

SECTION '2' – Applications meriting special consideration

**Application No :** 11/00445/FULL1

**Ward:**  
**Darwin**

**Address :** 131 Cudham Lane North Orpington BR6  
6BY

**OS Grid Ref:** E: 545189 N: 162629

**Applicant :** Mr Piggott

**Objections : NO**

**Description of Development:**

Demolition of existing commercial buildings and erection of 2 detached two storey 4 bedroom dwellings, each with detached double garage, with associated car parking and access road, and creation of residential curtilages

Key designations:

Green Belt  
Local Distributor Roads

**Proposal**

- It is proposed to demolish the commercial buildings on this strip of land, and erect 2 detached two storey 4 bedroom dwellings, each with a detached double garage
- Access to the dwellings would be from the existing access road which serves the commercial buildings
- The total floorspace provided by each dwelling would be 203sq.m., including the detached garages
- The application is accompanied by supporting statements including a Planning Statement, a Green Belt Statement of Very Special Circumstances and an Employment Impact Statement.

**Location**

This site is located within the Green Belt, and is occupied by a number of workshop/storage buildings which have a longstanding permission for commercial use, and total 790.85sq.m. in floorspace. The land comprises a 150m long strip, approximately 11m wide, which slopes down from Cudham Lane North from the west, and rises gently towards the east.

The main dwelling at No.131 is located to the north-west of the application site, and has been extended in the past. The site is surrounded by open countryside and woodland.

The eastern part of the site is covered by a blanket Tree Preservation Order (194).

### **Comments from Local Residents**

No letters of objection have been received to the proposals from local residents.

### **Comments from Consultees**

The Council's highway engineer considers that it is unlikely that the proposed new dwellings would result in a significant increase in vehicular trips to the site compared with the existing commercial units, and that the sightlines to the access onto Cudham Lane North are relatively good, therefore, no objections are raised to the proposals.

Drainage comments suggest that soakaways would need to be installed to dispose of surface water run-off as there is no public surface water sewer in close proximity to the site.

Thames Water raises no objections to the proposals in principle.

Environmental Health comment that although no objections are raised in principle, due to the lack of information regarding the past land use, a standard condition should be imposed requiring a contaminated land assessment.

The Council's Waste department requires refuse to be taken to Cudham Lane North on the day of collection, while Crime Prevention have requested that a "secure by design" condition be imposed.

With regard to the trees on the site, insufficient information has been submitted in order for the Council's Tree Officer to properly assess the impact of the proposals on the protected trees.

### **Planning Considerations**

The application falls to be determined in accordance with the following policies of the Unitary Development Plan

- BE1 Design of New Development
- BE3 Buildings in Rural Areas
- H7 Housing Density and Design
- G1 The Green Belt
- EMP5 Development Outside Business Areas
- T3 Parking
- T18 Road Safety
- NE7 Development and Trees

## **Planning History**

Permission was originally granted for these agricultural buildings in 1974, but later permissions (most recently ref. 94/02692) allowed their use for storage and workshop purposes, as they were considered to be appropriate uses for the re-use of redundant farm buildings.

## **Conclusions**

The primary considerations in this case are, in the first instance, whether the proposal would constitute inappropriate development within an area designated as Green Belt, and if so, its effect on the openness and visual amenities of and the purposes for including land in the Green Belt, and whether any benefits of the scheme would clearly outweigh any harm by reason of inappropriateness and any other harm, and thus justify the development on the basis of very special circumstances.

If the principle of the scheme is accepted, the other main considerations are the impact of the proposals on the character and spatial standards of the surrounding area, on the amenities of neighbouring residents, on protected trees on the site, and on pedestrian and vehicular safety in the close vicinity.

UDP Policy G1 states that the construction of new buildings within the Green Belt is inappropriate unless it is for purposes including agriculture, forestry, essential facilities for outdoor sport and recreation, and limited extensions, alterations or replacement of existing dwellings. In this regard, the permitted use of the site is for commercial purposes, and its redevelopment for residential purposes would constitute inappropriate development in the Green Belt, which is, by definition, harmful to the openness of the Green Belt.

The applicant has put forward very special circumstances in order to justify inappropriate development, the main points of which are summarised as follows (the full planning statement is available on file for Members' information):

- the redevelopment of the site would result in an overall reduction in floorspace of 49% (from 791sq.m. to 406sq.m.), and an overall reduction in the volume of built development of 49% (from 2620cu.m. to 1276cu.m.) thus resulting in a significant increase in openness which would be of benefit to the Green Belt
- the reduced level of vehicular movements to and from the site compared with the existing commercial units would result in a less intensive use of the land
- the existing unattractive buildings which are of poor quality and out of character with the area would be replaced with high quality dwellings which would respect the landscape character of the surrounding area
- the surrounding area is largely residential, therefore the proposals would not be out of character with the area
- the current commercial use of the buildings is considered inappropriate within the Green Belt, and they are situated in an unsustainable location

- the proposals would promote the use of under-used previously developed land.

The current buildings are of a rustic design typical to a rural location, and the existing workshop and storage uses of the buildings are considered appropriate (rather than inappropriate) uses for the re-use of redundant agricultural buildings. Therefore, the benefits of reducing the overall amount of built development on the site, would not outweigh the harm caused by replacing an appropriate use with an inappropriate residential use of the site which has a more suburban than rural character with individual curtilages and higher buildings. Therefore, it is considered that no very special circumstances exist to justify the scheme in principle.

The applicant has also addressed the issue of the loss of employment land in respect of Policy EMP5 of the UDP which allows for the loss of such land where the particular characteristics of the site make it unsuitable for business uses within Use Classes B1, B2 or B8, and that marketing of the site confirms the unsuitability and financial non-viability of the site for such uses. In this respect, the applicant states that the commercial units are poor quality and do not provide adequate accommodation for modern business needs. Furthermore, the site was run for a long period of time as a family business by the occupiers of the dwelling at No.131, and the applicant considers that to subdivide the commercial units into separate ownership would have a detrimental impact on the amenities of the occupiers of No.131 to a degree that would not occur if the commercial units were replaced by two dwellings.

With regard to the marketing of the site, the applicant has submitted details of a large number of commercial units currently available to let, mainly in the Bromley and Croydon areas, which are considered by the applicant to be of a higher standard of accommodation than the existing units on this site. It is not clear whether the application site has been actively marketed for commercial uses, however, the applicant states that units of this nature are currently in low demand, and provide little to the local economy.

There is no evidence that the buildings could not continue to be used, with or without adaptation, for workshop/storage purposes, nor that there is no longer a need for low-key rural business units. Such units are not uncommon and can provide an ideal location for small rural enterprises which are supported by planning policy.

Furthermore, insufficient information has been submitted to properly assess the impact of the scheme on the trees on the site (many of which are protected), in the absence of which, the proposals could be harmful to the well-being of important trees on the site, and to the character and appearance of the surrounding area.

Background papers referred to during production of this report comprise all correspondence on files refs. 94/02692 and 11/00445, excluding exempt information.

**RECOMMENDATION: PERMISSION BE REFUSED**

The reasons for refusal are:

- 1 The site is located within the Green Belt wherein there is a presumption against inappropriate residential development, and the Council sees no very special circumstances in this case which might justify the grant of planning permission as an exception to Policy G1 of the Unitary Development Plan.
- 2 The proposals would result in the unacceptable loss of a business site which could continue to be used, with or without adaptation, for business purposes, thereby contrary to policy EMP5 of the Unitary Development Plan.
- 3 In the absence of adequate information to demonstrate the impact on the protected trees, the proposals would be harmful to the protection and well-being of trees on the site, which would be detrimental to the character, appearance and openness of the Green Belt, thereby contrary to Policies G1 and NE7 of the Unitary Development Plan.

Reference: 11/00445/FULL1

Address: 131 Cudham Lane North Orpington BR6 6BY

Proposal: Demolition of existing commercial buildings and erection of 2 detached two storey 4 bedroom dwellings, each with detached double garage, with associated car parking and access road, and creation of residential curtilages



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