

Appeal Decision

Site visit made on 26 September 2016

by D M Young BSc (Hons) MA MRTPI MIHE

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

Decision date: 15 November 2016

Appeal Ref: APP/K0425/W/16/3153582

Land to rear of 42 Wycombe Road, Holmer Green, Buckinghamshire HP15 6RY.

- 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 M Large against the decision of Wycombe District Council.
 - The application Ref 15/07651/FUL, dated 23 September 2015, was refused by notice dated 23 March 2016.
 - The development proposed is the conversion of existing building to a dwelling within Class C3 of the Use Classes Order.
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Decision

1. The appeal is dismissed.

Main Issue

2. The appeal site is within the Green Belt and so the main issues are:
 - Whether or not the proposal is inappropriate development in the Green Belt for the purposes of the *National Planning Policy Framework* (the Framework)
 - The effect on the openness of the Green Belt
 - If the proposal is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Policy

3. The Framework identifies the protection of the Green Belt as a core planning principle. It says one of the fundamental aims of the Green Belt is to keep land permanently open, and openness is one of its essential characteristics. Moreover, checking the unrestricted sprawl of large built-up areas and safeguarding the countryside from encroachment are among the 5 purposes it says the Green Belt serves. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In paragraph 89 it gives various exceptions where the construction of new buildings in the Green Belt would not be inappropriate, but that paragraph is not relevant in this instance as the appeal concerns a change of use. However, in paragraph 90, the Framework confirms that the re-use of buildings of a '*permanent and substantial*' construction would not be inappropriate development provided the re-use preserves the openness
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of the Green Belt and does not conflict with the purposes of including land in the Green Belt.

4. At the local level Policy C7 of the "*Wycombe District Local Plan to 2011*" (the LP) is permissive of the reuse and adaptation of buildings in the countryside where, amongst other things, the buildings are of a form, bulk and general design which is in keeping with their rural surroundings'. It goes on to say that buildings which are derelict or which require complete or substantial reconstruction before they can be re-used will not be considered appropriate for re-use. This policy appears to slightly broaden the definition of when conversions constitute inappropriate development beyond that given in the Framework. As a result, I am minded to give greater weight to the provisions of the more up-to-date Framework and I have considered the appeal on this basis.

Reasons

Whether inappropriate or not

5. The appeal building is located to the rear of 42 Wycombe Road, a 1.5 storey office building set within the wider residential area of Holmer Green. It comprises a former agricultural building now used for miscellaneous storage. The building is evidently of some age and is of little aesthetic merit. According to the Council the building was once associated with the orchard to the south but is now physically separated from it and has evidently been disused for a number of years.
6. From my observations the building is a fairly basic structure albeit of some age and permanence. It comprises a single skin of wooden cladding to its walls which sits on a concrete and brickwork base with a roof of profile sheeting. The building is in a poor state of repair and consequently I have serious misgivings as to whether the building is of substantial construction in the context of Green Belt policies.
7. The Structural Reports submitted with the application confirms that a comprehensive scheme of works would be required to bring the building up to a suitable standard for human habitation. Amongst other things, this involves repairs and extensions to the brickwork base, underpinning the foundations, insulation to the roof and walls, damp-proofing, replacement of some, if not all, of the external timber, the creation of a second internal skin, a scheme of strengthening works to the roof and frame and finally a new roof. The nature and scale of the works proposed would result in a dwelling created more by rebuilding rather than conversion. I therefore conclude that the building is not of permanent and substantial construction and its re-use would be inappropriate development which is, by definition, harmful to the Green Belt.

Openness

8. The conversion of the building to a dwelling would give rise to a more intensive, residential use with the creation of a large residential curtilage, erection of boundary treatments, hard surfaced driveway areas and attendant vehicles and domestic paraphernalia. This domestication of the building and the land around it would have a harmful effect on the openness of the Green Belt and this harm could not reasonably be overcome or controlled by conditions.

9. Irrespective of whether the dwelling and its curtilage would be visible from the public domain, I share the Council's concerns that it would inevitably erode the openness of the Green Belt which by its nature is reduced by the erection of buildings and other structures. The Framework attaches great importance to Green Belt land, and advises at paragraph 79 that that an essential characteristic of Green Belts is their openness. I accept the loss of openness would be unlikely to affect the Green Belt outside the boundary of the site. Nonetheless, there would be a loss of openness. The importance attached to this consideration by the Framework requires me to allocate it a significant amount of weight in my decision.

Other Considerations

10. Very special circumstances can only exist if the harm I have identified in terms of inappropriateness and a loss of openness is clearly outweighed by other considerations.
11. I have had regard to the Council's decision not to seek Prior Approval for the use of the building to a B1 (business) use¹ in 2013. However, that decision has now expired and whilst I can appreciate the appellant's frustration in this regard, there is nothing before me to suggest that the Council's decision was not based on the merits of the application. It is also germane that the provisions of Part M of the General Permitted Development Order prevented the Council from considering the condition of the building. As such the prior approval process as it was then only allowed for the change of use of the building to offices in its current form without any alterations to the building. Accordingly, I do not find that this is a consideration that provides significant weight in favour of the proposal.
12. The appellant has also referred to policies in the emerging Local Plan. However, given that this document is not at an advanced stage I have attached little weight to it in accordance with paragraph 216 of the Framework. Although there would be no adverse effect on the living conditions of neighbouring occupants, highway safety and ecology, these are neutral effects and do not weigh in favour of the scheme.
13. The development would deliver a residential dwelling in an area of need. This contribution towards the Council's housing stock, although modest, weighs in favour of the scheme. Given the Council's acknowledged housing land supply position and the aims of the Framework to significantly boost the supply of housing, I attach moderate weight to this benefit.

Conclusion

14. The proposal would be inappropriate development in the Green Belt. The Framework clearly states that inappropriate development is harmful to the Green Belt, and that substantial weight should be attached to that harm. Moreover, I have found that the development would result in harm, albeit limited, to the openness of the Green Belt. Collectively these carry substantial weight.
15. Although the provision of a single dwelling would be consistent with the Framework, this in itself clearly does not outweigh the harm I have identified. Consequently, there are no very special circumstances necessary to justify the

¹ Ref: 13/06553/PAM 29 August 2013.

development. The proposal is therefore contrary to the Framework as well as Policies GB2 and C7 of the LP and Policy CS9 of the "*Wycombe Development Framework Core Strategy 2008*".

16. For this reason, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

D. M. Young

Inspector