

<b>Committee Date</b>	19.05.2022	
<b>Address</b>	Luxted Farm Luxted Road Downe Orpington BR6 7JT	
<b>Application Number</b>	21/01062/FULL1	<b>Officer</b> - Robin Evans
<b>Ward</b>	Darwin	
<b>Proposal</b>	Partial rebuild and restoration of barn, erection of dormer windows and fenestration alterations; including enlarged doors, glazed roof panels and alterations to windows, in connection with change of use from agricultural barn to dwellinghouse and integral garage. (PART RETROSPECTIVE).	
<b>Applicant</b>	<b>Agent</b>	
Mr Kenny Love	Mr Peter Hadley	
Residential Creations Ltd. C/o Agent RE Planning LLP Downe House High Street Orpington	Robinson Escott Planning Downe House 303 High Street Orpington BR6 0NN	
<b>Reason for referral to committee</b>	<b>Councillor call in</b>	
Call-In	Yes	

<b>RECOMMENDATION</b>	Application Permitted
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<p>KEY DESIGNATIONS</p> <p>Biggin Hill Safeguarding Area Green Belt London City Airport Safeguarding</p>
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<b>Land use Details</b>		
	Use Class or Use description	Floor space (GIA SQM)
Existing	Agricultural	242
Proposed	C3 Dwellinghouse	358

<b>Residential Use</b>					
	Number of bedrooms per unit				
	1	2	3	4 Plus	Total/Payment in lieu
Market				1	
Total				1	

<b>Vehicle parking</b>	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	0	3	+3
Disabled car spaces	0	0	0
Cycle	0	0	0

<b>Electric car charging points</b>	0
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<b>Representation summary</b>	Neighbour notification letters sent 30.6.21 Newspaper advert published 7.7.21 Site notice displayed 8.7.21
Total number of responses	1
Number in support	0
Number of objections	1

## 1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposal would comprise inappropriate development in the Green Belt,
- There are Very Special Circumstances existing in this particular case that clearly outweigh the harm arising from inappropriate development,

## 2. LOCATION

- 2.1 The application site is a parcel of land located on the southern side of Luxted Road, near to the junction with Birdhouse Lane, abutting the southern boundary of Luxted Farm Cottages and south east of Luxted Farm. It is accessed via a single lane track shared by these properties and which also has a public right of way footpath. The land was formerly occupied by an agricultural barn abutting the southern boundary of Luxted Farm Cottages, although it is stated to have been storm damaged, partially collapsed and has since been demolished/dismantled and re-built. The land is understood to have formerly related to Luxted Farm, and/or Luxted Farm Cottages, however it is now understood to be separate from both of those properties.
- 2.2 The application site is within the Metropolitan Green Belt, which is formed of open rural fields with limited built development, although that development is characterised by scattered clusters/rows of sporadic residential development along the highways. The application site itself is not listed and does not lie within a

Conservation Area or an area of special residential character although the nearby Luxted Farm is Grade II listed.



Fig 1. Site location plan.

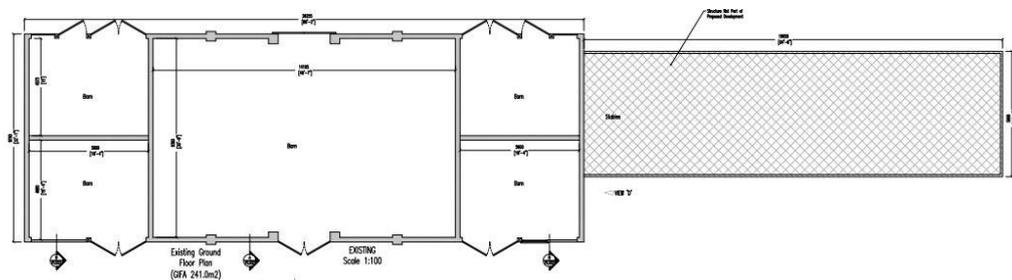


Fig 2. Floor plan of former/demolished building.



Fig 3. Elevations of former/demolished building.



Photo 1. Former/demolished building. North and west elevations viewed from access track.



Photo 2. Former/demolished building. North elevation viewed towards east.



Photo 3. Former/demolished building. South elevation viewed from south west corner.



Photo 4. Former/demolished building. South elevation.



Photo 5. Former/demolished building. South elevation viewed towards south east corner.

### 3. PROPOSAL

- 3.1 Planning permission is sought for “partial rebuild and restoration of barn, erection of dormer windows and fenestration alterations, including enlarged doors, glazed roof panels and alterations to windows, in connection with change of use from agricultural barn to dwellinghouse and integral garage” (part retrospective). Notwithstanding this description, however, as discussed in this assessment at the time this planning application was submitted the development was in the process of being constructed on site, it involved the demolition/dismantling/removal of the former agricultural building and the erection of a new dwelling, and at the time of writing it now appears to have been completed.
- 3.2 The application is supported by the following documents:
- Application form,
  - Application drawings,
  - Planning Statement/Design and Access Statement,
  - Ecological Surveys,
  - Heritage Statement,
  - Structural Statement,
  - Supporting correspondence,



Photo 6. Proposed building under construction. North and west elevations viewed from access track.



Photo 7. Proposed building under construction. South elevation.

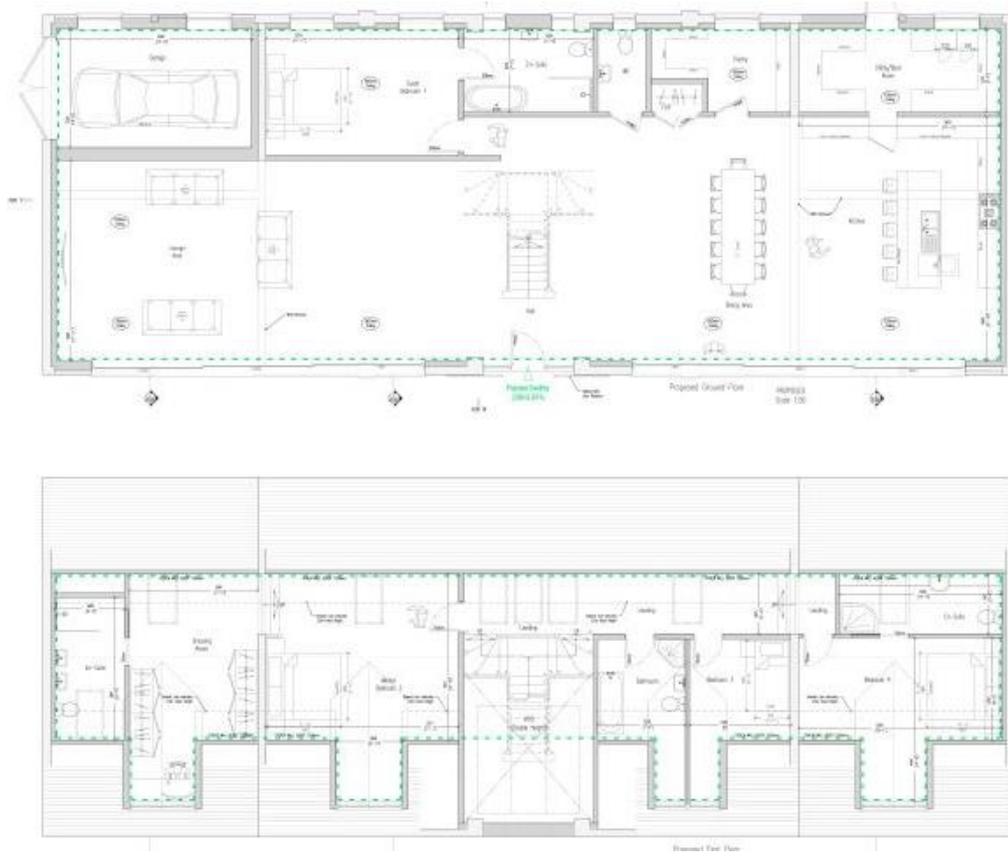


Fig 4. Proposed floor plans.



Fig 5. Proposed elevations.



Photo 8. Constructed building. South elevation.



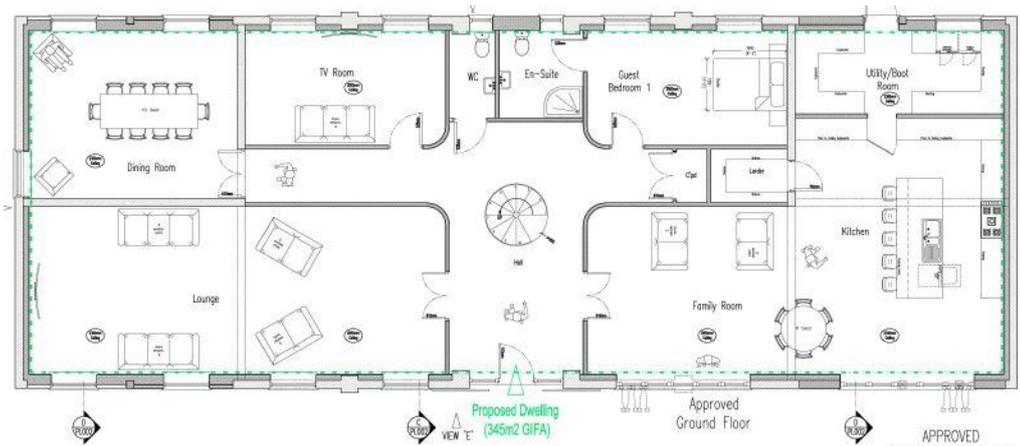
Photo 9. Constructed building. West elevation.



Photo 10. Constructed building. North elevation.

#### **4. RELEVANT PLANNING HISTORY**

- 4.1 The relevant planning history relating to the application site is summarised as follows:
- 4.2 18/03033/FLXAG – Change of use of Agricultural Building to Class C3 Dwellinghouse (56 day application for prior approval in respect of transport and highways, noise, contamination, flooding risks, location and siting, external appearance under Class Q of Part 3 of schedule 2 of the GPDO 2015) was approved on 15 October 2018.



APPROVED  
(DC/18/03033/FLXAG)  
Scale 1:100

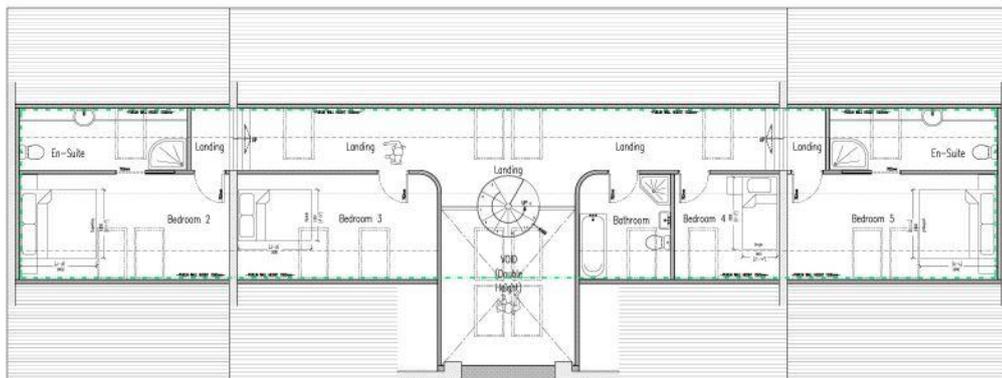


Fig 6. Prior approval floor plans.



Fig 7. Prior approval floor elevations.

4.3 19/00509/FULL1 – 4 dormer extensions and elevational alterations to include enlarged doors, glazed roof panels and alterations to windows was approved on 13 June 2019.

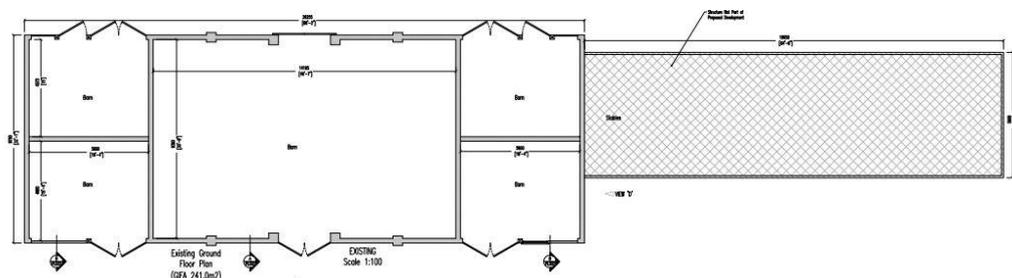


Fig 8. (Existing) floor plan of former/demolished building – no change.



Fig 9. Planning permission approved elevations.

## **5. CONSULTATION SUMMARY**

### **5.1 A) Statutory**

5.1.1 Highway Department: Access to the application site via a lane/track, shared with Luxted Farm and Luxted Farm Cottages, and is a Public registered Right of Way, Footpath No. 237, measuring 6m minimum width. The proposed parking area would obstruct the Public Footpath and should be removed or replaced by the parking area shown in the previously approved scheme 18/03033/FLXAG and the standard/registered 6m width along the full length of the footpath should not be impeded. The proposal would provide an integral garage and the dimensions would appear capable of accommodating a vehicle.

### **5.2 B) Local Groups**

#### **5.2.1 Downe Residents Association**

- The building is a new build residential dwelling with little or none of the original building remaining to rebuild or restore (only some of the original bricks have been salvaged and re-used),
- As the original barn has not been re-used the “permitted development” is invalid,
- The later permission for the large glass windows/dormer windows could not have been added to the original structure and indicated a re-build was required,
- The original barn foundations/damp proofing is unlikely to be suitable for a residential conversion,
- The building is bigger than the original barn and its design is different, with greater impact on the rural area, the Green Belt and the listed Luxted Farm,
- There are no exemptions or exceptions to the development and therefore no Very Special Circumstances,
- The application does not contain a Footpath Officer’s report,
- Further permitted development rights should be excluded to prevent further harm,

### **5.3 C) Adjoining Occupiers**

5.3.1 Nearby owners/occupiers were notified of the application and no representations were received.

## **6. POLICIES AND GUIDANCE**

### **6.1 National Policy Framework 2021**

### **6.2 NPPG**

### **6.3 The London Plan 2021**

D1 London's form and characteristics  
D4 Delivering Good Design  
D5 Inclusive Design

D6 Housing Quality Standards  
D8 Public Realm  
G2 London's Green Belt  
T5 Cycling  
T6.1 Residential Parking

#### **6.4 Bromley Local Plan 2019**

3 Backland and Garden Land Development  
4 Housing Design  
8 Side Space  
30 Parking  
32 Road Safety  
33 Access for All  
37 General Design of Development  
38 Statutorily Listed Buildings  
49 The Green Belt  
73 Development and Trees

#### **6.5 Other Guidance**

Housing: Supplementary Planning Guidance. (March 2016)  
Technical Housing Standards – Nationally Described Space Standard (March 2015)  
Supplementary Planning Guidance 1 – General Design Principles  
Supplementary Planning Guidance 2 – Residential

### **7. ASSESSMENT**

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

- Procedural matters
- Resubmission
- Principle and location of development
- Green Belt
- Design and landscaping
- Heritage Assets
- Standard of residential accommodation
- Neighbouring amenity
- Highways
- Sustainability
- Other (drainage/flooding/noise/pollution)
- CIL
- S106

#### **7.2 Procedural matters**

7.2.1 The previous prior approval and planning consent(s) are noted, and they may comprise material planning considerations in assessing a new proposal. However, the current proposal is a planning application seeking planning permission for the erection of a new dwellinghouse and it shall be considered accordingly on its merits

against the Development Plan, taking into account material planning considerations that may indicate otherwise, i.e. matters which are relevant in assessing a planning application that might not have otherwise been relevant assessing the previous prior approval.

### **7.3 Resubmission**

- 7.3.1 As mentioned above the current application follows the previous consents 18/03033/FLXAG and 19/00509/FULL1:
- Prior Approval 18/03033/FLXAG relates to the change of use of the agricultural building to residential, but not to any external alterations,
  - Planning permission 19/00509/FULL1 relates to external alterations to the agricultural building, but not to any change of use to residential.
- 7.3.2 The current application seeks to procedurally regularise the demolition and reconstruction of the agricultural building, its change of use to residential with the previously approved external alterations. According to the application details this effectively seeks to incorporate both of the previous consents within one planning application, and it is therefore procedurally materially different from the previous scheme(s) and will be assessed on its own merits. Many of the site constraints/considerations that were not relevant in assessing the Class Q prior approval are now relevant in assessing a full planning application.

### **7.4 Principle and location of development – Unacceptable**

- 7.4.1 Housing is a priority use for all London Boroughs. London Plan Policies H1, H2, H10, D3, D4 and D7 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.
- 7.4.2 Paragraph 53 of the NPPF also encourages the effective use of land by reusing land that has been previously developed (brownfield land) and excludes gardens from the definition of previously developed land.
- 7.4.3 Policy 4 of the Local Plan advises that new housing developments will be expected to meet all of the following criteria in respect of; density; a mix of housing types and sizes, or provides house types to address a local shortage; the site layout, buildings and space about buildings are designed to a high quality and recognise as well as complement the qualities of the surrounding areas; off street parking is provided; the layout is designed to give priority to pedestrians and cyclists over the movement and parking of vehicles; and security and crime prevention measures are included in the design and layout of buildings and public areas.
- 7.4.4 The current position in respect of Bromley's Five Year Housing Land Supply (FYHLS) was agreed at Development Control Committee on 2 November 2021. The current position is that the FYHLS (covering the period 2021/22 to 2025/26) is 3,245 units, or 3.99 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.

- 7.4.5 London Plan Policy H1 sets Bromley's housing target at 774 homes per annum. In order to deliver this target, boroughs are encouraged to optimise the potential for housing delivery on all suitable and available brownfield sites. This approach is consistent with Policy 1 of the Bromley Local Plan, particularly with regard to the types of locations where new housing delivery should be focused.
- 7.4.6 Policy H2 requires Boroughs to pro-actively support well-designed new homes on small sites (below 0.25 hectares in size). Policy D3 requires all development to make the best use of land by following a design led approach.
- 7.4.7 Paragraph 11 of the NPPF sets out 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.
- 7.4.8 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.
- 7.4.9 This proposal would provide 1 new dwellinghouse on the site and this would not contribute significantly towards the supply of housing within the Borough. This aspect of the proposal will be considered in the overall planning balance set out in the conclusion of the report having regard to the presumption in favour of sustainable development.
- 7.4.10 Furthermore the application site lies within the Metropolitan Green Belt where there is a presumption against inappropriate development, by definition, and development that would be harmful to the openness of the Green Belt and would conflict with the principle of locating new residential development in existing urban and built up areas.
- 7.4.11 It is noted that prior approval was previously granted under Class Q for the change of use of the former agricultural building to 1 dwellinghouse. Planning permission was also separately granted for operational development, i.e. physical alterations to the building, not allowed under Class Q. However according to the Council's

records/observations and the submitted application details the former agricultural building had partially collapsed in a storm before it was converted into a dwellinghouse. It was subsequently dismantled/demolished, down to damp proof course some of the materials such as the bricks were salvaged, and the building has since been re-built with the intention to occupy it as a residential dwellinghouse, without any further permissions or consents being granted.

## **7.5 Housing Matters – Acceptable**

### **7.5.1 Optimising site capacity/Density:**

7.5.1.1 The application site lies within a rural area, albeit that there are some residential properties in the immediate locality. The proposal would provide one new dwellinghouse within the application site, and although it would comprise a new dwellinghouse in an unsustainable Green Belt location, it would nonetheless reflect the general low residential density of the area and would not overdevelop the site in this respect.

### **7.6.2 Standard of accommodation:**

7.6.2.1 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.

7.6.2.2 Policy 4 of the Local Plan sets out the requirements for new residential development to ensure a good standard of amenity for future occupiers. 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 Government's National Technical Housing Standards.

7.5.2.3 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.

7.5.2.4 The proposal would provide a spacious dwelling measuring approximately 358sqm GIA exceeding the minimum gross internal floor area and built-in storage

requirements for a two storey 4-bedroom 7-person dwelling (115sqm), with a suitable layout and a generally appropriate outlook. There would be a similarly suitably sized and laid out private amenity space for a family dwelling.

7.5.2.5 The former agricultural use of the site in relation to any potential ground contamination linkages was dealt with in the previous prior approval application although this could be managed by planning condition or informative as necessary.

## **7.6 Green Belt – Acceptable**

7.6.1 Paragraphs 137 – 151 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.

7.6.2 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.

7.6.3 Paragraphs 147 – 151 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. Very special circumstances by their nature will also usually be unique to the application site and not capable of being easily repeated elsewhere as the effect of such inappropriate development would be cumulatively harmful throughout the Green Belt area.

7.6.4 Therefore, the main issue in relation to the Green Belt is whether the proposal would represent inappropriate development and if the proposed development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

### **7.6.5 Whether the proposal would represent inappropriate development in the Green Belt**

7.6.5.1 For the purposes of the Green Belt the "original dwelling" is as it stood from July 1948 or, if constructed after 1 July 1948, as it was built originally. As mentioned, the agricultural building has been demolished and it had not been used as a dwellinghouse. As such there is no lawful dwelling on this site.

7.6.5.2 Paragraph 149 states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions are stated, the most relevant of which to this application is/are:

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

7.6.5.3 In relation to NPPF 149 d):

In this particular case the prior approval for change of use of the agricultural building to a residential dwellinghouse had not been carried out and the building was not being used residentially before it was significantly damaged in a storm, partially collapsed and was demolished/dismantled. The residential use had not commenced, and it was still an agricultural building at that time. Furthermore, given the damage sustained to the building it is understood to have been demolished/dismantled down to damp proof course. Although the bricks may have been salvaged and re-used the development is not the partial reconstruction of the previous damaged agricultural barn moreover it is the substantial or complete reconstruction of a new build dwellinghouse.

7.6.5.4 Although paragraph 149 d) allows for the replacement of a building in the same use the current planning application does not show the re-construction of a replacement agricultural building. It shows the construction of a residential building. The new residential building would not be in the same use as the (former) agricultural building that it would replace, whether it would be materially larger or not. Therefore, the proposal would conflict with NPPF paragraph 149 d). It also has external alterations/enlargements including dormer windows, although they are not materially larger than the previous building

7.6.5.5 Paragraph 150 provides for certain other forms of development provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it the most relevant of which to this application is/are:

- (d) the re-use of buildings provided that the buildings are of permanent and substantial construction;

This seeks to ensure that an existing building is structurally sound and that a proposed development can take place within it without the substantial or complete reconstruction of the building, as this would amount to the construction of a new building in the Green Belt which would be inappropriate development (unless it complies with any of the other relevant NPPF exceptions).

7.6.5.6 In relation to NPPF 150 d):

The Planning Statement and Structural Report submitted in support of the proposal state that:

- in September 2018 some minor issues with the roof trusses and some water damage were observed and necessary repairs were estimated to be in the region of 15-20% of the building,
- by September 2020 the building condition had deteriorated further and together with storm damage sustained on 8 September 2020 the roof had partially collapsed; pulling the front elevation into a neighbouring property and in so doing had also de-stabilised the rear elevation with the majority of the superstructure being razed down to damp proof course. Chartered Surveyors declared the building as a “dangerous structure” and recommended the

damaged walls be dismantled, the bricks retained on-site, with a view to reconstruction,

- in May 2021 the survey found that the retained masonry had been locally repaired and repointed to be blended into the new sections being constructed. Trial holes and inspections found that in many areas the foundations were satisfactory and suitable for re-use. The damaged walls were being rebuilt using salvaged bricks throughout, laid in cement/lime mortar and fully repointed to match the original installation. The installation of a new first floor would require the installation of some steel beams/columns, together with timber floor joists, etc. and to restructure the roof support to provide first floor headroom.

7.6.5.7 However, given the gradually deteriorating condition of the building, combined with the storm damage that was stated to have resulted in its partial collapse and the stated classification as a "dangerous structure", it was necessary to the dismantle/demolish and remove the remaining building. Therefore, given the condition of the former building, that it had collapsed, and the remains had to be demolished and it has since been removed it cannot be regarded as being of permanent and substantial construction.. As such, in order to construct and implement the currently proposed development it is likely that the building would have required substantial reconstruction. Furthermore, as the former agricultural building no longer now exists it cannot now be re-used in any event. Therefore, the proposal would conflict with NPPF paragraph 150 d).

7.6.5.8 Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form and has been described by Appeal Inspectors as an "absence of development". Even if there is no harm to openness, there can be harm to the Green Belt in principle due to definitive inappropriate development. Openness takes into account the effect of built form on the otherwise open landscape and therefore the three-dimensional mass of a building, as compared with a two-dimensional form of a flat surface, is a critical element of this part of the assessment. Furthermore, the impact on the openness of the Green Belt is inherent and exists whether or not the development can be seen from a view or vantage point.

7.6.5.9 It is noted that the active agricultural use of the former building would have had some impact on the openness and visual amenities of the Green Belt however agriculture is the established, accepted and appropriate rural land use within the Green Belt by definition. By contrast it is well documented that residential development has a greater impact on openness than agriculture due to its general activity and the general residential paraphernalia and clutter associated with it. Residential development is not an established accepted and appropriate land use within the Green Belt, unless it meets certain exceptions, and therefore a new residential use would also cause actual harm to and would detract from the openness of the Green Belt conflicting with its essential characteristics and the fundamental aim of the Green Belt to keep land permanently open.

## 7.6.6 Summary:

7.6.6.1 In summary, this proposal as submitted would not comprise the replacement of a building in the same use (whether it is materially larger or not) and it would not comprise the re-use of an existing building because that building had been demolished. This proposal seeks to construct a new build residential property and there is no provision for this in policy terms within the NPPF. The Policy does not allow this resulting end position without having first satisfied the preceding exceptions or steps set out. The proposal would comprise inappropriate development in the Green Belt by definition and it would have an actual harmful effect on the openness of the Green Belt.

7.6.6.2 It is now necessary to establish whether there is any other harm arising from the development and/or whether there are any Very Special Circumstances existing that clearly outweigh the harm identified.

## 7.6.7 **Very special circumstances**

7.6.7.1 According to the Green Belt assessment above the application proposal would comprise inappropriate development within the Green Belt and it would be necessary to demonstrate Very Special Circumstances (VSCs) to clearly outweigh the definitive harm by reason of inappropriateness and the actual harm identified to the openness of the Green Belt. Very special circumstances by their nature will also often be unique to the application site and not capable of being easily repeated given that the effect of such inappropriate development would be cumulatively harmful throughout the Green Belt area.

7.6.7.2 As mentioned, this proposal is for the construction of a new build residential dwellinghouse. The Applicant asserts that the Prior Approval 18/03033/FLXAG for the residential use and the planning permission 19/00509/FULL1 for the external alterations would have been carried out if the building had not deteriorated/collapsed and been subsequently dismantled, and that this comprises an alternative “fallback” position. The Applicant also advises that the constructed building has not been internally finished, decorated or occupied and therefore it could if required be used as an agricultural building in accordance with NPPF paragraph 149 d). The above assessment has already commented and concluded on that point in conflict with NPPF paragraph 149 d). The Applicant believes that the current planning application scheme would have a similar if not identical outcome to the approved fallback scheme. The Applicant considers that substantial weight should be attributed to the existence of the fallback position as a material consideration in assessing the current proposal.

7.6.7.3 As such the current proposal seeks to rely upon the previous consents as a fallback position and as a material consideration to justify Very Special Circumstances to outweigh the harm arising from inappropriate development by constructing a new dwellinghouse in the Green Belt.

7.6.7.4 However, the Applicant mentions that following the grant of those previous consents the Council advised June 2019 that a further planning application would be required to enable both the re-use and the operational development to take place together

as each consent mutually excluded the other (and vice versa). A planning application for the conversion and external alterations to an existing barn to create a four bedroom dwelling with integral garage was subsequently prepared for submission to the Council (19/04084/FULL1). However, the registration/validation process required ecological reports, which were themselves subject seasonal restrictions of the species involved, which were completed in June 2020. This was two years after the original structural report was completed in the prior approval application 18/03033/FLXAG. The building condition had by then worsened and it partially collapsed during the storm in September 2020 before the planning application (19/04084/FULL1) could be registered/validated and ultimately determined in order to allow those works to take place. As that proposal was for the conversion of the existing building it was not pursued and the current planning application for the partial rebuild and conversion was submitted instead. The Applicant asserts that this process had delayed the beginning of construction works on site and they would have otherwise carried out the conversion and operational works allowed by the previous consents at an earlier time and before the building condition had worsened and the building had partially collapsed.

7.6.7.5 In this particular case there is a set of circumstances and sequence of events that lead to an unusual case, namely that:

- the construction of the previous consents 18/03033/FLXAG and 19/00509/FULL1 was delayed by the subsequent planning application process 19/04084/FULL1, the preparation of which was itself impacted seasonal events and the Covid-19 national lockdown restrictions.

7.6.7.6 It is noted that the building as constructed resembles the building that would have resulted from the implementation of the previous consents 18/03033/FLXAG and 19/00509/FULL1. It is also noted that the current planning application 21/01062/FULL1 effectively replaces the earlier planning application 19/04084/FULL1 that the Applicant submitted but was never registered/validated. As such it is clear that the Applicant in good faith had sought to obtain the correct permission 19/04084/FULL1 at that time, which could have had a different outcome without the intervention of the storm damage, and the Applicant has continued to seek the correct permission in order to regularise the unfortunate situation resulting from that storm damage.

7.6.7.7 Other correspondence and supporting information supports the need for the demolition of the building following the storm damage and partial collapse for health and safety reasons and the sensitive manner in which the building was re-constructed thereafter.

7.6.7.8 On this basis, it is noted that the reconstruction of the building for use as a residential dwelling (albeit that that use may not have started) and the events leading to this position are unusual and unique in this case and are unlikely to be capable of being repeated in this specific way. The external appearance of the resulting building itself would resemble that which would have resulted from the planning permission 19/00509/FULL1 and the use would resemble that which would have resulted from the reuse of the agricultural building for residential 18/03033/FLXAG. As such the constructed building and its use would not have a greater impact on the openness of the Green Belt than those combined previous schemes and given the unique

circumstances leading to this position it is concluded that in this particular case there are Very Special Circumstances existing that clearly outweigh the harm by reason of inappropriateness.

7.6.7.9 However as set out in this assessment, this conclusion is clearly based on the similarity between the current proposal and the form, appearance and use of the building resulting from the previous consents. Whereas that scheme would have formed a “re-use” through prior approval under Class Q, Part 3 of the GPDO, the current proposal would form a new building with planning permission, it would form a new planning unit and a new chapter in the planning history of the site, and would potentially benefit from the relevant householder “permitted development rights”. As such in order to maintain the provisions of Class Q and to preserve the openness of the Green Belt it would be prudent to manage any future development at the site by managing the “permitted development rights” as would have been the case had the prior approval been implemented which would not be unreasonable in planning terms.

## **7.7 Design – Layout, scale and landscaping – Acceptable**

7.7.1 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.

7.7.2 NPPF paragraph 126 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.

7.7.3 NPPF paragraph 130 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.

7.7.4 Policy 73 of the Bromley Local Plan 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.

- 7.7.5 Policy 77 of the Bromley Local Plan states that development proposals will seek to safeguard the quality and character of the local landscape and seek the appropriate restoration and enhancement of the local landscape through the use of planning obligations and conditions.
- 7.7.6 London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.7.7 Notwithstanding the in principle objection to the development and the harm to Green Belt identified above the proposed design, materials and overall external appearance would not detract from the character and appearance of the site or its wider rural setting. However, the absence of harm in pure design terms is not sufficient in this instance to clearly outweigh the other harm identified.

## **7.8 Heritage Assets – Acceptable**

- 7.8.1 Section 16 of the NPPF sets out the tests for considering the impact of a development proposal upon designated and non-designated heritage assets. The test is whether the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset and whether it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. A range of criteria apply.
- 7.8.2 Paragraph 201/202 state where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 7.8.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses.
- 7.8.4 The application site and former agricultural building lies close to the Grade II listed Luxted Farm [house]. It would have previously formed part of the farm and would have fallen within its historic curtilage as a farm. The farmhouse was listed in 1973 and sold from the land and the application site in around 1999. It is not now clear whether the application site and building would have once formed a curtilage building and protected by the statutory listing and whether this still exists now. Nonetheless, the application site and the barn building, as part of the wider former farm, would continue to fall within the historic curtilage and setting of the listed farmhouse building and contribute towards its historic character as a farm. The currently proposed building, compared with a simple, traditional agricultural barn, would have prominent and modern design features including large residential

dormer windows and large continuous glazed windows which would have an urbanising rather than rural appearance and would appear incongruous within this rural and historic environment. Externally however, the building would have a very similar appearance to the existing building had it been possible for the extensions and alterations that were previously permitted to be implemented. Whether or not the [former] application building was listed itself the proposed new dwellinghouse would nonetheless harm the rural and historic setting of the Grade II listed building Luxted Farm and objection is raised by the Council's Conservation Officer.

- 7.8.5 However, as mentioned above, although the previous prior approval and planning consents can no longer be implemented, in this particular case there is a unique set of circumstances existing which have delayed and then prevented those consents from taking place. The current proposal would lead to a similar if not identical resulting building and in this context in this particular case there are circumstances of sufficient weight to outweigh the harm arising in heritage terms.

## **7.9 Neighbourhood Amenity – Acceptable**

- 7.9.1 Bromley Local Plan Policies 6 and 37 seek 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.
- 7.9.2 Bromley Local Plan Policy 4 also 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.
- 7.9.3 Although the proposed building would be visible from some of the neighbouring properties it would be relatively well removed from them and would not have a significantly harmful effect by reason of overshadowing or overbearing effect.
- 7.9.4 The main outlook for the majority of the main living and habitable rooms would be towards the south i.e. away from the immediately neighbouring properties where it would be unlikely to lead to significantly harmful overlooking and any north facing windows/roof light windows could be managed with obscure glazing and/or restricted opening windows to preserve neighbouring privacy without harming the living environment for the future occupants.

## **7.10 Highways and parking – Acceptable**

- 7.10.1 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.

- 7.10.2 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.
- 7.10.3 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.
- 7.10.4 The application site lies within a rural area with a low 0 PTAL rating indicating that it would be reliant on private transport such as the private car and bicycle. However, the proposal would provide sufficient car parking, cycle storage and refuse/recycling storage (with details to be supplied as necessary) and the car parking spaces could be designed re-positioned to avoid obstructing the public footpath and this could be managed by condition.

## **7.11 Sustainability – Acceptable**

- 7.11.1 The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and the Bromley Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.
- 7.11.2 The London Plan encourages the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Policy SI 2 Minimising greenhouse gas emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be Clean: supply energy efficiently, Be Green: use renewable energy and Be Seen: monitor those renewable energy measures.
- 7.11.3 Local Plan Policy 123 states that all applications for development should demonstrate how the principles of sustainable design and construction have been taken into account.
- 7.11.4 As the proposal is for a new dwelling it would offer the opportunity to include energy efficient and sustainable construction methods improving its environmental performance, although it is not clear whether this has taken place as the building is being/has been constructed. Although the proposal would comprehensively redevelop the site it is also not clear whether the development would provide opportunity to incorporate renewable energy generating technology such as ground source or air source heat pumps and/or solar panels thereby also contributing towards carbon dioxide emissions savings and this would be encouraged although as it is not a Major development is not compulsory. Nonetheless, any potential improvements in energy efficiency, energy saving or energy generation is not sufficient in this instance to clearly outweigh the other harm identified.

## **7.12 Other matters**

### **7.12.1 Ecology**

7.12.1.1 Although the application is not a designated site for nature conservation given its location in a rural area, close to trees/vegetation and open countryside the site and its surrounding could offer suitable wildlife habitat, foraging or commuting habitat and a precautionary approach to demolition of the existing building including removal of roof tiles and roofing materials and removal of birds nests and other relevant species prior to demolition would usually be recommended. Notwithstanding this, the demolition/site clearance has already taken place. Nonetheless, the new development could/should incorporate biodiversity enhancement measures, and this could be managed by planning condition/informative, if planning permission were to be granted, although any potential improvements in ecological standards are not sufficient in this instance to clearly outweigh the other harm identified.

### **7.12.2 Drainage**

7.12.2.1 Although the application site may not necessarily be at risk of flooding, given its rural location there is unlikely no public surface water sewer near the site, and the development should maximise the use of SuDS to attenuate surface water run-off, although is also not clear whether the constructed development would provide opportunity to incorporate these features/measures. There is no objection from the Council's Drainage Engineer. However, any improvements in drainage standards are not sufficient in this instance to clearly outweigh the other harm identified.

## **7.13 CIL**

7.13.1 Mayoral and Borough CIL is a material consideration. CIL is payable on this application.

## **8. CONCLUSION**

8.1 Having had regard to the above it is considered that the development in the manner proposed would be acceptable as although it would result in inappropriate development within the Green Belt by definition, and it would have actual harm to its openness impacting detrimentally on the character of the area and visual amenities of the Green Belt which are formed of its essential characteristics including its openness and its permanence there are Very Special Circumstances of sufficient weight existing in this particular instance to clearly outweigh the harm by reason of inappropriateness and the actual harm to openness and the other harm identified. It is therefore recommended that planning permission is granted subject to the recommended conditions

8.3 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:**

**PERMISSION BE GRANTED**

Subject to the recommended conditions/informatives:

**Standard**

Standard Time Limit

Standard Compliance with Plans

**Pre-occupation**

Scheme for surface water drainage

Highway surface water drainage

Cycle parking details

Refuse/recycling storage details

Landscaping

Parking layout to be submitted including electric vehicles

**Compliance**

External materials

Side Space

No new windows (apart from those approved)

Obscure glazed/restricted opening windows

Permitted Development rights removed A, AA, B, C, D, E

Accessible and adaptable dwellings

Construction vehicle wash-down

Gas Boilers (Air Quality Management)

**Informatives**

Party Wall Act

Control of Pollution/Construction sites

Unsuspected contamination

Thames Water infrastructure

CIL

Street naming/numbering

**Any other planning condition(s) considered necessary by the Assistant Director of Planning.**