
Appeal Decision

Site visit made on 15 August 2016

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19th September 2016

Appeal Ref: APP/N0410/W/16/3150192

Fulmerfields, Fulmer Road, Gerrards Cross, Buckinghamshire SL9 7EQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr N Jackson against the decision of South Bucks District Council.
 - The application Ref 15/01592/FUL, dated 7 August 2015, was refused by notice dated 13 November 2015.
 - The development proposed is new detached ancillary dwelling to replace existing barn.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Although described in the application as being ancillary, it is clear that the proposal is for a self-contained dwelling, capable of independent occupation. I have therefore dealt with the appeal on that basis.

Main Issues

3. The main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.
 - The effect on the character and appearance of the area.
 - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, whether this would amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

4. The appeal site falls within Green Belt countryside adjacent to the built-up part of Gerrards Cross. As set out in Part 9 of the Framework, the Government attaches great importance to Green Belts where the fundamental aim is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.
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5. Subject to a number of exceptions, paragraph 89 of the Framework sets out that the construction of new buildings in the Green Belt is inappropriate. The exception relevant to this appeal would be the *'limited infilling or the partial or complete redevelopment of previously-developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development'*.
6. The proposal is to replace an L-shaped wooden building with a three bedroom, timber-clad bungalow, built on the same footprint to very similar design and dimensions. Both parties accept this building to currently have a mixed use, including for the keeping of horses, and therefore I consider this proposal would be the complete redevelopment of a previously-developed site.
7. Built to slightly greater dimensions, and of similar appearance to the existing building, this dwelling itself would have a limited effect upon openness. However, the associated curtilage space, whilst of a small area and comparable to those of the nearest two dwellings, would result in the parking of cars and the introduction of domestic paraphernalia.
8. I have taken account of the fact that the existing concrete and gravelled area adjacent the south side of the building would be reduced in size, re-landscaped and replaced by a smaller area of semi-permeable surfacing. However, also having considered that residential permitted development rights allowing sheds, greenhouses and the like could be removed, I am nonetheless of the view that replacing a plain rural building with a dwelling, with its associated garden and car parking, would still have a domesticating impact. This would serve to erode the openness of this part of the Green Belt which is currently set to pasture.
9. The fact that roadside vegetation to the west would largely screen this dwelling from the public highway does not alter the fact that its urbanising effect would erode the openness of the Green Belt and conflict with its purposes, to check the unrestricted sprawl of built-up areas and safeguard the countryside from encroachment.
10. The vehicular and pedestrian movements associated with this proposal would not result in further material harm to openness. Due to the scale and design of the proposed dwelling, which would match that of the existing building, the harm caused to the openness of the Green Belt is judged to be negligible. However, the scheme would nonetheless have a greater impact on the openness of the Green Belt as a result of the parking of cars and the introduction of domestic paraphernalia and would conflict with the purposes of including land within it, more so than the existing development. It would therefore comprise an inappropriate development in the Green Belt and, by definition, result in harm.
11. The South Bucks District Local Plan (LP) was adopted in March 1999. Other than not including the specific exemption relating to previously-developed sites, its policies in regard to the Green Belt remain broadly consistent with those in the Framework and are afforded significant weight. This proposal would not comply with the aims of LP Policy GB1, which seeks to restrict development in the Green Belt that conflicts with its purpose and retaining its open character, or those of LP Policy GB13, which seek to restrict residential curtilages extending into the open Green Belt.

Character and appearance

12. The Council's decision finds further harm arising from this proposal in respect of the character and appearance of the Green Belt; an issue separate from that of its openness and the purpose of including land within it. The site is not within any area subject to special landscape protection. However, Policy 9 of the South Bucks Core Strategy¹ (CS) seeks to conserve landscape character more generally by restricting harmful developments. The Council's case has not persuaded me that this proposal would result in material harm in respect of the character and appearance of the area, such that the proposal would conflict with the aims of CS Policy 9. Consequently, the effect of the proposed dwelling on the character and appearance of the area does not add to the harm already identified.

Other considerations

13. The proposal would provide the benefit of a windfall site that makes effective use of previously-developed land, in a location reasonably accessible to the services offered in nearby Gerrards Cross, and contributes to the Council's five year supply of housing land. However, the proposal is for only a single dwelling and so limited weight is attached to this.
14. The existing timber building is of a low-key appearance in keeping with this rural location. I do not find it unsightly and there would be little benefit derived from its replacement by a dwelling, notwithstanding the traditional timber-clad design proposed.
15. The appellant has provided the details of three cases where proposals considered comparable to this scheme have recently been allowed in the Green Belt by the Council. The scheme for three dwellings allowed² on previously-developed land to the rear of 77 Swallow Street, Iver differs in that, unlike this proposal, the site is adjacent to a built-up area with a long stretch of consolidated frontage housing. Therefore, the issues regarding the effects on the openness of the Green Belt would not be entirely similar.
16. The two dwellings allowed³ in place of buildings in Hay Lane, Fulmer are in a more comparable location to this site. However, in that case, the dwellings allowed would not have been bulkier than the stud/livery/agricultural structures they replace and there would have not been the similar effect on the openness of the Green Belt, and the purposes of including land within it, that I have found in this case.
17. The conversion and re-construction of farm buildings allowed⁴ for residential and office accommodation at Woodlands Farm, Beaconsfield is also in a comparable location. However, the effect on openness involved the reduction in hardstanding, the resulting consolidation of built form and the potential enlargements that might otherwise be permitted that complied with Green Belt policy. The nature of this development and the considerations behind that decision do not appear entirely similar to this proposal.

¹ South Bucks Local Development Framework – Core Strategy Development Plan Document – adopted February 2011.

² 15/01970/FUL

³ 14/02124/FUL

⁴ 15/01494/FUL

18. The Council's second reason for refusal is that this proposal would act as a precursor of further applications for similar forms of development in the vicinity of this site which would be increasingly difficult to resist and cumulatively harm the Green Belt. However, the well-established principle that each planning case should be decided on its own individual merits means I can attach little weight to this reason. For the same reason, I give limited weight to the decisions put forward by the appellant as comparable to this proposal given that, as explained, the circumstances in each are materially different.

Conclusions

19. This proposal would be inappropriate development in the Green Belt which by definition would be harmful. It would also result in harm by eroding the openness of the Green Belt. As required by paragraph 88 of the Framework I must give this harm substantial weight in my decision. The harm to the Green Belt would not be clearly outweighed by the other considerations. Therefore, very special circumstances do not exist to support the development and I conclude, having taken into consideration all other matters raised, that the appeal should be dismissed.

Jonathan Price

INSPECTOR