
Appeal Decision

Site visit made on 13 December 2016

by H Butcher BSc (Hons) MSc MRTPI

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

Decision date: 23 January 2017

Appeal Ref: APP/X0415/W/16/3159373

Orchard End, Two Dells Lane, Ashley Green, Buckinghamshire, HP5 3RB

- 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 & Mrs Steve and Pauline Elliott against the decision of Chiltern District Council.
 - The application Ref CH/2016/1165/OA, dated 21 June 2016, was refused by notice dated 11 August 2016.
 - The development proposed is the erection of a chalet bungalow with parking.
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Decision

1. The appeal is allowed and planning permission is granted for a chalet bungalow with parking at Orchard End, Two Dells Lane, Ashley Green, Buckinghamshire, HP5 3RB, in accordance with the terms of the application, Ref CH/2016/1165/OA, dated 21 June 2016, subject to the following conditions:
 - 1) Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
 - 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
 - 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
 - 4) The details to be submitted for approval in writing by the local planning authority in accordance with condition 1 shall include: details of the proposed slab level of the dwelling hereby approved in relation to the existing and proposed levels of the site, and the surrounding land, with reference to a fixed datum point; and space for the parking and manoeuvring of vehicles.
 - 5) Prior to the commencement of development a tree protection statement shall be submitted to and approved in writing by the local planning authority. This tree protection statement shall include details of how the Scots Pine protected by Tree Preservation Order No 6 of 1998 shall be protected during the development. The development shall be carried out in accordance with the approved details.
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- 6) Any new hard surfacing to be provided for parking and manoeuvring areas shall be made of porous materials, or alternatively provision shall be made to direct water run-off from the hard surface to a porous or permeable area or surface within the curtilage of the proposed dwelling.

Preliminary Matter

2. The application was submitted in outline with all matters reserved and I have dealt with the appeal on that basis. Plans of a chalet bungalow were submitted with the application but they are noted as being for illustrative purposes only.

Main Issue

3. The main issue is whether the proposal would be inappropriate development in the Green Belt.

Reasons

4. The Government attaches great importance to Green Belts, the fundamental aim being to prevent urban sprawl by keeping land permanently open. The National Planning Policy Framework (the Framework) establishes that new buildings within the Green Belt are inappropriate. However, there are exceptions to this, which include limited infilling in villages. There is no definition in the Framework in respect of infilling.
5. Policy GB2 of the Chiltern District Local Plan (1997) (LP) similarly seeks to protect against inappropriate development in the Green Belt, but, like the Framework, allows limited infilling in villages in accordance with Policy GB4. 'Infilling' is defined in Policy GB4 as *"the construction of one or two dwelling(s) in a small gap in an existing row of dwellings and other substantial buildings, which form an otherwise fully developed frontage to a road..."*
6. Orchard End is located in the village of Ashley Green. It is the end property in a lane accessed off of Two Dells Lane which serves a small number of residential properties. These properties create a developed frontage along the lane. Orchard End is set further back in its plot than its immediate neighbour Ashley Croft. This creates a substantial area of front garden and it is here that the proposed house would be located.
7. The site falls within an area identified as being covered by Policy GB4. However, the Council consider that the site is not a clear gap and would result in a dwelling being located out of line with the existing properties. Therefore they consider it would not constitute infilling in accordance with Policy GB4. The properties on the west side of the lane are loosely arranged in a row but there is no strong linearity to this. The plot to be created would, in my opinion, continue the free form layout of the existing row of properties by creating a curve around the end of the lane. Such a layout would not appear unusual and would form a natural infill of what is currently open garden land at a point where the lane terminates.
8. Policy GB4 does not specify that an infill dwelling must be in line with other properties, rather, simply that the siting is compatible with the character of existing dwellings in the vicinity. In light of my findings above I find no conflict in this regard. Policy GB4 does not define the term road either. That the site is located on an unmade lane which serves only the dwellings along it is therefore immaterial. In all other respects the plot created would accord with

Policy GB4, notwithstanding that layout, scale and appearance would be considered at reserved matters stage.

9. I therefore conclude that the proposal would be in a village, would represent infilling in that it would fill an existing gap along a lane where there are already houses, and the infilling would be limited insofar as only one dwelling is proposed. It would therefore accord with Policy GB4 of the LP and the Framework and as such would not be inappropriate development within the Green Belt.

Other Matters

10. In that the proposal concerns the erection of a new dwelling it would reduce openness. However, this is implicitly taken into account in consideration as to whether the proposal represents limited infilling in a village. As outlined above, it does, therefore, it would not materially detract from the openness of the Green Belt.
11. The neighbour at Ashley Croft raises concern over reduced light to the south side of their property. However, given the size of the site I am satisfied that a dwelling could be sited and designed in such a way so as to not significantly reduce light to this neighbouring property and this would be dealt with at reserved matters stage. Similarly the matters raised by the occupant of Copper Beech House would be dealt with at reserved matters stage.

Conditions

12. I have attached conditions limiting the life of the planning permission and setting out requirements for the reserved matters in accordance with the requirement of the Act. The Council has suggested a condition requiring the submission of details relating to parking and manoeuvring. Such details would normally fall within the definition of the matters reserved for subsequent approval. Therefore I have simply included clarification that such details are required to be submitted at reserved matters stage, along with proposed slab levels, by way of a suitable condition.
13. There is a Scots Pine protected by a Tree Preservation Order at the adjacent property Copper Beech House. It is fundamental that this is protected during the course of the development therefore I have included a condition in respect of this. Finally it is necessary to include a condition relating to run off to mitigate against increased flooding or pollution of watercourses.
14. It is not necessary, however, to include a plans condition as the application is wholly in outline. It is also not necessary to include a condition restricting the gross internal floor space of the development to less than 1,000sqm as the size of the dwelling would be suitably constrained by the size of the site.

Conclusion

15. I have found that the proposal would not constitute inappropriate development in the Green Belt. Therefore, having had regard to all matters raised, and subject to the above conditions, the appeal is allowed.

Hayley Butcher

INSPECTOR