



Appeal Decision

Site visit made on 8 November, 2016

by S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA

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

Decision date: 24th January, 2017

Appeal Ref: APP/X0415/W/16/3154983

Land adjacent to Milton Cottages, Blackwell Hall Lane, Ley Hill, Chesham, Buckinghamshire, HP5 1UT

- 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 Mrs J. Clark against the decision of Chiltern District Council.
 - The application Ref CH/29016/0478/FA, dated 14 March, 2016, was refused by notice dated 2 June, 2016.
 - The development proposed is conversion of outbuilding and lean-to into dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of outbuilding and lean-to into dwelling at land adjacent to Milton Cottages, Blackwell Hall Lane, Ley Hill, Chesham, Buckinghamshire, HP5 1UT, in accordance with the terms of the application, Ref CH/29016/0478/FA, dated 14 March, 2016, and the plans submitted with it, subject to the conditions set out in the schedule to this decision.

Main Issue

2. The main issues in this case are:
 - a) Whether the proposal would constitute inappropriate development in the Green Belt;
 - b) Its effect on the openness of the Green Belt and the purposes of including land in it, and on the character and appearance of the area.

Reasons

- a) *Whether the proposal would constitute inappropriate development in the Green Belt*
3. Policy GB11 of the Chiltern District Local Plan 1997 (the LP), has many similarities with the Framework in respect to protecting the openness of the Green Belt, but predates it and is not entirely in alignment with it. I have therefore attached greater weight to the provisions of the Framework.
 4. Paragraph 90 of the Framework advises that certain forms of development are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. The developments listed include the re-use of buildings, provided that the buildings are of permanent and substantial construction. The appeal proposal
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is for the conversion of the existing building to a dwelling. It is a brick-built structure, evidently of substantial construction, which has been on the site since 1972. Thus, the question of inappropriateness hinges on whether the openness of the Green Belt would be compromised. As I conclude below that the development would not have any material effect on openness, my overall conclusion is that it does not constitute inappropriate development within the Green Belt, and meets the requirements of the Framework and the development plan in that respect.

5. My finding that the appeal proposal is not inappropriate development in the Green Belt means that it is not necessary to consider whether very special circumstances apply.
- b) *The effect on the openness of the Green Belt and the purposes of including land in it, and on the character and appearance of the area*
6. Paragraph 79 of the Framework indicates that openness is an essential characteristic of the Green Belt. The appeal proposal would entail the replacement of the garage doors with large glazed windows, replacement of the existing windows and doors with others of similar dimensions. Although a brick-built side extension, this would replace an existing open lean-to structure with, with only a small increase in footprint. The proposal would not therefore materially affect openness in respect of the works to the building.
7. The appeal structure is a large garage, with parking for two cars and space for storage or other activities. It is not now dedicated to parking by occupiers of any of the adjoining dwellings, and its reuse would not therefore cause a loss in local parking provision. While it is said by neighbouring parties to be little used by the current owner, it is nonetheless able to accommodate vehicle movements and other forms of activity. Its change of use to what amounts to a very small dwelling would be likely to create only a small and localised increase in levels of vehicle movement or parking or of levels of activity related to domestic use such as refuse collection or postal deliveries. It would not therefore be likely to have a harmful effect on the openness of the Green Belt in terms of increased domestication of the use of the site.
8. The appeal site is already served by an informal access track and hard standing, and formalising or extending these with additional hard surfacing to serve the residential use, could potentially harm the open character of the Green Belt. This is, however, a matter which is capable of being controlled by a condition removing the permitted development right for the provision of hard surfaces incidental to the enjoyment of a dwelling house.
9. The appeal building sits on the southern edge of the settlement, behind the line of the southernmost boundary of Milton Cottages and Sanders Cottages with which it forms a small group. To its western side, behind the high conifer strip sits the long garden of a large property accessed off Kiln Lane. The appeal proposal would not therefore form an isolated dwelling in the countryside nor an encroachment of residential development further into countryside. It would not either, as a result, constitute urban sprawl, and would not therefore conflict with the purposes of the Green Belt.
10. The domesticating features relating to the conversion to residential use would involve replacement of some existing doors and windows, and the insertion of a new door to the former lean-to extension, and placing windows in the openings

of the former garage doors. These alterations would bring some change to the external appearance of the building, although they would be limited, and most noticeable on the elevation facing away from other dwellings in the vicinity. I do not consider, therefore, that they would be harmful to the character and appearance of the area.

11. The appeal building furthermore sits in a generous garden space, screened by large trees, hedges and other domestic boundaries, features which would reasonably be expected to remain in the long term. Its domestic use and appearance would fit within a series of such well bounded garden spaces and would not be readily viewed from adjoining properties or their gardens, or from the adjacent countryside. If glimpsed from adjoining land, it would be against the backdrop of these domestic boundaries or adjacent buildings. It would not therefore significantly increase the domestic appearance of the area, nor form an intrusive element in its rural setting, and would not as a result have a harmful effect on the openness of the Green Belt or on the character and appearance of the area.
12. Milton Cottages and Sanders Cottages are modest houses with small gardens, and set at right angles to Blackwell Hall Lane, thereby breaking the development pattern of large detached houses in large gardens set along the lane. The appeal building already has the size and character of a domestic outhouse, and that would largely remain the same. The main feature of difference would be the addition of large windows on the south elevation, but these would replace equally large garage doors, and would not be easily visible from outside the site. The residential conversion of the appeal dwelling, as a small, self-effacing structure set to the rear of the existing houses in Blackwell Hall Lane, while not typical of the overall pattern of development at this point, would not particularly compete with it or form a noticeably intrusive element. The appeal proposal would not therefore harm the character or the appearance of the area.
13. As the proposal would not bring about any significant increase to the built footprint, would not bring about a harmful increase to domestication to the site and would not represent encroachment or urban sprawl, it would not as a result have a harmful effect on the openness of the Green Belt. It would not therefore conflict with the provisions of the Framework, or with Policy GB11 of the LP which seeks to protect the openness of the Green Belt.
14. I conclude also that the appeal proposal, by providing a modest dwelling in a generous garden setting would not form a conspicuously intrusive element in the area and would not harm the character or appearance of the area. It would not therefore conflict with Policy GC1 of the LP, as amended in 2001, or Policy CS20 of the Core Strategy for Chiltern District 2011 (the CS) where they seek development which respects the character of its surroundings.

Other Considerations

15. Matters raised by local residents include the lack of facilities on site and proximity to a landfill site, and potential for flooding, although no substantive evidence has been put before me to support these concerns. Although other applications have previously been refused, I have determined the appeal before me on its own merits.

16. It has been suggested that the current application would be a prelude to upward and outward extension of the appeal building, but this is a matter which can be resolved by the use of conditions. Concern has also been expressed that to grant permission would be a precedent and a green light for development in the Green Belt, but I consider that an unlikely outcome in the light of the particular circumstances of the case, and the requirements of local and national policy.
17. The size, position and orientation of the appeal structure, and slope of the land, which means that it is at a lower level than adjoining dwellings, cause me to conclude that its conversion to residential use would not have a harmful effect on the privacy and outlook of the occupiers of adjoining properties.
18. No compelling evidence has been put before me to demonstrate that the appeal proposal would have a harmful effect on wildlife using the site or on bees in a nearby apiary.

Conclusion

19. For the reasons given above, and taking into account matters raised, I conclude that the appeal should be allowed.

Conditions

20. I have taken into account the conditions proposed by the Council, and the requirements of the Framework. In the interests of clarity a condition is added requiring that the development is carried out in accordance with the approved plans. Adherence to the approved materials is also the subject of a condition, in the interests of protecting the character and appearance of the area.
21. Although conditions for the removal of permitted development rights should only be used in exceptional circumstances, there appears in this case a clear justification to do so, which is to allow the Local Planning Authority properly to consider whether any future proposals will be harmful to the openness of the Green Belt, and to accord with the requirements of policy GB11 of the local plan, which requires that, where residential use is allowed in the Green Belt, permitted development rights should be removed to prevent further extensions or an increase in the number of curtilage buildings.

S J Buckingham

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: MD1389 01 REV C; MD1389 02 REV D; MD1389 03 REV C.
- 3) The exterior of the development hereby permitted shall only be constructed in the materials specified on the application form and the plans hereby approved.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development falling within Classes A to G of Part 1 of Schedule 2 to the said Order shall be erected, constructed, or placed within the application site, unless planning permission is first granted by the Local Planning Authority.