



## Appeal Decision

Inquiry held on 30 to 31 July, 1 to 2 and 6 to 7 August 2024

Site visit made on 1 August 2024

**by Guy Davies BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22<sup>nd</sup> August 2024**

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### **Appeal Ref: APP/G5180/W/24/3339919**

### **Home Farm, Kemnal Road, Chislehurst BR7 6LY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs Alan and Pauline Selby against the decision of the Council of the London Borough of Bromley.
  - The application Ref is 22/03243/FULL1.
  - The development proposed is the demolition of part of Greenacres, demolition, alterations and extensions to part of Polo Mews North, demolition of Polo Mews South, demolition, alterations and extensions to part of The Bothy. Erection of linking extension between Polo Mews North and Polo Mews South to create 1 new dwelling. Erection of two storey extension to The Bothy and conversion from 3 into 2 dwellings. Establishment of new vineyard. Provision of new solar panel array. Erection of hydrogen energy plant and equipment. Erection of new single storey dwelling. Rearrangement of the internal access roads.
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### **Decision**

1. The appeal is dismissed.

### **Preliminary Matters**

2. It was agreed at the case management conference that the correct address for the site is Home Farm rather than Green Acres as written on the application form.
3. With the agreement of the main parties, the description of the development given in the banner heading above has been modified from that given on the application form. This is required for accuracy; it does not change the proposed development in any way.
4. The Council refers to the National Planning Policy Framework 2021 in its decision notice. That document has now been updated, the latest version being published in December 2023. The appeal is determined on the basis of the updated version, which I refer to in my decision as 'the Framework'.
5. During the course of the inquiry, the Government published a written ministerial statement and a consultation on proposed changes to the Framework. The main parties have been given the opportunity to comment on these documents in so far as they relate to the appeal. As the changes are only in draft form and may change depending on the outcome of the consultation, I give only limited weight to them.

6. The Council is now satisfied that the scheme can deliver biodiversity net gain and is no longer pursuing that matter as a reason for dismissal of the appeal, subject to a condition.
7. The Council also accepts that cycle storage and electric vehicle charging points can be secured by condition or other means but maintains an objection to the number of parking spaces proposed on the site.

### **Main Issues**

8. Having regard to the matters which have been resolved or narrowed in scope, and the arguments put forward at the inquiry, I consider that the main issues are:
  - whether the proposal is inappropriate development in the Green Belt, and if so its impact on openness
  - the effect on heritage assets – Chislehurst Conservation Area, The Bothy and Polo Mews
  - parking provision
  - if the development is inappropriate, whether the harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify development in the Green Belt. Those other considerations comprise the following:
    - energy generation
    - design quality
    - self-build development
    - biodiversity net gain
    - landscaping
    - public benefits
    - support for a rural business
9. Other considerations argued by the appellants in support of the scheme include a fallback position in respect of a previous permission, and the extent of previously developed land within the site. I address these considerations in my reasoning on the first issue identified above (inappropriateness and impact on openness).

### **Reasons**

#### *Whether inappropriate in the Green Belt and openness*

10. The proposal contains a number of different elements. It is common ground between the main parties that the development proposed at The Bothy and Polo Mews falls within the exception described in paragraph 154 g) of the Framework in that it would consist of the partial redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development. It is also common ground between the main parties that the construction of Vine House, a new dwelling on what is

farmland, would not fall within any of the exceptions set out in the Framework and would therefore amount to inappropriate development.

11. In respect of previously developed land, planning permission has been granted to extend and remodel some of the buildings<sup>1</sup>. From the information provided during the inquiry and from what I saw on site, I am satisfied that this permission has been commenced and therefore remains extant. I give it weight as a realistic fallback position. Having regard to the evidence, including the fallback position, I agree that the development of The Bothy and Polo Mews would not have a greater impact on the Green Belt than the existing or permitted development. I also agree that the development of Vine House would be inappropriate. Because of this latter element of the scheme, I conclude that the development when taken as a whole would therefore be inappropriate development in the Green Belt.
12. There are differing views about the impact such development would have on the openness of the Green Belt.
13. Vine House would introduce a sizeable new building together with its access drive, parking area and residential curtilage into what is at present open land, a large part of which has recently been planted as a vineyard. The introduction of such a building together with its residential use would encroach into the countryside, significantly interrupting the openness of this part of the Green Belt.
14. Arguments have been put to me that the design of the building partly sunk into the ground, and limited public views, would by themselves limit the impact on openness. Those aspects do not affect the spatial dimension of openness, which can be interpreted as the absence of inappropriate development, in terms of both built form and land use. Irrespective of the design of the building or whether it can be seen, it would therefore have an impact on spatial openness.
15. Assuming the estate hedges are maintained at their current height, there would only be limited public views of Vine House from the adjacent footpath, those views being further filtered by the intervening gate and vine trellises. The house would be more apparent to occupants and visitors within the estate, where its western and southern elevations would be visible as would domestic activities associated with it. While the visual impact on openness would be more limited than its spatial impact, it would nevertheless add to the sense of encroachment into the Green Belt.
16. Part of the site comprising The Bothy, Polo Mews, Greenacres, Cherry Tree Cottage and their outbuildings is previously developed. As well as being proposed to be remodelled and extended, parts of this group of buildings are proposed to be demolished. Taken together, the total proposed floorspace of buildings on the estate, including Vine House, would be similar to that as existing or permitted.
17. However, that does not mean to say that they would have the same impact on openness. The group of buildings forming the previously developed land on the estate is reasonably compact. The demolition of the 4-car garage block would remove a large building at the northern end of the group, but it would be

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<sup>1</sup> 19/05265/FULL1

replaced with another garage, albeit somewhat smaller and lower in height. The removal of outbuildings from the rear garden of Cherry Tree Cottage would likewise reduce ancillary built development in that location. However, in both cases the land would remain in residential use. Those areas, as well as views opened up by the demolition of the wing to Greenacres and the reduction in height of Polo Mews South, would still form part of the previously developed land and be seen against the backdrop of the retained and extended buildings and their gardens. As a consequence, this area would continue to appear developed.

18. There would also be a reduction in hard surfacing on the estate, although in some parts new or replacement driveways would be positioned further outwards closer to the boundary with the farmland than existing driveways.
19. The reduction in built floorspace and associated works on previously developed land would not compensate in spatial or visual terms for the loss of openness that would be occasioned by Vine House. The location for Vine House lies outside the established group of buildings on the site, and its impact on openness would be significantly greater than the reduction in existing or permitted built form on the previously developed part of the estate, notwithstanding that in numeric terms it may equate to a similar amount of floorspace.
20. My attention has been drawn to an appeal which involved residential dwellings replacing existing buildings in the Green Belt<sup>2</sup>. Although the dwellings were allowed in a different location to the existing buildings to be demolished, from the limited information available it would appear they were still on the same site and were positioned closer to neighbouring residential dwellings. Neither of those aspects applies to the appeal proposal where the site for Vine House lies outside the curtilages of any of the buildings to be demolished and would push development further away from neighbouring buildings rather than closer to them. For those reasons, I do not consider that the appeal decision sets a precedent for the development proposed.
21. The Greater London Authority advised that in its view the application complied with the London Plan and it did not need to be consulted further. In doing so, it recognised that the proposal would be inappropriate development in the Green Belt but given what it considered to be a minor increase in floor area and a small projection into the Green Belt with a well-considered design approach, did not consider the proposal to be of strategic concern. I have had regard to that consultation response but reached my own views on the matter of floorspace loss and gain, and the location of development within the Green Belt, as set out above. The issue of design I consider later under very special circumstances.
22. The Design South East Panel also commented on the issue of the Green Belt. While I have regard to their advice later in relation to design, I find their approach to development in the Green Belt and openness at variance with national planning policy and how it is interpreted. On this issue, I therefore give their advice little weight.
23. The appellant has provided evidence on the impact of the development on the landscape. This is not an issue that the Council raises as a ground for refusal

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<sup>2</sup> CD 4.7 APP/M0655/W/22/3311986 – Top Farm, Higher Lane, Broomeedge, Lymm

nor did it seek to argue landscape harm at the inquiry. In so far as it is relevant, I accept that the proposed development would not have a materially harmful effect on the wider landscape because of the enclosed nature of the estate and the limited public views. That does not however alter my conclusions on openness. I consider the landscaping proposals separately under very special circumstances.

24. I conclude that the appeal proposal would be inappropriate development in the Green Belt and that the element of the scheme known as Vine House would have a significant and detrimental impact on the openness of the Green Belt in spatial terms and to a lesser extent in visual terms. That harm would not be outweighed or substantially reduced by a reduction in built or permitted form on the previously developed part of the estate.

#### *Heritage*

25. The Bothy and Polo Mews are locally listed because of their connection with Foxbury, a grade II listed country house built in 1876 in the Gothic Revival style which lies to the west. As well as the historic association, the significance of the buildings derives from their grouping as a related set of former farm buildings; and their architectural style linking them with Foxbury. Such architectural details include the symmetrical arrangement of Polo Mews North, its slender spire with clock, and the plain elevations under steep slate covered pitched roofs.
26. The buildings were originally built as staff accommodation, storage and stabling for farming the wider Foxbury estate. However, they have been in separate ownership for many years and converted to use as residential dwellings, unconnected with farming. Their separate use and the presence of intervening screen planting means that they no longer have any functional or visual link with Foxbury, and it is common ground between the parties that the proposed development would not harm that listed building's setting or significance.
27. Evidence submitted with the appeal shows that the works to convert the buildings to residential use, and subsequent extensions and alterations, has resulted in substantial changes to their fabric and appearance.
28. Polo Mews South has largely been demolished and rebuilt other than for its rear wall, which could be removed as part of permitted extensions and alterations. Polo Mews North has been extensively remodelled and altered with dormer windows lighting first floor accommodation in its roof, and its courtyard elevation reskinned in brick to match that of Greenacres. Permitted alterations include removal of the eastern part of the range, which would result in the loss of its symmetry. It is also the case that some features taken to be original, such as finials on the gable ends and a loading door with a pulley over the archway of Polo Mews North, were in fact added at the time of the conversion.
29. The Bothy has also been substantially altered with the demolition and replacement of extensions to its eastern and northern elevations, and further extensions permitted to its northern and western elevations.
30. These changes have substantially reduced the significance of the buildings in terms of surviving historic fabric and also their architectural appearance with features such as the symmetry of Polo Mews North, external elevations, and plan form all changed or permitted to be changed to a greater or lesser extent.

The features of significance that remain are limited to some surviving fabric, the grouping of the buildings, the clock spire and the pitched, slated roofs.

31. The replacement of Polo Mews South with a single storey, flat roofed range in contemporary style would depart from the more traditional, pitched roofed forms and materials used in the current buildings. However, given the changes that have taken place to Polo Mews South and to a lesser extent Polo Mews North, little of significance would be lost, and surviving features such as the clock spire and grouping of buildings around a courtyard would remain. The Council concedes that the harm caused to the significance of Polo Mews would be minor. I go further than that and consider that no appreciable harm would be caused, because of the changes that have taken place in the past or which could be made through the extant planning permission.
32. The proposed alterations to The Bothy would see significant extensions to its rear (northern) and end elevations. These would in part replace existing or permitted extensions although they would be somewhat larger in total. The design of the extensions would also differ from that of the existing or permitted building. The pitched roof gables at first floor level would echo the existing roof forms, but the use of flat roofed additions at ground floor level, large areas of glazing, and pointed headed windows at first floor level would provide a more modern appearance.
33. While the proposed extensions would increase the size of The Bothy and alter its scale when viewed in relation to Polo Mews, I do not consider that collectively they would be significantly more prominent than those already built or permitted. It is also the case that most of the remaining historic fabric of the original building would be retained, the gables would continue the existing roof form, and the building would continue to be read as part of the historic building group. So far as the scale and bulk is concerned, having regard to the changes that have already taken place or been permitted, I find that the proposed extensions would not detract to any material extent from the heritage significance of The Bothy.
34. The site lies within the Chislehurst Conservation Area, which covers a wide area including parts of Chislehurst and countryside to the north and east. Its significance and special interest, so far as relevant to the appeal, is described as predominantly rural land in a diversity of tenures and activities, including rural estates established by nineteenth century industrialists, and more recently a variety of institutional and other uses<sup>3</sup>. The land remains predominantly open, providing a largely rural atmosphere along the eastern boundary of the conservation area.
35. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. Neither main party raises concern about the impact of Vine House on the character or appearance of the conservation area. Having regard to my findings above, I consider that neither the extension of The Bothy nor the demolition and extension of parts of Polo Mews would detract from their limited remaining heritage significance. It follows that no harm would be caused to the character or appearance of the Chislehurst Conservation Area.

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<sup>3</sup> CD 5.8 Bromley Supplementary Planning Guidance for Chislehurst Conservation Area: Sub-unit 15 – Kemnal Manor, Foxbury and surrounds

36. For the same reasons, I find there would be no conflict with Policies D3 and HC1 of the London Plan, or Policy 37 of the Bromley Local Plan 2019 (the Local Plan), which seek to conserve the significance of heritage assets.
37. Reasons for refusal 2 and 3 on the Council's refusal notice also refer to Policies 49, 51 and 52 of the Local Plan. Those policies are not relevant to the issue of heritage, as they primarily relate to limitations on the extension or replacement of dwellings in the Green Belt. In that regard, the Council accepts that the proposed alterations and extensions to The Bothy and Polo Mews would not have a greater impact on the Green Belt than existing or permitted development.
38. Although not referred to in the reasons for refusal, for the avoidance of doubt I consider there would be no conflict with Policies 39 or 41 of the Local Plan, which seek to protect locally listed buildings and preserve or enhance the characteristics of conservation areas.

#### *Parking*

39. Policies T6 and T6.1 of the London Plan impose maximum parking standards on new developments to help reduce traffic, encourage cycling and walking, and facilitate higher-density development. The proposal would see a reduction in parking on the estate from 32 to 22 spaces, although that would still exceed the maximum standards set out in Table 10.3 of the London Plan.
40. However, when taken as a whole, including Vine House, the proposal would result in a net reduction in dwellings on the estate, which is likely to result in a reduction in traffic generation. The supporting text to Policy T6 also recognises the differences in car use and ownership between inner and outer London with trip distances and trip patterns sometimes making walking and cycling difficult in outer London. I consider that to be the case on this estate because of its countryside location. Given its position in the Green Belt, the aim of facilitating higher-density development is not relevant in this case.
41. I conclude that in this case the nominal conflict with Policies T6 and T6.1 would not give rise to any material harm and this is a case where a departure from the maximum parking standards in the London Plan is justified.

#### *Very special circumstances*

42. Having regard to the reasoning above, it is Vine House that forms the inappropriate element of the appeal proposal in the Green Belt. I therefore focus on this element of the scheme when assessing whether other considerations amount to the very special circumstances needed to outweigh the harm to the Green Belt.

#### *Energy generation*

43. It is proposed to power Vine House using renewable energy (solar panels and a ground source heat pump) with a hydrogen energy storage system. Excess electricity generated during the summer period would be used to electrolyse water to create hydrogen that would be stored and used during winter months to generate electricity via a hydrogen fuel cell. The system has the potential to be scaled up to power other dwellings on the estate, although for the purposes of the appeal scheme it applies to Vine House only.

44. The innovative part of this system would be the use of hydrogen as an energy store that would balance variations in energy generation and use over an annual cycle and therefore potentially make the house self sufficient in energy needs. The appellant argues this would be an improvement on other net zero carbon systems, such as that referred to by the Council at Brindley Way, which balances energy generation and use by importing or exporting electricity to the National Grid. While that is considered to be a net zero carbon system, as a significant proportion of National Grid electricity is currently generated by non-renewable means the appellant argues that it is not truly net zero carbon.
45. This would be the first such domestic hydrogen energy storage system in London, and possibly England. The witness for the appellant has not yet built or installed such a system and therefore there is some uncertainty as to how effective it would be. Nevertheless, there has to be a first time for any innovation, and the proposed scheme would provide a prototype to test the concept. It therefore gains support from national and London Plan policies which promote renewable forms of energy. On the other hand, it would apply only to one house and therefore would only be of modest benefit, and its cost effectiveness and applicability on a wider scale have yet to be demonstrated. The benefit of using hydrogen as an energy store rather than a mains connection may also reduce over time as the National Grid continues to decarbonise.
46. Taking all of those factors into account, I give the proposal to use this innovative net zero carbon system moderate beneficial weight.

*Outstanding design*

47. It is apparent from the drawings and explanation given in evidence that considerable thought and experience has gone into the design of Vine House, both in terms of its sustainability credentials and also how it responds to its setting, using the slope of the land and surrounding vineyard as features that have influenced its form and appearance. It is contemporary in style but given the separation between its site and the other buildings on the estate, that would not be incongruous as it would be largely viewed by itself. Taken in isolation, I consider it to be a high quality and well considered design.
48. However, national policy in paragraphs 84 e) and 139 b) of the Framework set a high bar, in so far as design should be given significant weight because it is outstanding or innovative, and even more so if it is to outweigh the substantial weight given to any harm to the Green Belt. In this case, the site has its own intrinsic quality as part of the countryside, and the introduction of built form onto undeveloped land would cause harm irrespective of design quality. In that sense it would not fit in with the overall form and layout of its surroundings.
49. In the absence of a design assessment by the Council, the appellant sought the opinion of the Design South East Panel, an independent body providing a design review service<sup>4</sup>. While noting that in its view Vine House would be an appropriate architectural typology that compliments rather than detracts from its setting, the panel does not say in its report that the design would be outstanding or innovative.

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<sup>4</sup> Report of the Design South East Panel: Home Farm, Chislehurst, 13 April 2022



50. My attention has been drawn to an appeal decision<sup>5</sup> where design quality was given very significant weight for a residential scheme in the Green Belt. I acknowledge that design is capable of amounting to the very special circumstances necessary to justify development in the Green Belt, but whether that is the case will depend on the circumstances of each scheme. The decision is therefore of limited applicability to this appeal.
51. One of the aims of national policy is to promote good design. I consider that Vine House is a high quality and well considered design and it therefore gains weight as a result. However, I do not consider that it is so special that it amounts to the outstanding or innovative design referred to in the Framework. I therefore give its design quality moderate weight.

*Self-build development*

52. It is common ground that Vine House would be a self-build development because it would be custom built and occupied by the appellants. The self-build nature of this part of the development is secured through an obligation in the legal undertaking. That obligation meets the requirements of Regulation 122 of the Community Infrastructure Regulations 2010 and I therefore give it weight.
53. The Council is required to keep a register of those seeking self-build plots and to grant enough development permissions to meet identified demand. On the basis of the register there is a demand for 115 self-build plots that needs to be met by the end of 31 October 2024, for which 114 permissions have so far been granted. Demand for self-build plots is therefore largely being met in the borough.
54. The Council introduced a local connection test to its self-build register in 2020. Although that test was introduced without prior consultation, as advised in the Planning Practice Guidance, there is no legal requirement for the Council to do so. Similarly, what constitutes the local area for the purposes of that test is a matter for the Council to define. It has chosen to use its administrative area, which is not unusual for those authorities which have adopted local connection tests. Notwithstanding criticism by the appellant that this approach potentially results in an underestimation of demand for self-build development, it is a legitimate test to apply and it is reasonable for the Council to use it in calculating self-build demand.
55. The appellant also criticises the recorded supply of self-build plots. The Council uses declarations that exempt self-build development from the community infrastructure levy together with other sources of information to identify self-build permissions. This approach is supported by the legislation and the Planning Practice Guidance<sup>6</sup>. Recent amendments to the Self Build and Custom Housebuilding Act 2015 may take a more restrictive approach, for example using information on completions rather than permissions as advocated by the Right to Build Taskforce, but details have yet to be set out in regulations. Unless or until such time as new regulations are brought in, the approach used by the Council is consistent with current guidance.
56. The appellant has questioned whether some of the plots recorded by the Council are genuinely self-build development. However, none of the criticisms made demonstrate that development that has been declared to be self-build is

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<sup>5</sup> CD 4.9 APP/P2935/W/19/3225482 – Wright House, Howden Dene, Corbridge

<sup>6</sup> ID: 57-038-202010508

in fact not. There is also no reason why schemes involving the replacement of dwellings cannot be legitimate self-build projects. They may not result in a net increase in dwellings, but that is not a pre-requisite for defining self-build development.

57. My attention has been drawn to a number of appeal decisions in which inspectors have expressed views on the calculation of demand and supply for self-build plots<sup>7</sup>. Although commented upon, in none of the 3 decisions highlighted was self-build identified as a main issue, and it is not possible from reading the decisions alone to know what evidence or arguments were put before those inspectors. I therefore treat these decisions with caution and have reached conclusions on the evidence before me rather than relying on the views expressed in the other decisions.
58. Policies GG4 and H2 of the London Plan support the provision of self-build dwellings. As Vine House would be a self-build project, it gains support from these policies, to which I give moderate weight. However, I do not consider that there is an imbalance to any material extent between demand and supply of self-build plots in the borough, and therefore there is insufficient justification for giving this benefit greater weight.

*Biodiversity net gain*

59. Submission of the application for the appeal scheme predates the introduction of the statutory requirement to provide at least 10% biodiversity net gain, and therefore does not need to comply with it. Policy G6 of the London Plan and Policy 79 of the Local Plan impose lesser demands, requiring development proposals to manage impacts on biodiversity and aim to secure net biodiversity gain. With a 15% increase in habitat units and a 47% gain in hedgerow units, the appeal scheme would exceed these requirements by some margin. I give this benefit to biodiversity net gain on the site moderate weight.

*Landscaping*

60. The proposal includes a landscape planting and improvement scheme across the whole of the estate, not just those areas subject to development. I consider that to be a benefit that would enhance the appearance and character of the area. However, the estate is already maintained to a high standard and as any such landscape improvements would be largely out of public view, I give it only limited beneficial weight.

*Public benefits*

61. It is proposed to provide a picnic area and community orchard open to the public on land to the south of the vineyard, and to allow a permissive footpath around its eastern boundary. These public recreational benefits would be secured by a planning obligation in the legal undertaking.
62. Planning obligations are required to satisfy the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010. That regulation sets out that a planning obligation may only constitute a reason for granting planning permission if the obligation is necessary to make the development

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<sup>7</sup> CD 4.18A, in particular APP/Y3940/W/23/3317252 – land east of Waitrose, Malmesbury, Wiltshire; APP/J2210/W/20/3259181 – land rear of 51 Rough Common Road, Rough Common, Canterbury; and APP/V2635/W/23/3320506 – Station Road, Docking, Norfolk

acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development.

63. In this case the public benefits are not necessitated by the proposed development. The development itself does not generate a need for public recreational facilities and there is no policy requirement for a group of domestic dwellings of this scale to provide such facilities. The benefits offered are not therefore necessary to make the development acceptable in planning terms, nor are they directly related to the development. The picnic area, orchard and footpath would no doubt be enjoyed by members of the public if they were provided, but because they do not accord with the tests set out in the regulations, I give them little weight.

*Support for a rural business*

64. A planning obligation is offered by the appellant that would link ownership of Vine House with the land used as a vineyard, and for that link and the use the land as a vineyard to continue for a period of at least 20 years.
65. However, Vine House is not required to support the vineyard operation, for example as an agricultural worker's dwelling. The vineyard is already in operation and there is no suggestion that either it or an alternative agricultural use of the land could not be carried out without Vine House being present. The obligation therefore does not accord with the tests set out in Regulation 122 because the development of Vine House is not necessary for the agricultural operation to continue, and it is not directly related to that use. I give the obligation little weight.

**Conclusion**

66. I find that the proposal would be inappropriate development in the Green Belt, and Vine House would have a significant harmful effect on its openness. It would also conflict with one of the purposes of the Green Belt because it would fail to assist in safeguarding the countryside from encroachment. In accordance with paragraph 152 of the Framework, I give this harm substantial weight.
67. I find that the development would not have any appreciably harmful effect on the Chislehurst Conservation Area or on the non-designated heritage assets of The Bothy and Polo Mews. The level of car parking would also not cause harm in so far as the aims of the London Plan are concerned. The lack of harm in relation to these issues is a neutral consideration in this appeal.
68. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In this case I give moderate beneficial weight to some of the considerations put forward by the appellant, including the innovative renewable energy system proposed for Vine House, the high quality of its design, it comprising self-build, and the proposed biodiversity net gain. I give limited weight to the landscape improvements and little weight to the public benefits being offered or the relationship of Vine House with the rural business. Other considerations relating to the extant planning permission and the demolition of buildings on previously developed parts of the site I have taken into account as part of my assessment of the effect of the proposal on openness.
69. Although there would be planning benefits arising from the proposed scheme, those benefits would be of moderate or limited weight. They do not clearly

outweigh the harm that would be caused to the Green Belt, its purpose or its openness, which carries substantial weight. The benefits, taken either individually or collectively, do not therefore amount to the very special circumstances necessary to justify development in the Green Belt.

70. The development would conflict with Policy G2 of the London Plan and Policies 49 and 51 of the Local Plan which protect the Green Belt from inappropriate development except where very special circumstances exist. I consider these to be the most important policies for determining the proposal, and therefore the scheme conflicts with the development plan when taken as a whole. Policy 37 of the Local Plan as quoted by the Council in its first reason for refusal relates to general design and is not relevant to the issue of the Green Belt.
71. The Council is unable to demonstrate an adequate housing land supply but because the conflict with national policy on the Green Belt provides a clear reason for refusal, the presumption in favour of sustainable development (sometimes referred to as the 'tilted balance') is not engaged in this case. Neither the lack of an adequate housing land supply or the other considerations raised by the appellant are sufficient to outweigh the conflict with the development plan.
72. Consequently, I conclude that the appeal should be dismissed.

*Guy Davies*

INSPECTOR

## Appearances

### For the appellant:

Jonathan Clay	Counsel
Richard Hammond DipLA CMLI PIEMA	Associate Landscape Architect, EDLA
Alex Richards BArch (Hons) MArch RIAS ARB RIBA	Partner, Holloway Studio
James Dodson BSc MSc	Partner, HydroGenesis
Dr Jonathan Edis BA (Hons) MA PhD MCIfA MIHBC	Director, HCUK Group
Paul McColgan MA MIED	Director of Economics, Icen Projects
John Escott BA (Hons) DipTP MRTPI	Senior Partner, Robinson Escott Planning LLP

### For the Council:

Giles Atkinson	Counsel
David Bord BA (Hons) PG (Dip) MRTPI	Principal Planning Officer, London Borough of Bromley
Simon Went MSc MIHBC	Principal Conservation Officer, London Borough of Bromley
Ben Johnson BA (Hons) PG (Dip) MRTPI	Head of Policy and Strategy, London Borough of Bromley

### In addition, for the round table sessions on the legal undertaking and conditions:

Michael Pocock	Partner, Pinsent Masons LLP
Paul Courtine	Deputy Team Leader, Legal Department, London Borough of Bromley
Emma Hargreaves	Solicitor, Pinsent Masons LLP

### **Documents submitted during the inquiry**

- CD 8.1 Opening statement on behalf of the appellants
- CD 8.2 Opening statement on behalf of the Council
- CD 8.3 Details of commencement of development permitted under 19/05256/FULL1
- CD 8.4 Home Farm proposed site visit route
- CD 8.5 Copy of consultation response from Environment Agency, 19 October 2022
- CD 8.6 Email from Environment Agency, 6 August 2024
- CD 8.7 CIL compliance statement from appellant
- CD 8.8 Bromley Planning Obligations Supplementary Planning Document, June 2022
- CD 8.9 Note on proposed changes to the Framework by John Escott
- CD 8.10 Note on written ministerial statement by John Escott
- CD 8.11 Article on weighting of Framework consultation by James Maurici KC
- CD 8.12 Copy of revised legal undertaking dated 7 August 2024
- CD 8.13 Comparison report of changes to legal undertaking
- CD 8.14 Closing statement on behalf of the Council
- CD 8.15 Closing statement on behalf of the appellants