
Appeal Decision

Site visit made on 30 August 2016

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 28th September 2016

Appeal Ref: APP/X0415/W/16/3151947

**Ongar Hill Cottage, Magpie Lane, Coleshill, Amersham, Buckinghamshire
HP7 0LU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr C Lee against the decision of Chiltern District Council.
 - The application Ref CH/2016/0320/OA, dated 18 February 2016, was refused by notice dated 20 April 2016.
 - The development proposed is the demolition of outbuildings to facilitate an independent dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is an outline application, with all matters reserved for subsequent approval. Therefore the plans submitted with it must be considered as illustrative only. However, the information submitted with the application, and the appeal, indicate a very specific development and this detail has been used to support the proposal. I have therefore determined the appeal with this information in mind.

Main Issues

3. The main issues are:
 - (i) whether the proposal would be inappropriate development in the Green Belt;
 - (ii) the effect on the openness of the Green Belt;
 - (iii) the effect on the character and appearance of the area including the Chilterns Area of Outstanding Natural Beauty (AONB);
 - (iv) the effect of the development on protected species.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

4. The National Planning Policy Framework (the Framework) at paragraph 89 sets out the categories of development which may be regarded as not inappropriate in the Green Belt. New buildings within the Green Belt are inappropriate unless, amongst other things, they represent limited infilling in villages or are a
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- replacement building provided that the new building is in the same use and not materially larger than the one it replaces.
5. Saved Policy GB2 of the Chiltern District Local Plan 1997 (LP) also allows for limited infilling in areas identified in Policies GB4 and GB5 of the LP. Whilst I have not been provided with these policies, I understand that the appeal site does not fall within the areas designated by these policies.
 6. The appeal site is located away from any village and, in planning policy terms, is located in the countryside. The area is distinctly rural in character with only sporadic ribbon development along Magpie Lane. Given the above, the development would not be limited infilling.
 7. The proposal would involve the demolition of a number of domestic outbuildings including an ancillary annexe to the main house. Notwithstanding the precise wording in bullet point four of paragraph 89 of the Framework, which refers to the replacement of a building, taking into account the judgement in *Tandridge DC v SSCLG & Syrett* [2015] EWHC 2503, there is no reason not to apply this to a group of buildings being replaced to establish the baseline size of built development currently on site. The buildings on the site are clearly domestic in use and scale, and not widely dispersed. They are also within the same planning unit as the main dwelling which is to be retained.
 8. According to the Appellants undisputed figures, the floor area of all of the buildings to be demolished would be approximately 184 square metres. The total volume of the buildings would be approximately 515 cubic metres. It is also stated that the proposed dwelling would be one and half storeys high and have a footprint of approximately 100 square metres with a volume no greater than the buildings to be demolished.
 9. Therefore the replacement of these buildings with a single, appropriately sized, new dwelling would not be inappropriate development when considered against paragraph 89 of the Framework.

Effect on the openness of the Green Belt

10. Paragraph 79 of the Framework outlines a fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.
11. The outbuildings on site are low level buildings, with the exception of the residential annexe which is the tallest building to be demolished. From the illustrative plans provided with the application, and the details in the appellants appeal statement, the proposed dwelling would be taller than the existing buildings and would have significantly more bulk than the outbuildings either individually or cumulatively.
12. Whilst the volume of the proposed dwelling would be the same or less than the existing outbuildings, to my mind the increase in height and subsequent massing would lead to harm to the openness of the Green Belt.
13. I acknowledge that there is a significant degree of landscaping which screens the site from the road frontage, and alongside the Bridleway at the rear of the adjoining field, but this does not overcome the loss of openness.

14. I therefore conclude that the development would lead to a moderate loss of Green Belt openness and would impact on the Green Belt purpose of safeguarding the countryside contrary to the Framework and Policy GB2 of the LP.

Character and appearance

15. The site is located in a rural location where there is sporadic ribbon development. The existing outbuildings are of a domestic scale and are subordinate to their host dwelling. The quality and character of the landscape has resulted in it being included in the Chilterns AONB.
16. The proposed new dwelling would be formed in a rectangular block with a further rearward projection. The resulting massing and height would erode the rural character of the area and would be in stark contrast to the low level outbuildings which currently exist. Whilst the screening to the front of the site would shield some of the development, the siting of the building close to the road boundary, combined with its height and massing, would result in a development which would be prominent. The proposed access point would also puncture the landscape screen and, together with the access to the existing dwelling, would further increase the visibility of the development.
17. Given the increased height, and siting shown in the illustrative drawings, the development would therefore give rise to significant harm to the rural character of the area and the views across the AONB.
18. The new dwelling incorporates dormer windows to both the front and rear elevations. I noted on my site visit that Ongar Hill Cottage also has a dormer window, as does the annex proposed to be demolished as part of the development. I also noted other dormer windows on other properties along Magpie Lane. Whilst the inclusion of dormer windows in the new dwelling is clearly a domesticating feature, I consider that they would not give rise to harm to the overall character of the area given the existence of similar features in the wider area.
19. For the above reasons, I conclude that the development would give rise to significant harm to the rural character of the area and views across the AONB. Consequently the development would conflict with Policies GC1 and LSQ1 of the LP, and Policies CS20 and CS22 of the Core Strategy for Chiltern District 2011(CS) which amongst other things seek to protect the character and appearance of the area. This would also be at odds with the Framework which seeks to secure good design.

Protected species

20. The Council have identified that the buildings to be demolished have the potential to house bats. Bats are mobile in their nature and may only use buildings at certain times of the year that favour a particular part of their roosting, maternity and hibernating requirements. From my site visit I saw that there were potential areas where bats could gain access through the overhanging eaves.
21. The appellant has indicated that a bat survey would be submitted if the appeal is successful and this could be secured via a planning condition. However, Circular 06/2005 indicates that a survey should be carried out before planning permission is granted and that it should only be required by condition in

exceptional circumstances. To my mind, no such exceptional circumstances exist.

22. Consequently, in the absence of any information to the contrary, I conclude that the development may have an adverse impact on Bats and would therefore conflict with the biodiversity aims of Policy CS24 of the CS and the Framework.

Other matters

23. In refusing permission, the Council referred to the need for a financial contribution towards off site affordable housing provision. However, following the Court of Appeal's judgement of the 11 May 2016, wherein the Secretary of State for Communities and Local Government successfully appealed against the judgment of the High Court of 31 July 2015 (Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council) it follows that significant weight should be given to the Secretary of State's written ministerial statement of the 28 November 2014 and the updated Planning Practice Guidance where such planning obligations should not be sought from small scale and self-build development. In light of this the Council have subsequently withdrawn this reason for refusal.

Conclusion

24. Whilst I have found that the proposal would not be inappropriate development, the moderate harm to Green Belt openness, the significant harm to the character and appearance of the area and the potential adverse impacts on bats result in an unacceptable development. I therefore conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR