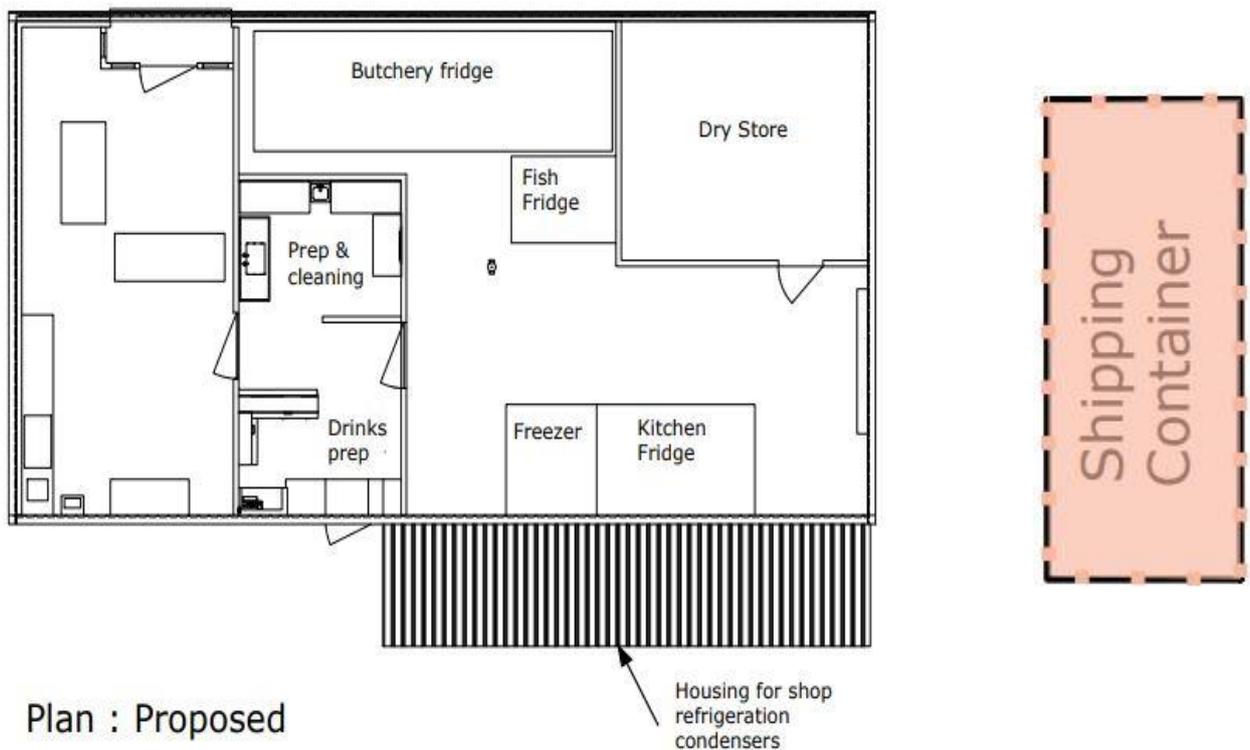
Sunday and Bank Holidays - 10:00 - 17:30

3.3 The application was supported by the following documents:

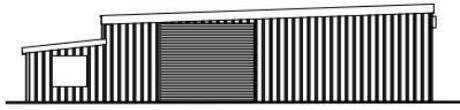
- Design and access statement
- Swept path analysis

3.4 Plans and elevations:

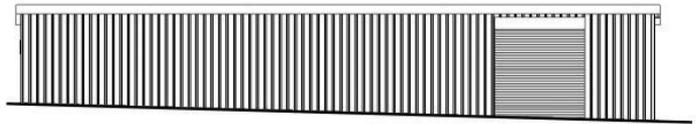
3.4.1 Proposed Green Barn and container floor plans



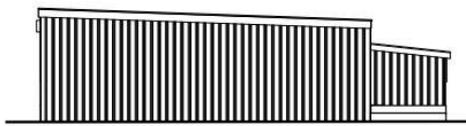
3.4.2 Proposed Green Barn elevations



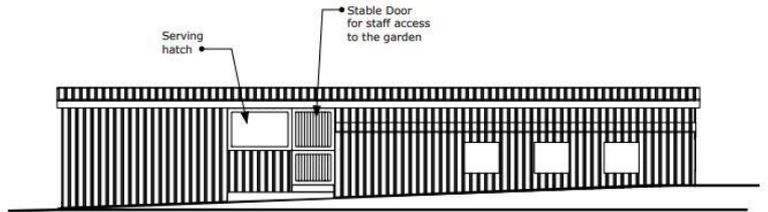
North Elevation



West Elevation

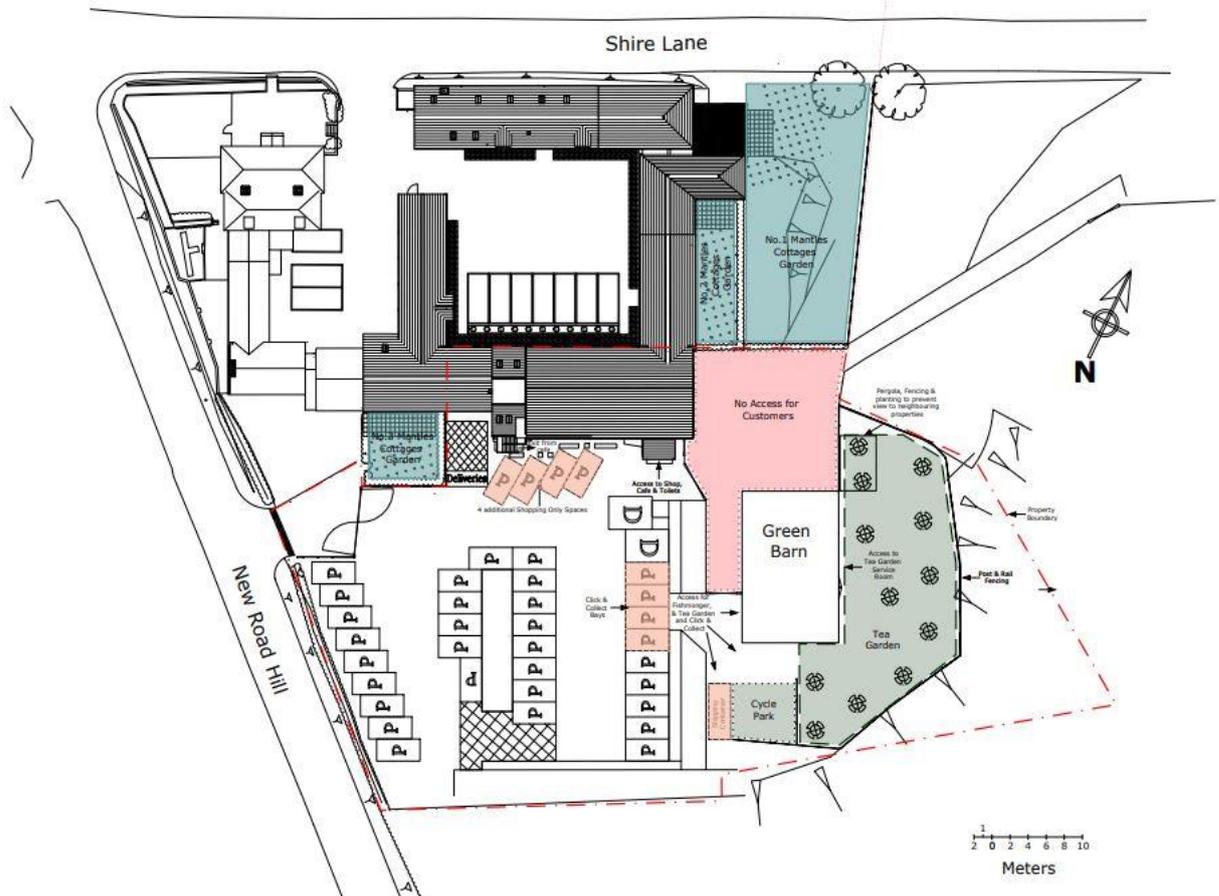


South Elevation



East Elevation

3.4.3 Proposed site layout



4. RELEVANT PLANNING HISTORY

- 4.1 The relevant planning history relating to the application site is summarised as follows:
- 4.2 10/01251/FULL1 - Conversion of farm buildings into 1 four bedroom dwelling with office and 2 three bedroom dwellings with 6 car parking spaces, plus the conversion of a barn into a farm shop (Class A1) and 20 car parking spaces with associated landscaping and enclosures. Demolition of large Atcost barn and hay barn - Application Permitted.
- 4.3 11/02342/ADV - 1 non-illuminated hanging sign at New Road Hill and 1 Non-illuminated hanging sign at Shire Lane - Advertisement Consent Granted.
- 4.4 15/03635/FULL3 - Conversion and enlargement of existing farm building into butchery counter and butcher preparation room; addition of mezzanine floor to existing coffee shop to be converted to Class A3 (Restaurant) Use, conversion of remainder of the building into 3 bedroom dwelling; and associated elevational alterations and provision of extended fire escape staircase - Application Permitted.
- 4.5 16/02897/RECON - Removal of condition 3 and 10 of planning permission reference 15/03635/FULL3 concerning the removal of all permitted development rights and the restriction of the A3 use (Restaurant and Cafe) solely in connection with Holwood Farm Shop Ltd - Approved.
- 4.6 17/00588/RECON - Removal of Condition 7 of planning permission reference 16/02897 which stipulates: "The commercial premises referred to as 'Yellow Barn' in this application shall be used as a ground floor farm shop incorporating a butchery and green grocery and ancillary first floor restaurant, and for no other purpose (including any other purpose in Classes A1 or A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). The development shall not be carried out otherwise than in complete accordance with the plans set out in Drawing No PROP-01, Rev 3 of application reference 15/03635/FULL3 - unless otherwise agreed in writing by the Local Planning Authority." - Application Refused/Appeal Allowed.
- 4.7 20/02390/FULL1 - Change of use of part of the Holwood Farm Green Barn to Class A1 for fishmonger and changes to the car park layout (retrospective) – Currently Under Consideration.

5. CONSULTATION SUMMARY

A) Statutory

Highways: No technical highways objections.

Environmental Health: No objection.

- Please note that internal observations, when not statutory, will only be addressed in the body of the report to avoid repetition.

B) Adjoining Occupiers

Noise and Disturbance (paras 7.4.1-7.4.8):

- Opening hours must be regulated for visitors.
- Delivery times must have regard for nearby properties.
- Increased activity, noise and disturbance.
- Customers will wonder onto neighbouring properties.
- Operating times should be restricted along with seasonal restrictions.
- The use of the storage container is not suitable.
- The total number of covers should be limited to 48.
- When social distancing no longer exists the owner may seek to add more tables, this cannot happen as the site is already full to capacity.
- The extension of the opening hours will impact on the lives of residents.
- The proposed operating hours are not acceptable to direct neighbouring properties most likely to be impacted when trying to enjoy their evenings.
- Unneighbourly behaviour from the owners.
- No consideration for impact on adjoining neighbours.
- Noise from the fridges is inconvenient to neighbours.
- The intensified activities of the farm shop have disturbed the enjoyment of our home and garden.

Privacy and Overlooking (paras 7.4.1-7.4.8):

- Tea garden will directly overlook neighbouring properties.
- Existing hedging will not provide privacy for most of the year.
- Existing café infringes our right to privacy due to overlooking from mezzanine floor.
- The area should be fenced off so neighbouring privacy is respected.
- Frosted film should be placed on the north facing café windows to respect privacy.
- Use of the fire exit from Yellow Barn will have a huge impact on privacy.

Parking and Traffic (paras 7.5.1-7.5.5):

- Additional parking spaces will increase pollution levels and traffic.
- The tea garden must not be used for other purposes such as parking vehicles and vans.
- Increase in traffic from customers and deliveries.
- The parking area is small, if the business expands it may lead to cars being parked illegally or dangerously.
- There are ongoing issues with the car park which will be made worse, including double parking, parking in delivery zones or across neighbouring drives.
- Policing of the car park is needed so residents do not have to deal with inconsiderate customers.
- The additional parking spaces would be in close proximity to property resulting in an increase in noise and pollution.
- The car parking spaces are positioned in front of the fire exit stairs.

- The positioning of the car parking spaces is dangerous.
- There is no access available for the click and collect service.
- There are existing areas in the car park that can be used for cycle parking.
- The fishmonger van should not be parked in a position which ruins views of the trees.

Waste and Refuse (paras 7.4.1-7.4.8):

- Waste from the tea garden will blow into neighbouring gardens and fields.
- Waste from the tea garden will attract vermin.
- The bins should be moved away from neighbouring properties.
- The area should be kept free of litter and uneaten foods during the operational times of the tea gardens.

Other Matters (paras 7.4.1-7.4.8):

- The tea garden will not be suitable for social distancing.
- The Covid-19 virus can be airborne. Are neighbouring properties to be exposed to the virus being blown from the tea garden.
- Drainage system is not designed to take this additional use.

In support:

- The application would not cause local detriment.
- Any outside area that enables families to engage outdoors needs to be encouraged.
- It will allow a safe place for bikes and more outside space to enjoy refreshments.
- Businesses should be supported as we enter a period of economic recession.
- The click and collect service is a valuable service to the local community.
- This will help maintain the viability of the farm shop and enable the retention of staff.
- The tea garden would enhance the existing service.
- The tea garden would assist the accommodation of dog owners and cyclists.
- Local businesses should be supported.
- The tea garden will provide employment for local people.
- The proposals would have little impact on the environment.
- The farm was a dairy milk producer so must have previously been active in terms of noise and commercial disruption.
- The village needs local amenities.
- The owners will ensure that guidelines are adhered to and everyone is safe.
- This will not have a detrimental effect on the site or Green Belt.
- The tea garden will enable social distancing.
- The tea garden will not have a negative impact on the visual appearance of the main building.
- The tea garden would lead to less crowding inside which would be a benefit.
- A local business should not be allowed to fail when obvious solutions are available.
- The closure of the café in Keston increases the justification for improved facilities in the area.
- Safe environment for those who do not want to use indoor facilities at this time.
- The click and collect service has been very beneficial during this time.
- Car park changes help support socially distanced shopping.
- The proposed changes will meet customer demand and provide a more amenable area for those wishing to visit for refreshments.

- The click and collect service is important for vulnerable customers.
- It would be a benefit to the local community if the click and collect service were to continue.
- The outside seating area is a benefit when bringing people with disabilities to the farm shop.
- There is no suggestion that traffic will increase with the tea garden aimed at cyclists and walkers.
- During lockdown the farm shop provided a service you could not get from the supermarkets.

Please note that the above is a summary of representations received and that the full text can be found on the Council's website.

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 development plan for Bromley comprises the London Plan (March 2016) and the Bromley Local Plan (2019). The NPPF does not change the legal status of the development plan.
- 6.4 An updated 'Intend to Publish' version of draft London Plan – entitled Publication London Plan December 2020 - was published on 21 December 2020. This version of the draft plan includes changes made by the Mayor in response to a number of Directed Changes made by the SoS in March and December 2020. The relevant documents are available on the Mayor's website - <https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/publication-london-plan>
- 6.5 The draft new London Plan (December 2020) 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 is at a very advanced stage; in a Written Ministerial Statement dated 15/12/2020, the SoS indicated that he expects to agree the London Plan with the Mayor early in the new year (early 2021).

- 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 Prior to issuing further Directed Changes in December 2020, the SoS (in two SoS call-in appeals in the Royal Borough of Kensington and Chelsea, appeal ref: APP/C5690/W/18/3205926; and the London Borough of Hounslow, appeal ref: APP/G6100/V/19/3226914) had established that the draft London Plan policies are capable of having significant weight where they weren't subject to Directed Changes.
- 6.9 Considering this information against paragraph 48 of the NPPF, the draft new London Plan (December 2020 'Intend to Publish' version) is considered to have very significant weight where there are no Directed Changes to policies; and significant weight where there are Directed Changes to policies. Taking this into account, the draft new London Plan policies should be used to determine this planning application, alongside policies in the adopted Local Plan and adopted London Plan. Where there is conflict between the policies in the draft new London Plan and the policies in the adopted Development Plan, the draft new London Plan should generally be given primacy although this may vary from case to case.
- 6.10 Upon adoption of the new London Plan, it will become the most up-to-date Development Plan Document for the London Borough of Bromley, and therefore, in accordance with section 38(5) of the Planning and Compulsory Purchase Act 2004, "if to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.
- 6.11 The application falls to be determined in accordance with the following policies:

6.12 National Policy Framework 2019

6.13 The London Plan

- 2.7 - Outer London: Economy
- 5.1 - Climate Change Mitigation
- 5.2 - Minimising Carbon Dioxide Emissions
- 5.3 - Sustainable Design and Construction
- 5.7 - Renewable Energy
- 5.12 - Flood Risk Management
- 5.13 - Sustainable Drainage
- 6.3 - Assessing Effects of Development on Transport Capacity
- 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
- 7.15 - Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes

7.16 - Green Belt
8.3 - Community Infrastructure Levy

6.14 Draft London Plan

GG1 - Building Strong and Inclusive Communities
GG2 - Making the Best Use of Land
GG5 - Growing a Good Economy
D1 - London's Form, Character and Capacity for Growth
D4 - Delivering Good Design
D5 - Inclusive Design
D14 - Noise
E2 - Providing Suitable Business Space
G2 - London's Green Belt
SI1 - Improving Air Quality
SI2 - Minimising Greenhouse Gas Emissions
SI7 - Reducing Waste and Supporting the Circular Economy
SI8 - Waste capacity and Net Waste Self-Sufficiency
SI12 - Flood Risk Management
SI13 - Sustainable Drainage
T4 - Assessing and Mitigating Transport Impacts
T5 - Cycling
T6 - Car Parking
T6.5 - Non-Residential Disabled Parking
T7 - Deliveries, Servicing and Construction

6.14 Bromley Local Plan 2019

30 - Parking
31 - Relieving Congestion
32 - Road Safety
33 - Access for All
37 - General Design of Development
49 - Green Belt
63 - Development Related to Farm Diversification
77 - Landscape Quality and Character
83 - Non-Designated Employment Land
96 - Neighbourhood Centres, Local Parades and Individual Shops
115 - Reducing Flood Risk
116 - Sustainable Urban Drainage Systems (SUDS)
117 - Water and Wastewater Infrastructure Capacity
119 - Noise Pollution
120 - Air Quality
122 - Light Pollution
123 - Sustainable Design and Construction
124 - Carbon Dioxide Reduction, Decentralise Energy Networks and Renewable Energy
125 - Delivery and Implementation of the Local Plan

6.16 Bromley Supplementary Guidance

Supplementary Planning Guidance 1 - General Design Principles
Article 4 Direction - Land at Shire Lane, Downe

7. ASSESSMENT

7.1 Principle – Acceptable

- 7.1.1 The application seeks planning permission for the part change of use of the outbuilding known as the 'Green Barn' to provide take-away tea and coffee facilities, use of grassed area to rear of Green Barn for outside customer seating, relocation of pergola to grassed area, addition of fencing, provision of cycle parking, reuse of storage container for 'Click and Collect' facilities and addition of 4 car parking spaces.
- 7.1.2 Holwood Farm currently offers a café service in Yellow Barn with external seating to the front of the building. The proposal is, in part, to enable this existing café service to continue in line with the Government's social distancing requirements for businesses. The proposed use of the storage container will enable Holwood Farm to continue providing the click and collect service started during the nationwide lockdown which began in March 2020. The additional car parking spaces will sit where the pergola is currently positioned and four parking bays close to the storage container will be reserved for the click and collect service. The cycle parking will be positioned in close proximity to the proposed outside seating area.
- 7.1.3 Local Plan Policy 96 encourages new local shops and services (including farm shops) which serve the local community. Local Plan Policy 63 expects farm diversification schemes to be well-conceived and consistent in scale to their rural and Green Belt locations. The policy seeks to ensure that proposals preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. The policy also sets out that there should be no harm to the retail viability of nearby shops or to existing rural business.
- 7.1.4 The application site is situated within the Green Belt. Paragraph 143 of the NPPF sets out that 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. Paragraph 146 of the NPPF is reflected in Local Plan Policy 49 which states that certain forms of development are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. One form of development which is not inappropriate includes the re-use of buildings provided that the buildings are of permanent and substantial construction.
- 7.1.5 The proposed part change of use to provide take away tea and coffee facilities would make efficient use of the existing building and involves the provision of a service which was previously provided in the Yellow Barn. The take away facilities and proposed tea garden seating area would remain linked to the service provided in the Yellow Barn. As a result, and given the sites location, it is not considered that the proposed part change of use would result in harm to the retail viability of nearby

shops or to existing rural businesses. New boundary treatment is proposed to the tea garden along with the relocation of the pergola. An assessment of the potential harm to the Green Belt along with the benefits of the proposal will need to be made.

- 7.1.6 As set out above Holwood Farm offer a click and collect service. This service was started in response to the Covid pandemic and the application sets out that it continues to be popular with customers. Holwood Farm have been operating the click and collect service from Yellow Barn and it is proposed to move the operation to the shipping container in order to free up floor space. It is not considered that this element of the proposed would result in harm to the retail viability of nearby shops or to existing rural businesses.
- 7.1.7 The application sets out that the shipping container was used for storage during building works which finished in 2019. The container does not benefit from planning permission. As a result paragraph 146 of the NPPF would not apply and very special circumstances will be required as set out under paragraph 144 of the NPPF. An assessment of the potential harm to the Green Belt along with the benefits of the proposal will need to be made.
- 7.1.8 It is considered that the proposed development would be acceptable in principle subject to an assessment of its impact on the Green Belt, neighbouring amenity, and parking and highway safety.

7.2 Green Belt – Unacceptable

- 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.
- 7.2.4 As set out in para 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. Para 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.

- 7.2.5 Therefore, the harm in principle to the Green Belt remains even if there is no further harm to openness because of the development. 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.
- 7.2.6 Paragraphs 146 states certain forms of development are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. Two forms are the re-use of buildings provided that the building is of a permanent and substantial construction and the material change in use of land.
- 7.2.7 Bromley Local Plan Policies provide the same level of protection to Green Belt as the NPPF.
- 7.2.8 The existing structure has been in place for a number of years and is currently occupied by a fishmongers. Minor alterations will need to take place to ensure that the structure can be used for the proposed take away service such as the introduction of a serving hatch and a door. The building is considered to be structurally sound and it does not appear that significant re-building has taken place or would be required to enable its proposed use.
- 7.2.9 It is possible that the traffic generated by the proposed use of the barn could increase to such a degree that it starts to have a material impact on the openness and purpose of the Green Belt due to the intensification of the use. A condition included with any planning permission requiring the submission of a travel plan would provide a degree of control over traffic generated by the use. This control would work to minimising the traffic impact as a result of any future intensification of the use.
- 7.2.10 It is therefore considered that, subject to the condition outlined above, this element of the proposed development would continue to preserve the openness of the Green Belt and would not conflict with the purposes of including the land in the Green Belt. Taking this into account it is considered that this element of the proposed development would not be inappropriate development in the Green Belt as outline by paragraph 145 of the NPPF.
- 7.2.11 It is proposed to use the shipping container as part of the click and collect service. The shipping container does not benefit from planning permission and for the purposes of this application must be assessed as a new structure on the land. Boundary fencing and a pergola are also proposed to the rear of the Green Barn as part of the provision of the tea garden. This element of the proposed development would, by definition, have a harmful impact on the openness of the Green Belt by introducing new structures to a site where no structure had previously existed. The development fails to fall into one of the categories of non-inappropriate development in the Green Belt as outlined by the NPPF and Policy 49 of the Bromley Local Plan.

The proposal would therefore be inappropriate development and would be harmful to the visual amenities and openness of the site. As set out above paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in Very Special Circumstances.

- 7.2.12 It is proposed to retain the shipping container to provide a click and collect service. The applicants have put forward that the retention of the container would free up space within Yellow Barn as well as providing easier access from the car park. The applicants set out that the farm shop has adapted the services it offers in response to the initial lockdown started in March 2020. After this initial lockdown ended the applicants continued to provide the service due to high demand. As a result of the level of demand it is intended for the container to be retained permanently for this use.
- 7.2.13 It is recognised that click and collect shopping has provided additional options for residents and that it has allowed the farm shop to diversify how it delivers its existing services. The use of the container is beneficial during the pandemic as it reduces contact between people on site, provides a storage and handling area and is positioned close to the carpark. These benefits however relate to relatively short term pressures which have arisen from the pandemic and do not amount to Very Special Circumstances that would justify the containers long term retention.
- 7.2.14 It is not considered that the permanent retention of the shipping container to provide the click and collect service amounts to Very Special Circumstances that outweigh the harm caused to the openness of the Green Belt. The proposed development would therefore fail to comply with the aims and objectives of Policy 49 of the Bromley Local Plan, Policy 7.16 of the London Plan and paragraphs 143-147 of the NPPF.

7.3 Design – 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 (2019) 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 (2019) 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 Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.3.5 The proposed alterations to Green Barn are minimal and it is not considered that they would have a detrimental impact on the appearance of the building or detract from its rural setting. The pergola is currently situated to the front of Yellow Barn and it is not considered that its relocation or the design of the proposed fencing would be an alien addition to the site. The proposed works are not considered to be at odds with 'Yellow Barn' or the other locally listed buildings to the north. It is not considered that the proposed works would detract from the setting of these locally listed buildings or impact on their character, appearance or special local interest.

7.4 Neighbouring Amenity - Acceptable

- 7.4.1 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.
- 7.4.2 The closest neighbouring properties are situated to the north-west of the application site with a separation distance of approximately 15m. It is not proposed to enlarge the Green Barn and it is not considered that the relocation of the pergola or addition of fencing would have a detrimental impact on neighbouring amenities in terms of overshadowing, loss of light or overbearing impact.
- 7.4.3 The northern end of the proposed tea garden would sit relatively close to the gardens of Nos.1 and 2 Mantles Cottages. The submitted plans indicate that planting will be provided to the boundary in order to screen the tea garden and reduce the risk of overlooking and loss of privacy to neighbouring properties. Representations have been received raising concerns about the loss of privacy from customers using the tea garden. In order to protect neighbouring amenity a condition can be included with any permission requiring the submission of further details, such as a planting schedule and plan. This will ensure that suitable screening is in place prior to the use of the site.
- 7.4.4 The proposed opening hours for the take-away tea & coffee facilities, tea garden and click and collect service operating from the shipping container are the same as those that have been conditioned for the farm shop. It is considered that in order to protect the visual and residential amenities of the area a condition should be included as part of any planning permission which limits the hours of operation of the proposed take-away tea & coffee facilities, tea garden and click and collect service to between 9:00-

17:00 (Tuesday-Saturday inclusive) and 10:00-16:00 (Sunday) which are the opening hours currently operated by the farm shop. Subject to the limitation of opening hours it is not considered that the proposed use would result in an unacceptable level of noise outside of that which might be expected in this location.

- 7.4.5 The proposed parking spaces would sit approximately 3.9m from the garden of No.3 Mantles Cottages at their closest point. Representations have been received raising concerns about increased pollution levels and noise resulting from use of the spaces. There are existing parking spaces which sit relatively close to garden area of No.3 and it is not considered that the provision of the 4 additional spaces would result in an increase in noise and disturbance over and above that which currently exists. A condition can be included with any planning permission requiring the submission of a travel plan which should set out how traffic within the site will be managed and how alternative forms of transport will be actively encouraged and promoted by the applicants in order to reduce car travel to the site and noise, disturbance and pollution generated as a result.
- 7.4.6 Representations have been received raising concerns about the refuse arrangements for the takeaway tea and coffee service and tea garden. Details of the proposed arrangements for refuse collection, including information on containment structures and location, can be secured by planning condition and would not warrant a reason for refusal.
- 7.4.7 It is considered that a condition should be included, in the event planning permission is granted, which prevents a change of use from occurring through permitted development rights. This will ensure that the proposed building and use does not result in a more intensive form of development or the introduction of activities that might impact on neighbouring amenity.
- 7.4.8 Representations have been received which relate to the operation of the farm shop itself as well as issues with overlooking from the café/restaurant within the farm shop. In addition representations have been received which relate to the retrospective proposal to use the Green Barn as a fishmongers which is being considered under a separate planning application. These matters, while important, do not relate to the development proposed under this application and it is therefore not possible to address them as part of this decision process. Representations have also been raised relating to concerns about the current pandemic and the potential spread of the virus. This issue would either be dealt with by government guidance or under licensing/health and safety legislation.

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 development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

- 7.5.2 London Plan and Bromley Local Plan 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.
- 7.5.3 The site has a PTAL level of 1b (the rating runs from 0-6b where 0 is the very poor and 6b is excellent). In terms of parking provision the site benefits from a car park which contains 34 spaces, including two designated for use by disabled persons. It is proposed for 4 additional spaces to be provided following the relocation of the pergola and for 4 spaces to be allocated for those using the click and collect service only. A Swept Path Analysis has been submitted demonstrating that vehicles can manoeuvre safely and efficiently within, in and out of parking bays and the site.
- 7.5.4 Based on the information submitted the Council's Highways Officer has not raised an objection to the proposed development. It is therefore considered that, on balance, the proposal is generally in accordance with Policies 6.9 and 6.13 of the London Plan and would not lead to parking which is inconvenient to other road users or be prejudicial to road safety.
- 7.5.5 Representations have been received raising concerns about traffic and parking implications arising from increased visits to the site. In addition concerns have been raised with regards to staff parking practices and disturbance caused from delivery vehicles. A condition can be included with any permission requiring the submission of a travel plan to assist in minimising the traffic impact of the proposed uses.

8. CONCLUSION

- 8.1 Having had regard to the above, the permanent retention of the shipping container is considered to be inappropriate development in the Green Belt which is harmful to the visual amenities and openness of the site, to which no very special circumstances exist. The proposal would therefore fail to comply with the aims and objectives of Policy 49 of the Bromley Local Plan, Policy 7.16 of the London Plan and paragraphs 143-147 of the NPPF.
- 8.2 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.

RECOMMENDATION: REFUSAL

In accordance with the following reason:

- 1. The proposed retention of the storage container would constitute inappropriate development which would be harmful to the openness and visual amenities of the Green Belt. There are no other considerations that would clearly and demonstrably outweigh the harm to the Green Belt by reason of inappropriateness and other harm, and the proposal is thereby contrary to Policy 49 of the Bromley Local Plan, Policy 7.16 of the London Plan and the National Planning Policy Framework.**