
Appeal Decision

Site visit made on 14 November 2016

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 03 January 2017

Appeal Ref: APP/K0425/W/16/3155323

Spitalcroft Kennels, Marlow Road, Marlow, Buckinghamshire SL7 3DQ

- 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 The Marlow Land Company against the decision of Wycombe District Council.
 - The application Ref 16/05999/FUL, dated 21 April 2016, was refused by notice dated 21 June 2016.
 - The development proposed is the demolition of existing kennels, storage barn and associated outbuildings and erection of two detached 4-bed bungalows with associated landscaping, parking & creation of new access following closure of existing access.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing kennels, storage barn and associated outbuildings and erection of two detached 4-bed bungalows with associated landscaping, parking & creation of new access following the closure of existing access at Spitalcroft Kennels, Marlow Road, Marlow, Buckinghamshire SL7 3DQ in accordance with the terms of the application, Ref 16/05999/FUL, dated 21 April 2016 subject to the conditions set out in the schedule to this decision letter.

Main Issues

2. The main issues are:
 - (i) whether or not the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - (ii) the effect of the proposed development on the openness of the Green Belt; and
 - (iii) the effect on the character and appearance of the area including the Chilterns Area of Outstanding Natural Beauty (AONB).

Reasons

Whether the proposal would be inappropriate development in the Green Belt

3. Paragraph 79 of the National Planning Policy Framework (the Framework) outlines the 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.
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4. 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 or the partial or complete re-development of previously developed sites (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 development¹. Given the location of the site, in a rural area divorced from any village or settlement, the proposed dwelling could not be considered to be limited infilling.
5. However, the development would constitute the re-development of a previously developed site and therefore it follows that it is now necessary to consider whether or not the proposed development would have a greater impact on openness than the existing buildings.

Openness of the Green Belt

6. The site has a number of structures on it which are used for the kennel business which are proposed to be removed as part of the development. The main kennel block extends to almost the full width of the site and there are also two, temporary, containers on site.
7. From the undisputed figures provided by the Appellant the total floor area of the buildings to be removed (excluding the containers) is 459 square metres, with a total volume of 1149 square metres. The proposed development would have a total floor area of 379 square metres and a total volume of 1136 square metres. Therefore the development would result in a net reduction of the floor area and building volume.
8. The bungalows would be located on a plateau, which is set at a much lower height than the road. The land then further falls away. The height and design of the bungalows seek to take advantage of the land levels to reduce the impact on the development on the surrounding area.
9. Furthermore, the proposed bungalows would not be as wide as the existing main kennel building and there would be a gap between the them. Additionally there would be a net reduction in the amount of hardstanding to the front of the site. Given the overall size, design, siting, and height of the proposed bungalows they would have a beneficial effect on the openness of the greenbelt when compared to the existing situation. Therefore the redevelopment of this previously developed site would not be inappropriate development when considered against paragraph 89 of the Framework
10. The proposed development would also comply with Policy GB2 of the Wycombe District Local Plan 2004 (LP) which seeks to protect the character and openness of the Green Belt and Policy CS9 of the Wycombe Development Framework Core Strategy 2008 (CS) which expressly states that the Green Belt will be protected from development "as defined in Government policy".

Character and appearance

11. The site is located in a rural location where there is little development and the existing buildings on site have a minimal impact on the open nature of the surrounding area. The quality and character of the landscape has resulted in it

¹ sixth bullet point of paragraph 89 of the Framework

being included in the Chilterns AONB. From my site visit, I saw that to the north of the site was a well maintained lawn area which had the appearance of a domestic garden.

12. I have already found that the cumulative width of the bungalows would be less than the existing main kennel building and there would be a greater distance to the side boundaries. There would also be a net reduction in hardstanding to the site frontage which would have a beneficial effect on the area.
13. Given the land levels at the site, and the low level nature of the proposal, the development would not be prominent when viewed from the road with only a small amount of the roof likely to be visible.
14. I acknowledge that, owing to their length from front to rear elevations, the overall bulk and massing of the proposed bungalows would be greater than any of the existing individual buildings. However, taking into account the limited views of the side elevations, the net reduction in the overall level of built form on the site, and the low level nature of the proposal, the development would not detract from the open character of the site or the wider area, nor would it have an urbanising impact over and above the current situation. For similar reasons, the development would not have an adverse impact on the views across the Chilterns AONB.
15. For the above reasons, I conclude that the development would not give rise to harm to the rural character of the area and views across the AONB. Consequently the development would accord with Policies G3, GB2 and L1 of the LP, Policies CS9, CS17 and CS19 of the CS and the Framework which amongst other things seek to ensure a high standard of design and that the character and appearance of the area is protected.

Conditions

16. Other than the standard time limit condition, it is also necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty.
17. Conditions relating to the external materials and details (and implementation) of a landscaping scheme are appropriate in the interest of the character of the area. Whilst I acknowledge that some details of the proposed materials are specified on the submitted plans, full details of the proposed materials are not specified.
18. In relation to the boundary treatments for the private amenity areas, it is noted that drawing 1507-02 details a 1.8 metre high close boarded fence to the boundaries to each property. I therefore consider that further details of such are unnecessary. However, a condition to ensure that these are provided prior to the first occupation of the relevant dwelling is necessary.
19. I also agree that conditions relating to drainage and energy efficiency measures are also necessary for environmental reasons and to accord with Policy CS18 of the CS. I have updated the suggested condition to reflect the internal water efficiency standard of 105 litres per head per day as detailed in the Written Ministerial Statement (March 2015) relating to the new national technical standards.

20. Conditions relating to the new access, closure of the old access, provision of the parking and manoeuvring area, no gates within 5 metres of the carriageway across the new access, together with ensuring that the visibility splays are not obstructed are all necessary in the interests of highway safety.
21. In the interests of the openness of the Green Belt it is also necessary to remove permitted development rights for future buildings and extensions to the dwelling. However, given the design of the dwelling, I do not consider it necessary to restrict roof alterations permitted under Classes B and C of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.
22. With the exception of the drainage details, it is not necessary for any of these to be pre-commencement conditions. It is necessary for drainage matters to be agreed prior to any works commencing as the drainage scheme could affect the initial site works.

Conclusion

23. Taking all matters into consideration, for the reasons given above I conclude that the appeal should be allowed.

Chris Forrett

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans - 1507-01A, 1507-02, 1507-03 and 1507-04.
- 3) Notwithstanding the submitted details, prior to the commencement of the construction of the external surfaces of the development a schedule and samples of the materials and finishes for the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) Notwithstanding the submitted details, prior to the first occupation of either dwelling a detailed hard and soft landscaping scheme for the site (including the parking, turning areas and pedestrian paths within the site) shall be submitted to and approved in writing by the local planning authority. The scheme shall include details relating to existing trees and landscaping.
- 5) All hard landscaping, planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the dwelling to which it relates to or the completion of the development, whichever is the sooner. Any trees, plants or areas of turfing or seeding which, within a period of five years from the completion of the development, die are

removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the local planning authority first gives written consent to any variation.

- 6) Prior to the first occupation of each dwelling, the boundary treatment shown on drawing 1507-02 (or any such details first approved in writing by the local planning authority) relevant to that dwelling shall be erected for the enclosed private amenity area.
- 7) No development shall take place until details of the proposed foul sewage disposal including details of the construction method have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 8) The development shall be constructed in accordance with the submitted Sustainability and Energy Statement, dated 31 March 2016, to at least ensure the following:
 - i. Delivering a 15% reduction in carbon emissions on site through the use of decentralised renewable and/or low carbon sources. The reduction is to be taken from the baseline of 2006 Building Regulations.
 - ii. Measures for adaptation to climate change having regard to the adopted Living within our Limits SPD.
 - iii. Measures to achieve an internal water efficiency standard of 105 litres per head per day

The measures shall be implemented before the development is first occupied and shall remain operational for the lifetime of the development, unless agreed in writing by the local planning authority.

- 9) Prior to the first occupation of either dwelling, the new means of access (with radii) shall be constructed in accordance with the approved drawing and in accordance with Buckinghamshire County Council's guide note "Private Vehicular Access within Highway Limits" 2013.
- 10) Within one month of the new access being brought into use, the existing access point not incorporated in the development hereby permitted shall be stopped up by removing the existing bell mouth and reinstating the highway boundary to the same line, level and detail as the adjoining highway boundary.
- 11) Prior to the first occupation of either dwelling, the parking and manoeuvring areas indicated on the approved plans shall be laid out and shall not thereafter be used for any other purpose.
- 12) No wall, fence, hedge or other means of enclosure exceeding 0.6m in height shall be located (or allowed to remain) within the visibility splays identified across the frontage of the site as identified on drawing 1507-02 and drawing 16.47-002 of the accompanying highway statement by Dermot McCaffery dated 6th April 2016.
- 13) Notwithstanding any the provisions of Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), no gates shall be erected along the site frontage within 5 metres of the edge of the

carriageway without the prior express planning permission of the local planning authority.

- 14) Notwithstanding any the provisions of Classes A and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out without the prior express planning permission of the local planning authority.