



**SUMMARY PROOF OF EVIDENCE OF JOHN ESCOTT**

**PART TWO**

## **1. ASSESSMENT OF OTHER MATERIAL CONSIDERATIONS**

1.1 In this case, whilst there is definitional harm to the Green Belt by reason of inappropriateness and the Framework states that substantial weight should be given to this, in my view, for the reasons set out in Part One of my evidence, the actual harm to the Green Belt and to its openness is limited. In the balancing exercise that must be undertaken it seems to me that the countervailing benefits need only to be of commensurately greater weight in order to establish Very Special Circumstances.

1.2 It also needs to be borne in mind that “Very Special Circumstances” can include matters which may include circumstances both individually special and circumstances which are not Very Special individually but, collectively, their benefits are sufficient to outweigh the harm from inappropriate development and any other harm<sup>1</sup>

## **2. THE FALLBACK POSITION**

2.1 The Fallback position in this case is established by the planning permission granted under reference 19/05265/FULL which remains extant. (the 2020 permission). It is agreed at para 6.1.7 of the SoCG that this is a Material Consideration.

2.2 Given this agreement, I find it rather surprising that the fallback position and the extant 2020 Permission are barely referred to in the officer’s report to Committee. All that is said is that the Appeal Scheme is materially different from the previous approved scheme which was also within a different red line boundary. No assessment is made as to the materiality of this extant 2020 permission to the Green Belt issue or to the weight that should be attached to it in the planning balance.

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<sup>1</sup> 1.Basildon V SSE [2004] EWHC 2759 (Admin).

- 2.3 In its Statement of Case the Council now acknowledges the fallback position but seems to imply that no weight should be given to this consideration because the Council has not seen any evidence that the 2020 permission has been implemented. The Council has now accepted in the SoCG that the 2020 permission remains extant
- 2.4 In relation to built development, the table set out at page 41 of the DAS, which is agreed at 6.1.3 of the SoCG, demonstrates that the current appeal scheme in comparison to the 2020 Permission would result in an overall reduction in the amount floor area on the appeal site.
- 2.5 I consider that an important benefit of the Appeal Scheme in comparison to the 2020 Permission is that the appeal scheme will result in the removal of buildings to the south of Cherry Tree Cottage and also the removal of the substantial detached garage building to the north of The Bothy. This will reduce significantly the spread of the PDL area of the existing residential complex. This reduction in spread will, in my opinion, more than compensate for the minor projection into the Green Belt that Vine House would involve.
- 2.6 The extant scheme would retain the extensive areas of hardstanding currently on the site. However, in comparison to this fallback, the appeal proposal would result in a significant reduction in the overall amount of hardstanding on the appeal site. Some 1134 sqm would be removed and landscaped.
- 2.7 The final and very important point to my mind in considering the fallback position is that none of the benefits set out below (which each amount to a Very Special Circumstance) that would come forward through the Appeal Scheme would be delivered by the 2020 Permission
- 2.8 In my view, the fallback position is a material consideration to which substantial weight should be given.

### **3. FIRST HYDROGEN HOUSE IN LONDON- SUSTAINABILITY AND ENERGY BENEFITS**

- 3.1 It is agreed in the SoCG at 6.1.8 that increased production of energy from renewable sources is capable of constituting a Very Special Circumstance.
- 3.2 Paragraphs 157 and 163 of the Framework also state that support should be given to a low carbon future and that even small scale projects that provide a valuable contribution to cutting greenhouse gas emissions should be approved if the impacts are acceptable.
- 3.3 There is no doubt in my mind that this is a unique and pioneering proposal which is entirely in accordance with relevant policy in the Framework concerning the climate agenda moving forward.
- 3.4 Given the pioneering science and technology that is an important part of the appeal proposal, I was most surprised that the officer's report contained no acknowledgement or assessment of this element of the appeal proposal and simply said that generating renewable energy to address climate change is a Development Plan policy requirement, a point that is re-stated in the Council's Statement of Case. The fact that the Council then makes reference to a Council affordable housing scheme at Brindley Way, which Mr Dodson/Mr Ball refer to in their evidence, demonstrates a complete misunderstanding of the use of the Hydrogen system and the benefits associated with it. Indeed, the Planning Officer seems to disregard the comments of the Councils Energy Officer who described the proposal as taking a leap forward with a credible sustainable design.
- 3.5 I am in no doubt the appeal proposal would result in a very important environmental benefit which would signal a way forward in addressing the climate crisis that we are currently facing. As such, substantial weight should be given to this benefit.

#### **4. DESIGN AND ARCHITECTURE**

4.1 It is agreed at 6.1.9 of the SoCG that outstanding and innovative design is capable of being a Very Special Circumstance to which significant weight should be given. Yet, despite this, the Council argues that this factor should only be afforded limited weight because “*similar arguments could be used in order to bypass Green Belt policy.*” But paragraph 139(b) of the Framework does not seek to disapply its applicability to designs within the Green Belt. Outstanding or innovative design which promotes high levels of sustainability should be given significant weight wherever the design is proposed. This is a point for the planning balance.

#### **5. LANDSCAPE**

5.1 Paragraph 130 of the Framework states that decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are also sympathetic to landscape setting.

5.2 The National Design Guide also emphasises that natural and designed landscapes contribute to the quality of a place and are a critical component of well-designed places.

5.3 The Appeal Scheme incorporates a complete landscape re-design of Home Farm which will improve significantly the scenic and landscape quality of the site.

5.4 In contrast to the current landscape character and quality, I consider that the Appeal Scheme would result in a significant landscape enhancement in accordance with the guidance set out in the National Design Guide. This enhancement is a benefit to which moderate weight should be given.

## **6. BIODIVERSITY**

6.1 The Council agrees at 6.1.10 of the SoCG that BNG in excess of policy requirements is capable of being a Very Special Circumstance. The policy requirement in this case is nil. As the appeal scheme would deliver a 15.29% BNG in habitat units and 46.85% in hedgerow units, this is a benefit which should be afforded significant weight.

## **7. RURAL BUSINESS**

7.1 The Council agrees at 6.1.11 of the SoCG that the development and diversification of an agricultural and rural business is capable of being a Very Special Circumstance.

7.2 Significant investment has already been made in the new Vineyard and the creation of a modern, unique Wine Estate. While consent was not required for this element, it still forms a fundamental and inseparable part of the overall Masterplan proposals for the Appeal Scheme. This is further explored in the statement from Mr Selby

7.3 As Vine House is seen as being directly connected to the Vineyard and an integral component of the Masterplan, the unilateral undertaking will include a planning obligation to link Vine House to the Vineyard by securing use of the Vineyard for that purpose for a period of at least 20 years. This means in practical terms, the Council can be comfortable that Vine House is not intended to be severed off and sold but remain part of the wider Masterplan. .

7.4 Securing the long term viable future of the farm accords with policy in the Framework and is, therefore, a significant benefit which weighs in favour of the appeal.

## **8. PUBLIC BENEFITS**

8.1 The appeal scheme would involve significant enhancements to FP042 including its extension. It is a very well used public footpath.

8.2 The appeal scheme also includes the laying out of a dedicated picnic area for the public in the southern part of the eastern field as well as a community orchard and visitor information. This was a matter that the Design Review Panel felt was an important public benefit and one to which significant weight should be given.

## **9. SELF-BUILD**

9.1 Vine House is proposed as a self-build dwelling for the appellants who have been active participants in the evolution of the design. This is to be secured through a Section 106 agreement.

9.2 The Council accepts that a self-build dwelling is capable of being a Very Special Circumstance.

## **10. REASONS FOR REFUSAL 2 AND 3.**

10.1 The Council now accepts in the SoCG that the 2020 permission is extant and that this is a material consideration. The 2020 permission approved significant demolitions, alterations and extensions to Bothy House, Bothy Cottage and Polo Mews.

10.2 In granting planning permission, the Council was plainly of the view that the alterations and extensions would not cause unacceptable harm to the character or appearance of the Chislehurst Conservation Area nor to the non-designated heritage assets. Indeed, the officer's report in relation to the 2020 permission specifically confirms this to be the case.

10.3 The planning history appears not to have been considered in any detail as part of the Councils heritage assessment of the appeal scheme, which seems to me to be a significant failing.

10.4 I endorse the view of Dr Edis in relation to RfR 2 and 3. I also do not consider that any other harm would arise in heritage terms that would need to be weighed in the overall planning balance.

#### **11. REASON FOR REFUSAL 4**

11.1 The Council has now agreed in the SoCG that cycle parking and electric vehicle charging points are matters that can be dealt with by way of condition.

11.2 The residual allegation of harm, therefore, is that the Appeal Scheme would result in an excessive level of car parking, even though the level of car parking in the Appeal Scheme would be substantially less than currently exists at the site. It would also mean that the grant of consent would have the effect of retrospectively removing existing lawful parking for Greenacres and Cherry Tree Cottage, which I would regard as unreasonable.

11.3 It is agreed with the Council at 6.1.27 of the SoCG that maximum parking standards for residential developments should only be set where there is a clear and compelling justification that they are necessary for managing the local road network.

11.4 In the Committee report, the Councils highway officer is clearly not concerned at the impact of the local highway network and noted that Kemnal Road is a private road and there is no evidence from the Council as to what the clear and compelling justification is for RfR 4.

11.5 In my view, therefore the proposed level of car parking would not be excessive and would not conflict with paragraphs 112 and 115 of the Framework which says that development should



only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

## **12. PLANNING BALANCE AND OVERALL CONCLUSIONS**

12.1 The Appeal Scheme is for a development that is overwhelmingly located on Previously Developed Land, that would not cause any greater harm to openness than existing and would not, of itself, constitute inappropriate development. Part of the proposed development however, namely the new dwelling at Vine House, would constitute inappropriate development in the Green Belt and substantial weight is to be given to the definitional harm arising from inappropriate development. But, for the reasons that are explained earlier in this evidence, I consider that there would be limited harm to the openness of the Green Belt from this element of the scheme and thus, this is a scheme where the harm to the Green Belt is definitional harm in nature with little or no actual harm.

12.2 I endorse the evidence of Dr Edis and do not consider that there is any other harm that would arise in heritage terms.

12.3 On the other side of the planning balance there are a number of identifiable benefits that would accrue from the scheme, all of which are material considerations that are capable of being regarded as Very Special Circumstances.

12.4 **Firstly**, the fallback position in this case is that there is an extant consent that would result in a greater amount of built development in the Green Belt than the appeal proposal. The extant consent would not result in a reduction in hard standing as compared to the appeal scheme. The extant consent would not involve a reduction in the spread of PDL as would be the case in the appeal scheme. The extant consent would not deliver any of the benefits that would accrue from the appeal scheme.

12.5 In the circumstances, I am of the view that this is a Material Planning Consideration that should be afforded substantial weight.

12.6 **Secondly**, the appeal proposal includes the first hydrogen-powered, zero carbon house in the Borough and, as far as is known, anywhere in London. A solar panel array will provide the renewable energy necessary to produce the hydrogen, which is stored in the fuel cell to compensate for times when the solar panels are not generating sufficient electricity. The net result of the proposed Hydrogen system is that the new Vine House will be entirely energy self-sufficient and will not need to be connected to or buy energy from the grid. The Hydrogen solution provides pioneering technology which will demonstrate the ability of such zero carbon systems to become a more widely adopted solution in tackling the climate crisis. The proposal would create a significant contribution to achieving Bromley's net zero target.

12.7 The sustainability of the appeal proposals and the contribution that would be made to tackling the climate crisis is a benefit of the scheme to which, in my opinion, substantial weight should be given.

12.8 **Thirdly**, the proposed design of Vine House is of exemplary architectural quality displaying the highest standards of design. The scheme proposals for the other dwellings on the estate are of an equally high standard of architecture. The benefits that arise in helping to raise the standards of design, enhance the setting of the development and contribute to a better appreciation of existing heritage assets are Material Considerations to which, as the Framework confirms, significant weight should be given.

12.9 **Fourthly**, the appeal proposals include significant landscape enhancements to Home Farm including new meadows, woodlands and water and wildlife features. In my opinion these are benefits to which moderate weight should be given in the balance.

12.10 **Fifthly**, the appeal proposals include a 15% increase in biodiversity net gain. Proposals incorporated into the appeal scheme include various further ecological enhancements. As a

result, there is no doubt in my mind that the appeal proposal would result in a benefit to which significant weight should be given.

12.11 **Sixthly**, the establishment of the new Vineyard, the first in Bromley, will secure a viable long term for a modest family run farm. All of the benefits that would arise from this element of the proposal including farm diversification, sustaining a rural business as well as protecting the land for the future, are factors to which significant weight should be given.

12.12 **Seventhly**, given the popularity and usage of the existing footpaths through Home Farm and the fact that they will now traverse a commercial Vineyard, the provision of a landscaped public picnic area together with visitor information regarding the Vineyard would set, as the DSRP commented, a positive precedent for the Green Belt and would constitute a public benefit to which significant weight should be given.

12.13 **Eighthly**, the appeal proposal is for a new self-build dwelling for Mr and Mrs Selby. The evidence of Mr McColgan demonstrates that the Council is not meeting its statutory duty to grant sufficient permissions for such development. In my view, therefore, this is a factor to which significant weight should be given.

12.14 Weighing all these considerations in the balance, I am led to the conclusion on this issue that the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by the benefits identified above such that Very Special Circumstances exist in this case.

12.15 In my view, therefore, reason for refusal RfR one is not well founded.

12.16 I also take the view that RfRs 2,3, and 4 are not well founded.

12.17 I would respectfully submit, therefore, that the appeal should be allowed.