

SUMMARY PROOF OF EVIDENCE OF JOHN ESCOTT

PART ONE

1. PLANNING HISTORY

- 1.1. The planning history in this case is relevant in terms of establishing both the context for assessment of the issues and also the assessment of the issues themselves, particularly the Fallback position and the heritage issues raised by refusal reasons 2 and 3.
- 1.2. It appears from the evidence of Mr Selby that planning permission was granted for the demolition of Polo Mews South in 1995, that planning permissions granted in 1999 and 2000 resulted in substantial alterations and rebuilding of Polo Mews North and the almost complete rebuilding of Polo Mews South and that permissions granted in 1998 and 2003 permitted significant extension and alterations of The Bothy.
- 1.3. The planning permission granted in 2020, which is extant, permitted very extensive works including demolition works, extensions and conversion to both of the Polo Mews buildings and to The Bothy.
- 1.4. Importantly, the officers report in respect of the 2020 permission specifically confirms that the extensions, alterations and structures would complement the host properties, The Bothy and Polo, and would not appear out of character with the surrounding development and would preserve the appearance of the Chislehurst Conservation Area.

2. ISSUE 1 – APPROPRIATE OR INAPPROPRIATE DEVELOPMENT IN THE GREEN BELT

- 2.1. It is agreed at 6.1.5 of the SoCG that the Appeal Proposals in relation to Greenacres, Polo Mews and The Bothy involve the partial redevelopment of PDL. It is further agreed at 6.1.6 of the SoCG that there would be no greater impact on the openness of the Green Belt than existing. 97% of the Appeal Proposals by area, therefore, are not inappropriate development in the Green Belt.

- 2.2. I accept that Vine House, which involves 7% of the appeal scheme by area does constitute inappropriate development in the Green Belt. When viewed holistically as a single development proposal, I accept at 6.1.1 of the SoCG that it incorporates an inappropriate development element and which, therefore, requires Very Special Circumstances to be demonstrated in order for planning permission to be granted.

3. EXTENT OF ACTUAL HARM AND IMPACT ON OPENNESS

- 3.1. The concept of openness has both a spatial and visual aspect. Whilst a matter of planning judgement, applying the approach by the Supreme Court in **Samuel Smith** and the Court of Appeal in **Turner** it is plain that the proposals for alterations and extensions within the existing complex, i.e., 97% of the appeal scheme, would not involve the Green Belt appearing any more built up as a result of the development taking place as compared to how built up it is now. There would be neither spatial nor visual harm.
- 3.2. I do not agree with the assertion in the Councils Statement of Case that fundamentally Green Belt openness takes account of the absence of built form irrespective of visual impact, although its visibility might prove an aggravating factor. That is not what is said in the **Turner** judgement, nor what the NPPG says.
- 3.3. In relation to Vine House, I accept that this would involve, in a spatial sense, the spread of development onto land where currently none exists. But the appeal scheme would also result in the removal of buildings to the south of Cherry Tree Cottage and the substantial garage building to the north of The Bothy. This will reduce significantly the spread of the PDL area and will improve openness. This reduction in spread will more than compensate for the minor projection, as the GLA describes it, into the Green Belt of Vine House. Moreover, the appeal proposal would result in a net reduction in hardstanding and access roads, as agreed at 6.1.4 of the SoCG, of some 1,134sqm.

- 3.4. In judging the extent of any harm overall my view is that, in this particular case, the visual aspect is equally, if not more, important to the perception of openness particularly if the design of the proposal provides relief from the prospect of urban sprawl through the absence of any harmful visual impact.
- 3.5. Vine House is proposed to be integrated into an area of sloping land within the landscape which, in effect, folds into and around the building. The LVIA's undertaken both at application stage and in connection with this appeal demonstrate the very limited visual impact of Vine House. It is important to note in this regard that any consideration of the visual impact of Vine House on the openness of the Green Belt should take account of the fact that the only public views of the proposal that may or may not be possible are from the public footpaths along the northern boundary of the site and along the eastern side of the site.
- 3.6. It does seem to me that an assessment of impact on openness should also always include an assessment in relation to the purposes of Green Belt policy.
- 3.7. In this case, the erection of a subterranean house on the appeal site would not prejudice the Green Belt purpose of restricting the sprawl of large built areas. It is worth noting that the original purpose of London's Green Belt was to establish a "girdle" of open space around London to contain its outward expansion and sprawl.
- 3.8. The Appeal Scheme would not result in neighbouring towns merging into one another. Nor would it prejudice the setting and special character of historic towns nor discourage urban regeneration.
- 3.9. The only basis on which the purposes of Green Belt policy would interrelate with the appeal proposal is to the extent that Vine House would encroach into the countryside.

However, as the GLA commented, the minor increase in floor area and small projection of the subterranean home (Vine House) into the Green Belt, with the well-considered design approach is not a matter of strategic (Green Belt) concern. I agree with this view.

- 3.10. Taking all of these points into consideration, I am led firmly to the conclusion, therefore, that as the Appeal Scheme would result in an overall net reduction in built development, an overall net reduction in hardstanding, an overall reduction in the spread of development and a development that has very limited visual impact, it would not result in a material adverse impact on Green Belt openness. The only harm to the Green Belt would be definitional.