

Committee Date	24 th November 2022	
Address	Five Oaks Stables Layhams Road Keston BR2 6AR	
Application Number	21/04323/FULL1	Officer – Joanna Wu
Ward	Hayes & Coney Hall	
Proposal	Demolition of existing dwellinghouse and stables (29 stables), removal of mobile home, other buildings/structures, hard surfacing and trees. Erection of replacement dwellinghouse, stable block (10 stables) and enlargement of field (in place of existing hard surfacing) with comprehensive landscaping scheme	
Applicant	Agent	
Mr & Mrs Evans	Mr David Graham	
Five Oaks Stables Layhams Road Keston BR2 6AR	Pembroke Planning 60 High Street Wimbledon London SW19 5EE	
Reason for referral to committee	Call-In	Councillor call in Yes

RECOMMENDATION	Application Refused
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<p>KEY DESIGNATIONS</p> <p>Green Belt Adjacent - Site Interest Nature Conservation (SINC) Biggin Hill Safeguarding Area London City Airport Safeguarding Sites of Interest for Nat. Conservation Smoke Control</p>

Land use Details		
	Use Class or Use description	Floor space (GIA SQM)

Existing	House and Stales	1612m2 (House - 190m2, 29 stables – 600m2)
Proposed	C3 Dwellinghouse and Stables	1435m2 (House - 440m2 and 10 Stables - 173m2)

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

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	12 +	4	- 8
Disabled car spaces	0	0	0
Cycle	0	0	0

Electric car charging points	1
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Representation summary	Neighbour notification letters sent 24.11.2021 Newspaper advert published 08.12.2021 Site notice displayed 30.11.2021
Total number of responses	1
Number in support	1
Number of objections	0

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposal is not considered to represent a limited infilling of the existing developed land and would have a greater impact on the openness of the Green Belt than the existing development, contrary to Paragraph 149(g) of the NPPF.

2. LOCATION

- 2.1 The application site is located on the eastern side of Layhams Road, Keston in the Green Belt. There is only one access into the site which is directly from Layhams Road. The site was previously a commercial livery and riding school, and consists of a number of stables, barns, associated dwelling and grazing land.
- 2.2 The majority of the buildings are located to the western side of the site, which includes the main riding arena with viewing platforms, ancillary offices, storage units and ancillary accommodation. There are currently 29 livery stables. The existing

dwelling is the former club house (where a Certificate of Lawfulness was granted for its use as a dwelling in 2013, planning ref: 13/00798/ELUD).

2.3 The site is located in the Green Belt and is also affected by other designations as follows-

- Site of Importance for Nature Conservation (SINC) – adjacent to the south of the application site
- Biggin Hill Safeguarding Area
- London City Airport Safeguarding
- Smoke Control Area

Fig 1: Site plan (Location of existing house)

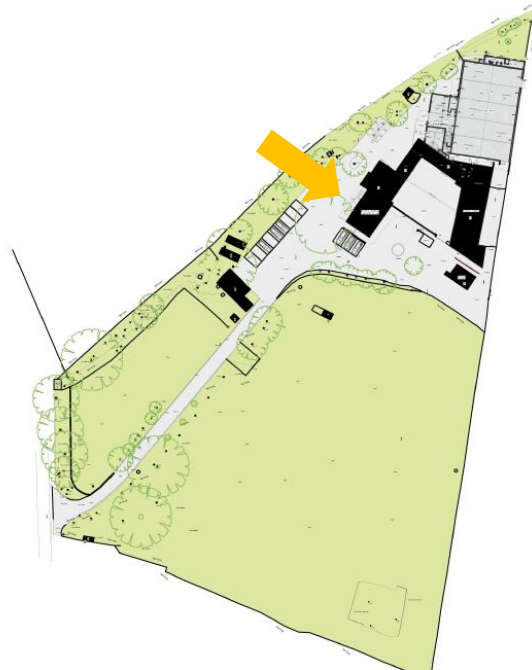


Fig 2: Existing dwelling floorplan



Fig 3: Existing north elevation plan for the arena, barn and the existing dwelling

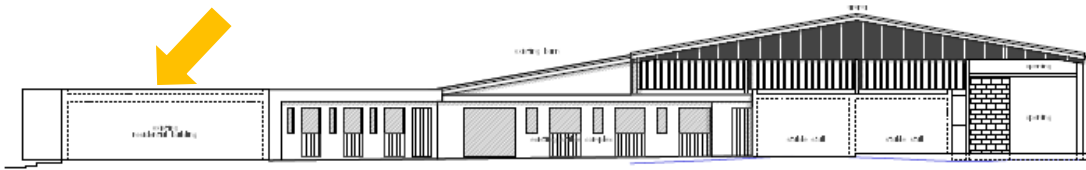


Photo 1: Existing House



Photo 2: Existing Arena



Photo 3 and Photo 4: Existing stables to be demolished



3. PROPOSAL

- 3.1 Planning permission is sought for “Demolition of existing dwellinghouse and stables (29 stables), removal of mobile home, other buildings/structures, hard surfacing and trees. Erection of replacement dwellinghouse, stable block (10 stables) and enlargement of field (in place of existing hard surfacing) with comprehensive landscaping scheme”. The house would measure 21.8m long, 10m wide and 8m high (with an eaves height of 4.6m), providing a total floorspace of 440m² (1.5-storey). The house would provide five bedrooms, a dining, sitting and boot rooms. The existing stables and the house would be demolished. The access road within the application site would be re-aligned and four car parking spaces would be provided in the north part of the application site.
- 3.2 This application is supported by the following documents:
- Application form,
 - Application drawings,
 - Planning Statement/Design and Access Statement,
 - Visual and Landscaping Appraisal,
 - Preliminary Ecological Appraisal,
 - Bat Survey (submitted on 09.09.22).
- 3.3 The Planning Statement states that “There are a number of redundant buildings on the site which the applicants want to remove and utilise the replacement floorspace for a new dwelling replacing the existing dwelling together with upgrading the existing stabling and extend the grazing fields for horses.”
- 3.4 In summary, the main arena which measures 24m long, 16m wide and 5.3m high, would be retained in the northern part of the site. It is noted that the overall floorspace of the buildings would be reduced by 177m². Also, a total area of 1305m² of hardstanding (where the existing dwelling would be removed) would be replaced by a green field area. A comprehensive tree planting scheme around the site has also been submitted.

3.5 The officers have asked the applicants to reduce the bulk and height of the replacement dwelling but the applicants wish the members to consider the proposal in its original form.

Fig 1: Proposed site plan (location of the new house)



Fig. 2: Proposed house floorplan



Ground Floor



First floor

Fig 3: New dwelling – Elevation plan



South-west elevation



South-east elevation



North-west elevation



North-east elevation

4. RELEVANT PLANNING HISTORY

- 4.1 The relevant planning history relating to the application site is summarised as follows:
- 4.2 91/02055/OUT – Detached bungalow outline – (Refused) 07.10.1992
- 4.3 98/01569/FUL – First floor extension to existing building to provide hay loft – (Permitted) 06.08.1998
- 4.4 13/00798/ELUD – Use of former clubhouse as a dwelling CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE – (Lawful) 31.05.2013

5. CONSULTATION SUMMARY

5.1 A) Statutory

- 5.1.1 Highway Department: No objection. The revised drawing showing 4 parking spaces. This is acceptable but a condition should be imposed to limit the stables for personal use rather than commercial/ livery use.
- 5.1.2 Tree officer: No objection. The proposal includes the retention of many trees including the most valuable on site. The submitted planting plan is sufficient remediation for the trees proposed for removal.
- 5.1.3 Drainage officer: There are no public foul or surface water sewers near the site. The applicant is required to carry out a surface water design to demonstrate how the principle of SUDS have been applied to the development to restrict surface water run-off to greenfield run-off rate.
- 5.1.4 Environmental Health Officer: No objection.

5.2 B) RSPB – Bromley Local Group

- Installation of two integral swift nest bricks as a planning condition - the proposal for these to be submitted prior to the commencement of above ground works

5.3 C) Adjoining Occupiers – support

- The plans will retain the arena and will be a great improvement on the buildings which are currently on site.
- Limited visibility of the site and it would have no impact on the wider area.

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
D3 Optimising site capacity through the design-led approach
D4 Delivering Good Design
D5 Inclusive Design
D6 Housing Quality Standards
G2 London's Green Belt
H1 Increasing housing supply
H2 Small sites
T5 Cycling
T6.1 Residential Parking

G6 Biodiversity and access to nature
G7 Trees and woodlands
SI2 Minimising greenhouse gas emissions

6.4 Bromley Local Plan 2019

4 Housing Design
30 Parking
32 Road Safety
33 Access for All
37 General Design of Development
49 The Green Belt
70 Wildlife Features
72 Protected species
73 Development and trees
116 Sustainable Urban Drainage System (SUDs)
119 Noise Pollution
122 Light Pollution
123 Sustainable Design and Construction

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:

- Green Belt
- Principle and standard of residential accommodation
- Design and landscaping
- Highways
- Neighbouring amenity
- Biodiversity and ecology impacts
- Sustainability

7.2 Green Belt – Unacceptable

7.2.1 The main issue in relation to the Green Belt is whether the proposal would represent inappropriate development and if the proposed development is considered as an exception under Paragraph 149.

7.2.2 Paragraphs 137 – 151 of the NPPF set out the Government's intention for Green Belt. The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

7.2.3 The Green Belt is intended to serve five purposes:

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

7.2.4 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. Paragraph 148 states that:

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”.

7.2.5 Paragraph 149 further states that:

“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

(a) buildings for agriculture and forestry;

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

(c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

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

(e) limited infilling in villages;

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

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

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to

meeting an identified affordable housing need within the area of the local planning authority.

7.2.6 The Council considers that the proposals should be assessed in their entirety against the following exception at Para 149:

(g) “limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use” and the development should not have a greater impact on the openness of the Green Belt than the existing development and it would not have any substantial harm to the openness of the Green Belt than the existing buildings.

7.2.7 It is noted that the proposals do include a replacement dwelling, but as stated below, the replacement would be materially larger than the existing and cannot therefore be considered as an exception to inappropriate development under Para 149(d).

7.2.8 Openness is an essential characteristic of the Green Belt and it takes into account the effect of built form. Also, 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.

7.2.9 The proposal includes the demolition of a number of buildings across the site, replacement stables of reduced size and a new detached dwelling (replacing an existing single storey dwelling on a different part of the site).

7.2.10 The following table summaries the existing and proposed total floor area of the buildings within the application site:

	Dwelling	Stables	Arena	Total Floor Area	Removal of hardstanding
Existing floor area	190 m2 (3.2m high)	600 m2 (29 stables)	822 m2	1612 m2	1305 m2
Proposed floor area	440 m2 (8m high, 4.6m eaves height)	173 m2 (10 stables)	822 m2	1435 m2 (177 m2 reduction)	--

7.2.11 The application includes the reduction of the number of stables from 29 to 10. The new stables would be located in a similar location to the ones proposed for demolition. The applicants confirmed that these stables would be for their private use. This element of the proposals would result in a reduction in the number and size of the stables compared to the existing buildings. This would have a benefit to the openness of the Green Belt by reason of the reduction in built footprint and volume. There would also, to a lesser extent, be a benefit to openness from the removal of hardstanding across the site.

7.2.12 Whilst it is noted that there are a substantial number of stables and outbuildings to be removed and it is proposed to replace the associated hardstanding with a green field area, the total floorspace of the new replacement dwelling would be 440m2 which represents an increase of 131% over the floorspace of the original dwelling. With regards to the built form of the replacement dwelling, the proposed house

would be 8m high with a total eaves height of 4.6m. it would be some 4.8m higher than the existing single storey dwelling (3.2m). Also, this structure would be higher than the existing arena (height: 5.3m), which is to be retained on site.

- 7.2.13 Therefore, it is considered that the replacement house would have a significantly larger footprint and would be located on a different part of the site. The proposed dwelling would be located on an area of hardstanding/car parking. There is also a caravan and some outbuildings located to the south-west which would be removed/demolished, but these have a much lesser impact on openness than the proposed dwelling would, given its footprint, floorspace and overall scale. This part of the site is also located further away from the complex of equestrian buildings including the arena and proposed stables.
- 7.2.14 In the supporting document "Visual and Landscaping Appraisal", it states that "the proposal would consolidate built form into the northern part of the site and would allow for the expansion of the site's existing, larger, paddock northwards (paragraph 4.3)." Also, "views from the site from the north, from publicly accessible locations are generally restricted. The combination of undulating and sloping topography, together with the presence of well vegetated field boundaries and roadside vegetation limits the availability of more distant views, especially from the public highway (paragraph 4.12)."
- 7.2.15 The applicants state in the supporting text that the ground level of the proposed house is 1.25m lower than that of the indoor arena which would therefore help the new dwelling to appear to be lower than the arena building. However, the submitted drawings show that there is only a difference of 0.2m between the ground levels at the arena and where the replacement dwelling would be located (over a total distance of 43.5m). The submitted plans show that the replacement dwelling would still be 2.5m higher (with the ground level difference) than the existing arena.
- 7.2.16 Whilst it is recognised that there would be an overall reduction in the amount of built floorspace across the site (equating to an 11% reduction) and that this would potentially benefit the openness of the Green Belt, the proposals would not serve to reduce the spread of development across the site and would result in development of a greater height overall which would consequently have a greater impact on openness in the visual dimension. Overall, it is considered that the proposals would, despite the reduction in floorspace, result in a greater impact on openness than the existing development, by virtue of the form, scale and siting of the proposals, particularly the proposed dwelling.
- 7.2.17 In this instance, there are no other considerations that would outweigh the harm to the Green Belt by reason of inappropriateness and harm to openness, and accordingly very special circumstances have not been demonstrated.

7.3 Principle and Standard of accommodation – Acceptable

- 7.3.1 The National Planning Policy Framework (NPPF) states that planning should encourage the effective use of land by reusing land that has been previously developed (brownfield land) provided that it is not of high environmental value. The NPPF defines "previously developed land" as: "Land which is or was occupied by a

permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure".

- 7.3.2 Housing is a priority use for all London Boroughs. London Plan Policies H1, D3 and D4 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.
- 7.3.3 The application site lies within a rural area, albeit that there are some residential properties in the vicinity. The proposal would replace the existing dwelling within the application site. Given that some of the redundant stables/ outbuildings would be removed and the proposal is only for a house replacement, it would still reflect the general low residential density of the area and would not overdevelop the site in this respect.

Standard of accommodation

- 7.3.4 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.
- 7.3.5 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.
- 7.3.6 Policy D6 of the London Plan and the Housing SPG (2016) Standard 24 states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit should comply with the Technical Housing Standards - nationally described housing standard (2015).
- 7.3.7 To be in accordance with the above standards Table 1 of the NDSS which provides minimum Gross Internal Floor Areas (GIA) needs to be complied with. There are no specific minimum GIA requirements for a 5 bedroom/ 10 person (two storey) dwelling. The following standards are considered the most relevant:
- 5 bedroom/ 8 person (two storey) - 128m² with 3.5m² of built in storage.

- Two bedspace – a double (or twin bedroom) has a floor area of at least 11.5m². One double (or twin bedroom) is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.
- The minimum floor to ceiling height is 2.5m for at least 75% of the Gross Internal Area (London Plan Policy D6)

7.3.8 The total GIA would be 220m². The proposed 5-bedrooms would comply with the bedspace requirements. Therefore, the proposed GIA would meet the most appropriate standards.

7.3.9 With regards to amenity space, the London Plan requires that a minimum of 10m² of private outside space should be provided for this 8-person house (minimum). The total application site area, as shown on the application form, is 2 hectares. It is considered that the proposal would provide sufficient amenity space.

7.4 Design – Layout, scale and landscaping – Acceptable

7.4.1 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. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

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

7.4.3 The new house is a 1.5 storey structure. The proposed finishing materials would be mainly brick work and stone with a zinc roof and stone coping. There are some balconies to the front and flank elevations. It is considered that the proposed design, materials and overall external appearance would not detract from the character and appearance of the site or its wider rural setting.

7.5 Highways and parking – Acceptable

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

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

7.5.3 London Plan and Bromley Local Plan Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking

standards within the London Plan and Bromley Local Plan should be used as a basis for assessment.

- 7.5.4 The application site lies in an area with a PTAL 0 rating (on a scale where 0 has the least and 6b has the best access to public transport services) and it could be reliant on private transport such as the private car and bicycle. Four parking spaces would be allocated for the house. The Highways officer has been consulted and raised no objections. The applicants have also confirmed that the stables would be privately used and therefore would not generate additional trips.

7.6 Neighbourhood Amenity – Acceptable

- 7.6.1 Policies 4 and 37 of the Bromley Local Plan seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

- 7.6.2 The neighbouring support comments are noted and no neighbouring objections have been received. It is noted that there are some proposed balconies on the first floor. Given that there are no neighbouring properties located in the immediate vicinity of the application site, no overlooking or loss of privacy would occur. Also, the site boundary is well-screened, and it has sufficient separation distance from the neighbouring occupiers, the replacement dwelling would not have a significantly harmful effect by reason of overshadowing or overbearing effect.

7.7 Biodiversity and ecology impacts – Acceptable

- 7.7.1 Policy 70 of the Bromley Local Plan encourages that new development should improve existing or create new habitats or use design to enhance biodiversity and provide of it's on-going management. Policy 72 of the Bromley Local plan states that planning permission will not be granted for development or change of use of land that will have an adverse effect on protected species, unless mitigating measures can be secured to facilitate survival, reduce disturbance or provide alternative habitats.

- 7.7.2 A Preliminary Ecological Appraisals (PEA) and a bat survey have been submitted. Both reports conclude that the buildings have “moderate” potential. The results for emergence surveys indicate that bats are not using any part of the structures for roosting, although general activities were recorded around the site. Also, the two bat species recorded are not considered to be light averse.

- 7.7.3 The report advised that demolition should be undertaken under a watching brief with advice from the ecologist to ensure any bat discoveries are suitably dealt with under licence if necessary. Also, a scheme of ecological enhancements should be conditioned. As bat activity was recorded at the site, this should include supplementing the site with bat roost options as suggested in the bat survey. It is suggested that a woodcrete type bat boxes should be installed and any new external light should be restricted to do downward facing light and/ or activated by motion sensors to minimise non-essential use of lights.

7.8 Trees – Acceptable

- 7.8.1 Policy 73 of the Bromley Local Plan requires trees of environmental importance should be retained and protected. When considering development proposals, trees should be retained as much as possible
- 7.8.2 The application site is covered by some mature trees. Tree officers have been consulted and they have raised no objection to the proposal.

7.9 Sustainability – Acceptable

- 7.9.1 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.
- 7.9.2 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.
- 7.9.3 In the Design and Access Statement, it states that the new dwelling would offer the opportunity to include energy efficient and sustainable construction methods improving its environmental performance. The applicants also confirmed that the new dwelling would install a Ground Source Heat Pump and Photo Voltaic panels in order to ensure that the house is environmentally efficient and takes as little energy from the grid as possible. The Environmental Health Officer has been consulted and it is advised that further details on the Mechanical Ventilation with Heat Recovery (MVHR) system, Ground source heat pumps and the Electric Charging Point should be submitted prior to the commencement of works.
- 7.9.4 It is noted that this application is not a major development so inclusion of on-site renewable energy generation and other measures beyond Building Regulation requirements are not compulsory. Nonetheless, any potential improvements in energy efficiency, energy saving or energy generation, although welcomed, is not sufficient in this instance to clearly outweigh the harmful impacts identified elsewhere in this report.

8. CONCLUSION

- 8.1 Having had regard to the above it is considered that the development in the manner proposed would be unacceptable as it would result in an inappropriate development within the Green Belt by definition, it would have actual harm to its openness and visual amenities given the location and scale of the replacement dwelling. It is therefore recommended that planning permission is refused.
- 8.2 Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

Recommendation: Permission Be Refused

The proposed development would constitute inappropriate development in the Green Belt and harm openness. In the absence of any very special circumstances to clearly outweigh the harm by reason of inappropriateness and the other harm identified the proposal would be contrary to Policy G2 of the London Plan and Policy 49 of the Bromley Local Plan.