

Committee Date	27 October 2022		
Address	Archies Stables Cudham Lane North Cudham Sevenoaks TN14 7QT		
Application Number	17/00655/RECON2	Officer - David Bord	
Ward	Darwin		
Proposal	Variation of Condition 3 of planning permission reference 17/00655/RECON1 to increase the number of pitches on the site from 2 to 3		
Applicant		Agent	
Miss Charmaine Moore		N/A	
Archies Stables Cudham Lane North Cudham Sevenoaks TN14 7QT			
Reason for referral to committee	Call-In		Councillor call in
	Call-In		Yes

RECOMMENDATION	Permission
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<p>KEY DESIGNATIONS</p> <p>Article 4 Direction Special Advertisement Control Area Biggin Hill Safeguarding Area Green Belt London City Airport Safeguarding</p> <p>Traveller Sites</p>
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Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
Existing	Traveller Site	
Proposed	Traveller Site	

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	4	4	0
Disabled car spaces			
Cycle			

Electric car charging points	Percentage or number out of total spaces Unknown
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Representation summary	
Total number of responses	13
Number in support	0
Number of objections	13

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposal would result in a total of three pitches.
- The site is a designated Traveller Site Inset Within the Green Belt.
- There would be no significant impact on residential amenities.
- The proposed development would be of an acceptable design and would not harm the visual amenities of the street scene or the area in general.
- The accommodation provided would be of a satisfactory standard.
- Subject to a condition to ensure that the site remains in single family occupation, the highways impact of the proposal is considered acceptable.

2. LOCATION

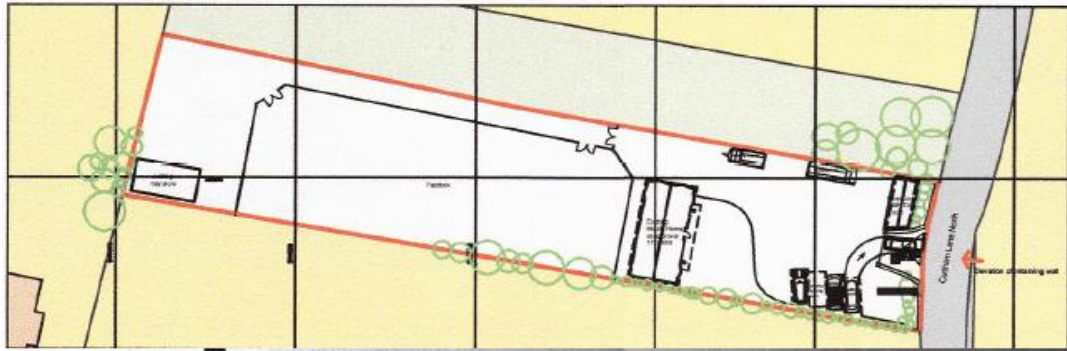


Figure 2 – site location plan

- 2.1 The front part of the application site which is the subject of this application is designated as a *Traveller Site Only, Inset Within the Green Belt*. The rear part of the site falls within the Green Belt. Cumulatively, the site measures approximately 0.25 hectares in area, with a 25.8 metre wide frontage to Cudham Lane North. A Girl Guide camp site adjoins southern site boundary whilst the area to the north is occupied by protected woodland. The surrounding area is generally open and rural in character with little built development within close proximity to the appeal site.



Figure 2 – Front of the site



Figure 3 – Location of proposed day room between mobile home and day room



Figure 4 – Location of proposed mobile home adjacent to the southern boundary

3. PROPOSAL

- 3.1 This Section 73 application seeks to vary Condition 3 imposed under application reference 17/00655/RECON1 which was granted by the Council in May 2022 to enable an increase in the number of pitches within the site from 2 to 3.
- 3.2 The basis of this application has been outlined in a supporting statement compiled by the applicant. In summary, the applicant has stated that her son and his partner require their own static caravan having lived with the applicant on site since 2010. The applicant advises that the mobile home would measure 8ft x 12fy and would not

intrude into an existing parking area. The static caravan would be placed within the southern side of the site.

Figure 5 – Proposed site plan

4. RELEVANT PLANNING HISTORY

4.1 There is a detailed planning history associated with the site since 2008 which is summarised below:

4.2 In May 2008 planning permission was granted (under application ref: 08/00559) for a change of use of the site from agricultural land to the keeping of a horse and for the retention of a newly created access and hardstanding. The applicant indicated, in a supporting statement, that the site would be used by her daughter to practice riding her horse.

4.3 Under a subsequent application approved in November 2008 (ref: 08/03254), planning permission was granted for a stable and a store room and hardstanding area for horsebox and trailer parking. This application was submitted in relation to the equestrian use of the site which had been granted 6 months prior. Planning permission was also granted for a detached WC building in December 2009 (under ref. 09/02833) to be used by the applicant and her children when visiting the site.

4.4 In April 2009 the applicant appealed against the refusal to remove Condition 12 of application ref: 08/03254 which restricted uses within the site, including the stationing or storage of a caravan or caravans (including for the setting up or preparation for such uses or activities) at any time. The Planning Inspector considered the condition to be justified and dismissed the appeal in August 2009. The Inspector commented “*I consider that the use of the Land as it has been permitted by the Council represents its maximum capacity as an acceptable enterprise within the green belt.....To add to its intensification of its use for up to 28 days a year would be materially harmful to the openness of the area, and its character and appearance, in breach of the relevant policies of the UDP*”.

4.5 In April 2010 the Council refused a further application which sought to vary the above planning condition in order to permit the stationing of a caravan on the site (ref: 10/00192). The applicant explained that she sought to vary the condition should she wish to place a caravan on the site at a later date. A further application for an additional

storage building was refused by the Council in June 2010 (ref: 10/00834) on the basis that this was not considered necessary to facilitate equestrian activities on the site and that this would result in a disproportionate level of site coverage by buildings, thereby representing an undesirable intensification of development in the Green Belt.

- 4.6 On 9 July 2010 two caravans were moved on to the site, comprising a mobile home which was occupied as a dwelling by the applicant and her family and a smaller touring caravan which was understood to be used for travelling. An application (ref: 10/02059) was registered on 26 July 2010, in which retrospective planning permission was sought for the change of use of the equestrian site to a gypsy and traveller caravan site. The application included one mobile home measuring 3.6m x 9.7m and a touring caravan measuring 1.8m x 5.4m which were shown to be located adjacent to the southern site boundary, together with an enlarged tarmac hardstanding area located mainly within the eastern side of the site. The Council refused permission by Notice dated 14 September 2010 for the following reasons:

“1. The proposal constitutes an undesirable form of urbanised development located in the Green Belt wherein there is a general presumption against inappropriate development, and no very special circumstances have been demonstrated to justify making an exception to Policy G1 and H6 of the Unitary Development Plan and Planning Policy Guidance Note 2 'Green Belts'.

“2. The continued residential occupation of this site and the stationing of caravans will cause unacceptable visual harm to the character and appearance of the area and undermine the openness and character of the Green Belt, therefore contrary to Policies G1 and BE1 of the Unitary Development Plan and PPG2.

“3. The additional hardstanding, boundary fencing and entrance gate detract from the visual amenities and openness of this rural and open area, by reason of their prominent siting, unsympathetic materials excessive height and unsympathetic design, contrary to Policies BE1 and G1 of the Unitary Development Plan.

“4. In the absence of information to the contrary, the means of vehicular access is unsuitable for larger vehicles/trailers manoeuvring on to the site and is prejudicial to the free flow of traffic and general conditions of safety within the highway, contrary to Policy T18 of the Unitary Development Plan.”

- 4.7 A subsequent appeal concerning the change of use of the equestrian site to a gypsy and traveller caravan site was dismissed in June 2011; however, this Appeal Decision was subsequently overturned by the High Court, a decision upheld by the Court of Appeal. The High Court judgement dated 16 November 2012 quashed the Inspector's decision but only relating to temporary permission. The Council issued two enforcement notices in July 2013 to put an end to the use of the land as a gypsy and traveller site and to remove various associated operational development.

- 4.8 A re-determined appeal concerning the change of use of the equestrian site to a gypsy and traveller caravan site as well as the 2013 enforcement notices was issued in July 2015. The appeals were allowed and planning permission was granted for the change

of use of the land from the keeping of horses to a mixed use for the keeping of horses and for use as a single pitch Gypsy and Traveller site accommodating one residential mobile home and one touring caravan used for ancillary residential purposes, together with additional hardstanding area, concrete post and timber panelled fence (max height 1.98m), steel gates (max height 1.98m) and detached shed subject to conditions. Key considerations made by the Inspector in determining these appeals are set out below:

“The Traveller policy makes it clear that gypsy sites are inappropriate development in the GB and the Framework provides that substantial weight will be attached to such harm. This is common ground between the parties.” (Paragraph 38)

“The fact that all existing sites in the borough are presently in the GB, as is all of the non-urban area, does not diminish the weight to be accorded to the harm resulting from inappropriate development caused by the appeal development. This is substantial and, therefore, contrary to UDP Policy G1 and paragraph 88 of the Framework.” (Paragraph 39)

“However, I accept that if the appellant were to vacate the site and set up a roadside encampment, this would also be likely to be in the GB. Not only would this also be inappropriate, but roadside encampments can aggravate tensions between travellers and the settled community and cause as much, if not greater, environmental harm than unauthorised development. This is a material consideration which I afford some weight to.” (Paragraph 40)

“The permitted structures on the land, including the stable building, toilet building and some of the fencing, already result in some loss of openness with the appeal development, as a whole, resulting in a further loss of openness. Even if this is more limited today than when the previous appeal was determined, any harm to the GB, no matter how limited, has to be afforded substantial weight, as required by paragraph 88 of the Framework. The loss of openness may be relatively limited but it is not minimal; two caravans have been sited on the land, a shed constructed on it, a high, solid timber fence erected along its southern boundary and additional areas of hardstanding have been laid within the site.” (Paragraph 42)

“The appeal development is visible against a wooded backdrop when viewed from the south. Its visual impact would have been greater were it not for the landscaping carried out which predominantly screens the development. However, this landscaping itself has resulted in some visual harm. The solid timber fence and fast growing laurel hedge now visible above it are features more appropriate to a suburban setting not the appeal site’s rural setting.” (Paragraph 43)

“Overall, the appeal development has resulted in some harm to the character and appearance of the countryside, contrary to UDP Policy BE1. However, I am satisfied that the harm identified could be mitigated over time and by more sensitive landscaping than that carried out. The native trees planted between the timber fence and the permitted fence along the site’s southern boundary will mature to provide an effective and more natural form of landscaping than the laurel hedge planted behind it and the appellant has also offered to remove the fence. These matters could form part of a landscaping scheme which could be a condition of any planning permission granted.” (Paragraph 45)

“Having regard to the provisions of the Traveller policy, the fact that any new sites would also be in the GB and that there would be no need to remove any frontage

planting as a consequence of implementing proposed improvements to the current access arrangements (which I turn to next), I consider that the visual harm caused by the appeal development is limited. I am also satisfied that this limited visual harm could be reduced and the appeal development made acceptable such that the requirements of UDP Policy BE1 could be met.” (Paragraph 46)

“Given the circumstances, there can be no guarantee that the Council’s proposed strategy would deliver the additional pitches required to meet the significant level of current and future need identified, beyond allowing the size of families occupying existing sites to expand. Whilst this would meet some of the identified future need it would not meet the wider general need for pitches in the borough.” (Paragraph 58)

“National policy advice and guidance is quite clear: Inappropriate development in the GB should not be approved except in very special circumstances. It is, by definition, harmful and the harm caused by it should be afforded substantial weight. Likewise, the harm caused by the loss of openness, even though the loss may be limited by virtue of the small scale of the development carried out and the fact that the appeal site is previously developed land. Consequently, the appeal development conflicts with UDP Policy G1 and relevant provisions of the Framework and the Traveller policy.” (Paragraph 74)

“I have found that alternative forms of landscaping would reduce the harm caused to the character and appearance of the area, and this could be secured by condition. The Council now accepts that its concerns about highway safety could be similarly addressed. Consequently, I conclude that, other than the harm to the GB, the appeal development causes little harm, subject to appropriate conditions and that there would be no material conflict with UDP Policies BE1 and T18. If these matters do not necessarily weigh, or weigh very much, in the appeals’ favour they do not weigh against it.” (Paragraph 75)

“Personal circumstances are also material. The appellant’s aversion to bricks and mortar means that temporary housing or hostel accommodation would not be suitable alternative accommodation, even in the short term, and there is a very real likelihood that a refusal of planning permission would result in her resorting to a roadside existence. This would be harmful to the family’s quality of life and would adversely impact on their health and education. It would also result in the loss of the family’s home, in serious interference with their Article 8 rights [of the Human Rights Act 1998] and would clearly not be in the best interests of the children. As most of the borough is either urban or GB a roadside existence would also be likely to be just as harmful to the GB and, potentially, more harmful to the countryside than the appeal development.” (Paragraph 78)

“In these circumstances, I conclude that the harm by reason of inappropriateness and the limited loss of openness that has occurred is clearly outweighed by other considerations such that very special circumstances exist to justify the grant of a permanent planning permission for the appeal development, personal to the appellant and her resident dependents, subject to other conditions discussed below. Consequently, there is no need for me to consider the appeals under ground (g)” (Paragraph 81)

“I have considered the Council’s list of suggested conditions in the light of the discussion which took place during the inquiry. There is a need for a condition restricting occupation of the land to gypsies and travellers, in the interests of protecting the GB. A further occupancy condition is necessary to make any permission personal to the appellant and her resident dependents, in the interests of

protecting the GB and because the appellant's personal circumstances are a significant factor in my decision to grant planning permission." (Paragraph 82)

"There is a need for conditions restricting the number and types of caravans on the land, preventing any commercial activities taking place on the land, restricting the weight of vehicles kept on the land and requiring details of any external lighting to be approved in advance, all in the interests of appearance. There is also need for a condition requiring the permitted use to cease unless details of the layout of the site and alternative landscaping, including boundary treatment, are approved and implemented within a given period, again, in the interests of appearance." (Paragraph 83)

4.9 Under application reference 17/00655/FULL1, planning permission was granted at appeal in April 2018 for the following: *Use of land for private Gypsy and Traveller caravan site comprising 1 pitch accommodating one mobile home and one touring caravan. (Revision to planning application ref. 10/02059/FULL2 allowed at appeal comprising removal of existing mobile home and its replacement with twin mobile home unit in a re-sited position within the site with associated slab and access ramps, without compliance with Condition 5).* In allowing the appeal, the Inspector concluded that the harm that would arise to the openness of the Green Belt would be outweighed by other matters, including that applicant's medical condition and needs, such that very special circumstances exist to allow the appeal.

4.10 Under application reference 17/00655/RECON the Council granted approval in April 2020 for the removal of the following conditions of application reference 17/00655/FULL1 (as allowed at appeal):

(No 3) The occupation of the site hereby permitted shall be carried on only by the following and her resident dependants: Ms Charmaine Moore;

(No 4) When the land ceases to be occupied by those named in condition 3 above the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to or erected on the land, and/or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place; and

(No 5) There shall be no more than 1 pitch on the site and on the pitch hereby approved no more than 2 caravans, shall be stationed at any time, of which only 1 caravan shall be a static caravan

4.11 Under application reference 19/04469/FULL the Council refused permission in April 2020 for the installation of 2 additional touring caravans to be used for residential ancillary purposes; the erection of 2 utility/day rooms to be placed together; re-siting of existing stable block to the rear of the site; and erection of a retaining wall adjacent to the front boundary for the following reasons:

"1. The proposed re-sited stable would constitute inappropriate development within the Green Belt as the site does not provide an adequate-sized area of grazing land, and would therefore result in an overintensification of horse-related activities, thereby contrary to policies 49 and 61 of the Bromley Local Plan.

2. The proposed day and utility rooms would, by reason of their siting, scale and height constitute an overdominant and intrusive form of development,

harmful to the rural character of the area, and contrary to Policy 37 of the Local Plan, and the PPTS.

3. *The proposal would intensify the use of the existing substandard access onto Cudham Lane North and would be likely to lead to conditions prejudicial to the free flow and general safety of traffic along the highway, contrary to Policy 32 of the Local Plan."*

- 4.12 Under application reference 20/02706/FULL1 the Council refused planning permission in October 2020 for the relocation of existing stables, the retention of an existing static home and the construction of a utility day room for the following reason:

"The proposed re-sited stable would constitute inappropriate development within the Green Belt, which would be harmful to its openness, and in the absence of very special circumstances the proposal is contrary to policies 49 and 61 of the Bromley Local Plan."

- 4.13 A subsequent appeal was dismissed under reference APP/G5180/W/20/3263878 in November 2021. The Inspector concluded the following at para 25:

"The proposal would conflict with Policies 49 and 61 of the Local Plan which, amongst other matters, state that permission will not be given, except in very special circumstances. I have concluded that the development would be inappropriate development in the Green Belt as the proposal would not preserve the openness of the Green Belt, as required by the Framework. The proposal would, by definition, be harmful to the Green Belt, harm which the Framework indicates should be given substantial weight. In addition, I have found that the proposal would be harmful to the rural character of the Green Belt, and this brings the proposal into conflict with Policy 61 of the Local Plan. The benefits of those other considerations, which include those personal benefits to the appellant of re-positioning the stable, retaining the caravan so that the family can live together and support one another, and, providing a dayroom at the site, do not clearly outweigh the harm. Consequently, there are not the very special circumstances necessary to justify inappropriate development in the Green Belt."

- 4.14 Under planning application reference 17/00655/RECON1 the Council granted approved in April 2022 for the removal of Condition 10 of application reference 17/00655/FULL1 (allowed at appeal 10 April 2018) to enable the provision of 2 pitches within the site. Condition 3 stated:

"There shall be no more than 2 pitches on the site, and on each of the pitches hereby approved no more than 2 caravans shall be stationed at any time, of which only 1 caravan shall be a static caravan."

Reason: In order to comply with the requirements of policies 12, 32, 37 and 49 of the Local Plan, Planning Policy for Traveller Sites, and in the interests of the amenity of the area, local highways conditions and the openness of the Green Belt."

5. CONSULTATION SUMMARY

A) Statutory

- 5.1 The Council's Highways Engineer raised no objection to the proposal and commented as follows:

"Cudham Lane North is a classified road, a local distributor. The 2017 application was allowed on appeal. The use of the site for a residential unit has been established. RECON1 increased the number of pitches from 1 to 2 and this one is to increase it to 3.

This would again result in a small increase in associated traffic movements. However, I think it is unlikely to be significant and also that it would be difficult to sustain a ground of objection on that basis.

The site access has some limitations in terms of sightlines. I have some concerns about the gradual increase in pitches on the site where the corresponding increase in traffic movements is also small but the overall accumulation is growing. I would suggest that any application for a further increase in pitches is accompanied by a Transport Technical Note."

B) Local Groups

- 5.2 Cudham Residents' Association has raised objection to the proposal on the following grounds:

- The original planning application was refused by the Council in 2017 and then only granted on appeal. The subsequent applications made by Archies Stables appear to be appeals to remove various conditions which were placed upon this original application.
- Similar proposal have been previously refused for the site.
- The applicant's proposals do not meet any of the criteria in Policy 37 of the Local Plan.
- To allow an increase in the number of pitches on the site from 2 to 3 is harmful to the rural character of the area and contrary to Policy 37 of the Local Plan and the PPTS.
- Policy 49 sets out the circumstances for proposed developments in the Green Belt being approved. The applicant's proposals do not meet any of the criteria in this policy.
- There is confusion around the existing provision of occupancy units on the site. We are of the understanding that there are already 3 residential units on the site.
- In regard to the Community Utility/Dayroom, there is no detail provided relating to where any waste water would be dispensed. There has not been main drainage to this site and no supporting information to any application relating to waste-water and how this is dealt with or how this is monitored and supervised by Bromley Council to address any contaminated water escaping.
- Concern that the applicant is demonstrating a conscious and determined strategy of appealing against decisions or aspects of decisions in order to wear down the Council and residents over time. To demonstrate this point, it should be noted that the

applicant was awarded the decision to increase to 2 pitches in May 2022 and has immediately then issued their application to increase to 3 pitches.

C) Adjoining Occupiers

5.3 Local residents were notified of the application and comments are summarised below:

- Occupants illegally occupied this site in the first place and have continually used the appeal system to remain on site
- Occupants should not be allowed to extend the site to more than the one existing caravan.
- Could end up with a large traveller camp in the village.
- Occupancy should be limited to that for which planning permission was originally granted - for Ms Moore and her dependents, whom one would take to mean dependent children living with her, not in a separate unit.
- To remove the condition will set a precedent for future applications and it should be refused.
- There is no need for a further pitch as there are already 3 with occupancy.
- No detail relating to where any waste water would be dispensed.
- The septic tank is sited where the plan shows a kids amenity play area.
- This land was never meant to be residential. The only reason one residence was granted was because it was claimed that refusal was showing prejudice to travellers. That surely showed prejudice to the non-traveller community who would have had their application refused.
- The original development on this site was unauthorised and this abuse of the planning system undermines faith in it its fairness amongst the wider community.
- The lane is too narrow and dangerous for the current volume of traffic so adding more residences is surely going to impact further on highway safety.
- Extension of the site is also likely to be damaging and negatively impact the wildlife, views and general conservation of the area.
- It is unfair to other local residents to allow the traveller and gypsy community to have preferential treatment and exemption to the local planning laws.
- To allow the site to be increased from 2 to 3 pitches would result in a disproportionate level of site coverage by buildings, there representing an undesirable intensification of development in the Green Belt. [Note the area of the proposed development is outside the Green Belt.]
- Conditions previously placed on the site should be upheld.
- No evidence to support/show that the requirements of Policies 12, 32, 37, and 49 of the Local Plan have been satisfied.
- There is no assumption that the local planning authority is required to plan to meet traveller needs in full.
- Reference to previously refused applications at the site.
- Concerns over the drainage and waste management of this site. This site was originally an agricultural field. There has now been a significant amount of hard standing laid (hard core and tarmac), plus residential use allowed and there are a number of residents now living on the site. There was never any mains drainage at this site. There is no supporting documents on any of the planning applications or appeals with details relating to waste water and how this is dealt with or how this is monitored and supervised by Bromley Council to address any contaminated water

escaping into the surrounding green belt land, especially with an increase in density of people on the site.

- Downe Bank nature reserve a site of special scientific interest is within proximity of this location and this steadily expanding development impacts biodiversity in the area.

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. The development plan for Bromley comprises the London Plan (2021) and the Local Plan (2019). The NPPF does not change the legal status of the development plan.

London Plan

Policy H14 Gypsy and Traveller Accommodation

Local Plan

Policy 12 Travellers' Accommodation
Policy 30 Parking
Policy 32 Road Safety
Policy 37 General Design of Development
Policy 53 Land Adjoining Green Belt or Metropolitan Open Land

6.3 Planning Policy for Traveller Sites published in August 2015 (first issued in March 2012) is also a relevant policy consideration in this application. This is to be read in conjunction with the National Planning Policy Framework (NPPF).

7. ASSESSMENT

7.1 Principle of development **Acceptable**

7.1.1 Part of the application site was removed from the Green Belt and allocated as a Traveller Site in the Local Plan 2019 in order to address the existing and future need for traveller provision.

7.1.2 The site is the subject of a detailed planning history dating back to 2008. In the intervening years the site has gained lawful use as a gypsy and traveller caravan site comprising 2 pitches on the site (each of the pitch containing no more than 2

caravans, of which only 1 caravan shall be a static caravan). Following the adoption of the Council's current Local Plan in January 2019, the status of the front part of the site has changed to a Traveller Site Only, Inset Within the Green Belt. The rear part of the site falls within the Green Belt. The change of designation has been aimed at addressing the accommodation needs of travellers in the borough. Accordingly, this designation forms an important material consideration.

- 7.1.3 On the basis of 500m per pitch the Local Plan Traveller Site Assessment (2016) Table 2 indicated that Archies Stables site had the potential for two pitches. However, this does not limit the site to 2 pitches should an application, such as this one be submitted for additional pitches and considered to meet planning policy. The DCLG guidance allows for pitches of more limited scale, noting in para 7.13 that “*Smaller pitches must be able to accommodate at least an amenity building, a large trailer, drying space for clothes and parking for at least one vehicle*).” Indeed, a significant number of the Council’s own pitches are smaller than 500m.
- 7.1.4 The particular circumstances of this application, a single family group, would allow for smaller pitches with the shared proposed day room and children’s play area, however, this relies upon the usage of the site as a whole (three pitches) by a single family group. This would be subject to a planning condition.
- 7.1.5 The size of the proposed pitches would also justify a condition to restrict the size of the statics to those illustrated on the submitted plans as the provision of 3 larger statics would undermine that ability of the pitches to meet the other aspects of good pitch design.
- 7.1.6 Having regard to the above, the proposal is considered acceptable in principle.

7.2	Design	Acceptable
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- 7.2.1 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.
- 7.2.2 The NPPF (2021) 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.
- 7.2.3 Local Planning Authorities are required 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).
- 7.2.4 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.

- 7.2.5 London Plan and Bromley Local Plan further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.2.6 Policy D3 of the London Plan specifies that development must make the best use of land by following a design-led approach, providing optimised development that is of the most appropriate form and land use for the site, taking into account a site's capacity for growth in tandem with its context. Development proposals should deliver buildings that positively respond to local distinctiveness through their layout, scale, orientation, appearance and shape, having appropriate regard to existing and emerging building types, forms and proportions.
- 7.2.7 Policy 37 of the Local Plan details that all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout. To summarise developments will be expected to meet all of the following criteria where they are relevant; be imaginative and attractive to look at, of a good architectural quality and should complement the scale, proportion, form, layout and materials of adjacent buildings and areas; positively contribute to the existing street scene and/or landscape and respect important views, heritage assets, skylines, landmarks or landscape features; create attractive settings; allow for adequate daylight and sunlight to penetrate in and between buildings; respect the amenity of occupiers of neighbouring buildings and those of future occupants; be of a sustainable design and construction; accessible to all; secure; include; suitable waste and refuse facilities and respect non designated heritage assets.
- 7.2.8 In terms of the siting and appearance and the mobile home and the communal utility day room, these elements would be located adjacent to the southern and northern site boundaries respectively and much of the existing aspect into the site would be maintained as a result of their siting. The proposed communal utility day room would occupy a somewhat more discreet position adjacent to the northern site boundary and against a backdrop of trees. In terms of the adjoining Green Belt, it is not considered that it would have a detrimental effect on its visual amenity, character or nature conservation value.
- 7.2.9 In comparison to the utility/day rooms which were proposed by the Council under application reference 19/04469/FULL1 and subsequently refused on the basis of their siting, scale and height – deemed to constitute an overdominant and intrusive form of development, harmful to the rural character of the area – the currently proposed structure is set back from the site frontage to the rear of an existing stable block and incorporates a substantially reduced floor area and a more discreet siting.

7.2.10 Having regard to the above it is not considered that the scope of the development would be significantly out of character with or detrimental to the visual amenities of the area.

7.3 Neighbourhood amenity Acceptable

7.3.1 Policy 37 of the Local Plan seeks to respect the amenity of occupiers of neighbouring buildings and those of future occupants, providing healthy environments and ensuring they are not harmed by noise and disturbance, inadequate daylight, sunlight, privacy or by overshadowing.

7.3.2 Policy 4 of the Bromley Local Plan 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.

7.3.3 In regard to neighbouring amenity, given the scale of the proposal and its relationship to neighbouring residential properties, as well as to the adjoining Girl Guide site to the south, it is not considered that this would be significantly undermined in terms of noise or disturbance or in terms of visual impact. The site is well screened and maintains a significant separation to residential properties along Cudham Lane North.

7.4 Highways Acceptable

7.4.1 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.

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

7.4.3 The Highways Engineer has commented that the site access has some limitations in terms of sightlines, and he has some concerns about the gradual increase in pitches on the site where the corresponding increase in traffic movements is also small but the overall accumulation is growing. In the current circumstances, the proposal would result in a small increase in associated traffic movements. However, it is considered unlikely to be significant, and subject to a condition aimed at ensuring that the site remains in single family occupation any highways impact would be more limited as compared to a site occupied by more than one family.

8. CONCLUSION

8.1 In summary, the proposal would result in an additional pitch within the area of the site that has been designated a Traveller Site Inset within the Green Belt. Accordingly

there is no conflict with Green Belt policy and in principle the proposal would help to address the need for traveller accommodation within the Borough at an established site. There would be no significant impact on residential amenities and the development is considered to be of an acceptable design that would not harm the visual amenities of the street scene or the area in general. The accommodation provided would be of a satisfactory standard. Subject to a condition to ensure that the site remains in single family occupation, the highways impact of the proposal is considered acceptable.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The site shall only be occupied by a single extended family and shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites (or its equivalent in replacement national policy).**

Reason: In order to comply with Policies 12, 32 and 37 of the Local Plan and Planning Policy for Traveller Sites, to ensure that the site remains in Gypsy and Traveller occupation, in the interest of the visual amenities of the area, and to ensure that the development is commensurate with the interests of highways safety.

- 2 When the land ceases to be occupied by those named in Condition 1 above the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to or erected on the land, and/or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place.**

Reason: In order to comply with policies 12 and 49 of the Local Plan, Planning Policy for Traveller Sites, and in the interests of the amenity of the area and the openness of the Green Belt.

- 3 There shall be no more than 3 pitches on the site, and on each of the pitches hereby approved no more than 2 caravans shall be stationed at any time, of which only 1 caravan shall be a static caravan.**

Reason: In order to comply with the requirements of policies 12, 32, 37 and 49 of the Local Plan, Planning Policy for Traveller Sites, and in the interests of the amenity of the area, local highways conditions and the openness of the Green Belt.

- 4 No commercial activities shall take place on the land, including the storage of materials and no vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.**

Reason: In order to comply with the requirements of policies 12, 32, 37 and 49 of the Local Plan, and in the interests of the amenity of the area and the openness of the Green Belt.

- 5** Details of any external lighting to be installed shall be submitted to and approved in writing by the local planning authority. The lighting shall be installed in accordance with the approved details and thereafter retained in that form.

Reason: In order to comply with the requirements of policies 12, 37 and 49 of the Local Plan, and in the interests of the amenity of the area and the openness of the Green Belt.

- 6** If any tree is cut down, uprooted or destroyed in order to implement this permission trees of a size and species to be agreed by the local planning authority in writing, shall be planted as replacements and shall be of such size and species as may be specified in writing by the local planning authority. Any trees which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species to those originally planted.

REASON: In order to comply with Policy 73 of the Local Plan and to secure a visually satisfactory setting for the development.

- 7** The development hereby permitted shall be carried out strictly in accordance with the following approved plan: 200704/01A dated 14 July 2020.

REASON: In order to comply with the requirements of policies 12 and 37 of the Local Plan, Planning Policy for Traveller Sites, and in the interests of the visual amenities of the area.

And any other conditions or informatives considered necessary by the Assistant Director (Planning and building Control).