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## Appeal Decision

Hearing held on 14 February 2017

Site visit made on 14 February 2017

**by Alexander Walker MPlan MRTPI**

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

**Decision date: 22<sup>nd</sup> March 2017**

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**Appeal Ref: APP/X0415/W/16/3163367**

**Field Acres Farm, Fullers Hill, Chesham HP5 1LS**

- 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 C Channer of Colin Channer Agricultural Contractor Limited against the decision of Chiltern District Council.
  - The application Ref CH/2016/1113/FA, dated 24 May 2016, was refused by notice dated 21 September 2016.
  - The development proposed is an agricultural worker's dwelling.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are as follows:
  - Whether the development would be inappropriate development in the Green Belt;
  - The effect of the development upon the interests of conserving or enhancing the landscape within the Chilterns Area of Outstanding Natural Beauty;
  - The effect of the development on the openness of the Green Belt; and
  - If the development 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.

### Procedural Matter

3. The proposal was amended following the submission of the application but prior to its determination. Confirmation of the plans the Council based their determination on was sought from and agreed by both parties during the Hearing. I am satisfied that all relevant parties have been made aware of these amendments and would not be prejudiced by my consideration of them. Therefore, I have determined the appeal taking into account the revised plans CC-EW-5.1 and CC-EW-6.1.

## Reasons

### *Inappropriateness*

4. The appeal property is located within the Green Belt. Paragraph 89 of the National Planning Policy Framework (the Framework) states that the construction of new buildings in the Green Belt shall be regarded as inappropriate development. Paragraphs 89 and 90 of the Framework list a number of exceptions to this. This is generally reflected in Policy GB2 of the Chiltern District Local Plan (LP) 1997 including alterations adopted 2001 and consolidated 2007 and 2011, which also states that there is a presumption against inappropriate development in the Green Belt and provides a list of exceptions. In so far as they are relevant to this appeal, these are largely similar to the exceptions set out in the Framework. I find therefore that Policy GB2 is consistent with the Framework and attribute it significant weight.
5. During the Hearing, the appellant agreed with the Council's position that the dwelling would not fall within any of these exceptions and therefore would be inappropriate development. I concur with that position and find that the dwelling would be inappropriate development under the Framework and Policy GB2 of the LP, which is, by definition, harmful to the Green Belt.

### *AONB*

6. The appeal site is located within the Chilterns Area of Outstanding Natural Beauty (AONB). This part of the Chilterns AONB is characterised by verdant, open fields with undulating topography. Paragraph 115 of the Framework states that great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty. Policy LSQ1 reflects paragraph 115 and sets out criteria that is used to assess whether development will conserve or enhance the special character or appearance of the AONB. Policy CS22 of the Core Strategy for Chiltern (CS) 2011 similarly sets out principles for new development in the AONB to follow.
7. The site comprises a complex of large, metal clad agricultural buildings and a mobile home set within large areas of hardstanding. Due to the topography of the site, which rises from north to south, the buildings are partially built into the hill side. Access to the site is via a gated entrance off Fullers Hill. Fullers Hill is a narrow lane with high hedging on either side. The lane is on a lower ground level than the site and as a result there are limited views of the farm buildings from outside the site.
8. The dwelling would be located within what is currently a paddock area that has post and rail fencing around it. The paddock lies in between the hedge boundary with Fullers Hill and the existing farm building complex, which is on the opposite side of an access track. The dwelling would be positioned at the southern end of the paddock.
9. The appeal site is located on the side of a hill with an open aspect to the north and west. As a result, the existing buildings enjoy long views of properties located on the fringe of the urban development to the north. The proposed dwelling would be screened by the existing buildings from westerly views. Furthermore, views from the north, east and south would be restricted to limited glimpsed views through hedgerows or from long distances, whereby it

would be read against the backdrop of the existing buildings, the hillside and/or nearby trees.

10. The Chilterns Buildings Design Guide (SPD) 2010 sets out a number of design principles for new development in the AONB. It states that houses with a deep plan, exceeding 7m, are likely to appear as large 'boxy' buildings. The proposed dwelling would have a depth of approximately 9.85m and therefore would contravene the SPD. As a result of its depth, the pitch of the roof would appear shallow, far less than the 40 degree pitch that the SPD states is the norm. Whilst the single storey element to the front of the building would break up the massing of the front elevation, it would also contribute to the overall bulk of the dwelling. In addition, its extensively glazed frontage would be at odds with the prevailing simple cottage design encouraged by the SPD.
11. The appellant contends that the proposal would include the removal of the existing mobile home on the site and therefore would enhance the landscape of the AONB. However, the mobile home is located adjacent to the existing buildings, is considerably smaller than the proposed dwelling and is well screened from many views both outside and from within the site. Therefore, I do not agree that the dwelling would have less of an effect on the AONB. Furthermore, the appellant also argues that the dwelling would enable the continuation of the farm, which itself manages the landscape of the AONB and therefore conserves it. However, there is no substantive evidence that the farm would cease working if the appeal were to be dismissed.
12. I have had regard to the recently permitted dwelling at Oldefields Equestrian Centre, Seer Green<sup>1</sup> referred to me at the Hearing by the appellant. Whilst the dwelling is similar in appearance to the proposed, it was confirmed that the permitted dwelling is not located within the AONB. Therefore, I cannot draw any direct comparison with the proposal before me in respect of the effect it has on the AONB.
13. Whilst the dwelling would not be readily visible from public vantage points, it would nevertheless affect the landscape of the AONB. Due to the size and design of the dwelling, it would represent an unsuitable form of residential development that would significantly harm the character and appearance of the AONB and therefore would fail to conserve or enhance its landscape. As such, it would fail to comply with Policy LSQ1 of the LP, the SPD and paragraph 115 of the Framework. In addition, it would fail to comply with Policy GC1 of the LP, which seeks to ensure that development is designed to a high standard. Furthermore, it would be contrary to Policies CS1, CS4, CS20 and CS22 of the CS, which, amongst other matters, seek to protect the AONB by focussing development on land within existing settlements, protect and enhance designated landscapes and ensure new development is of a high standard of design that reflects the surrounding area.

### *Openness*

14. The Framework indicates that openness is an essential characteristic of the Green Belt with a key objective being to keep land permanently open. Openness has both a visual and spatial dimension and the absence of visual intrusion does not, in itself, mean that there is no impact on the openness of the Green Belt.

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<sup>1</sup> LPA Ref CH/2016/0946/FA

15. The two-storey dwelling would be positioned close to the existing buildings on the farm, which are considerably larger than that proposed. Nevertheless, there are no buildings on the site of the proposed dwelling. The introduction of the building on to a parcel of land that is currently absent of any built form would lead to a significant reduction in openness. Furthermore, it would also erode the open space around the existing development which contributes to the rural character of this part of the Green Belt.
16. As I have found above, the proposal would fail to conserve or enhance the AONB. Nevertheless, the dwelling would be well screened from public views. Therefore, I do not find that it would be visually intrusive. However, I find that the erosion of three-dimensional space arising from the size of the dwelling would in itself result in an erosion of openness, which would conflict with paragraph 79 of the Framework which identifies openness as an essential characteristic of Green Belts. In addition, it would conflict with the purposes of including land within it, in particular safeguarding the countryside from encroachment, as set out in paragraph 80 of the Framework.

#### *Other Considerations*

17. Paragraph 88 of the Framework states that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. I turn now to address other considerations that, potentially, might clearly outweigh harm arising from inappropriate development in the Green Belt, the erosion of openness and the conflict with the purposes of including land within it so as to provide the very special circumstances required to justify a grant of planning permission.
18. In supporting sustainable development, the Framework seeks to avoid new isolated homes in the countryside other than in particular circumstances. These are set out in paragraph 55 of the Framework and include reference to situations where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. In addition, paragraph 28 of the Framework supports a strong rural economy through, amongst other things, promoting the development and diversification of agricultural and other land based rural businesses.
19. Policy GB17 of the LP states that new agricultural worker's dwellings in the Green Belt will only be acceptable where it can be demonstrated that they are essential to the operation of an established agricultural holding. The policy relies on the advice in Annex 1 of PPG7. Whilst PPG7 has since been cancelled, and therefore is afforded no weight, the advice contained in Annex 1 is a tried and tested method for assessing essential need.
20. The appeal site forms part of a large arable farming enterprise, which includes approximately 3000 acres of land used for growing various crops which includes approximately 6000-7000 tonnes of grain per annum. The appellant has developed and grown the business over the last 20 years, which has included the erection of a number of agricultural buildings on the existing site, where previously it was an open field. The appellant lives approximately 1.2 miles from the site and his son, Mr Stuart Channer, who also works on the farm, lives approximately 1.5 miles from the site. In addition, there are three

- other workers on the farm and the appellant confirmed during the Hearing that one of these workers lives in the existing mobile home located on the site.
21. As part of its consideration of the application submission, the Council instructed Bourne Rural Planning Consultancy Ltd to undertake an appraisal of the proposal. The appraisal concludes that whilst the business is successful and is sustainable in the long-term, there is no essential need for a worker to live permanently on the site.
  22. During harvest period, which generally occurs between mid-July and mid-September there are a number of vehicle movements into and out of the site throughout the day. During these times there is usually someone on site and the gate is left open. Outside the harvest period there are fewer vehicle movements although lorries visit the site collecting up to 200 tonnes of grain a month and delivering fertilizer, fuel and chemicals. The appellant states that as the gate to the site is generally locked outside the harvest period for security reasons, he needs to be on site to open it when delivery vehicles arrive. The appellant confirms that they are given notification for when deliveries will arrive, although it is often the case that these times are not kept to.
  23. I appreciate that for deliveries that fall outside typical working hours the appellant is inconvenienced by having to travel from his home to the site. However, the majority of the deliveries take place between the hours of 6am and 10pm. Therefore, it is likely that one of the workers would be on site to allow access. Furthermore, given the number of workers on the farm I see no reason why a rota or shift work pattern could not be devised that would ensure someone was on site during these times to allow vehicles access to the site. Therefore I attribute only limited weight to this matter in favour of the proposal.
  24. A large amount of agricultural machinery is stored on the site, which is of high value. The appellant states that there have been incidents in the past whereby the site has been broken into and goods stolen. It was confirmed in the Hearing that it has been broken into 3 times over the last 20 years. I acknowledge the appellant's apprehension that the site could be broken into given its isolated location. However, the only existing security measures are locks on doors to the buildings and the access gate. There are no other security systems in place such as alarms or CCTV cameras. Furthermore, the time limit for implementation of the planning permission for the relocation of the existing mobile<sup>2</sup> home has expired. The relocated site would have been a more prominent position on the site, closer to the entrance gate and would have allowed improved surveillance of the entrance. Given the limited number of times theft has taken place and the lack of consideration for additional security measures, I only attribute limited weight to this matter in favour of the proposal.
  25. The appellant also contends that emergency vehicle repairs are often required to take place on the farm. I appreciate that breakdowns and repairs may delay farming operations. However, the five minute drive to the site it would take the appellant to travel the 1.2 miles from his home would not likely result in any significant delay. Furthermore, machinery would breakdown when in use,

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<sup>2</sup> Council Ref CH/2010/1693/FA

which would be during the working hours of the day when the appellant would already likely be on site. I therefore attribute limited weight to this matter.

26. Grain is also dried on site. During the drying process the appellant is on hand to monitor the machinery which is operating approximately 18 hours a day during the harvest period. I appreciate that this is an important part of the farming business. However, given the relatively short period of time it is undertaken throughout the year and that the majority of the time that it operates is during the typical working day when the appellant would otherwise be on site, I attribute only limited weight to this matter.
27. I have also had regard to the argument that a large amount of fertilizer and chemicals are stored on site and therefore someone needs to live on site in case of a fire. However, even if someone was living on site, I am not persuaded that it would offer a better method of fire prevention than alternative systems, such as smoke and/or heat alarms, of which the appellant confirmed there are none installed.
28. I acknowledge that the farm is particularly large and I agree that it is unusual for such a large farm not to have a farmhouse. However, the test of essential need for a dwelling does not directly relate to the size of the farm. Although there are periods where the farming operations intensify, i.e. during crop harvesting, the farming activities throughout the remainder of the year are generally limited to typical farm working hours, which I appreciate are generally longer than the working hours of other jobs. Furthermore, much of the evidence submitted has been focused on the need for the appellant to be on site due to his knowledge and understanding of the management of the farm and its machinery, including arranging where delivered goods are to be stored and operating the grain drying system. However, it seems to me that following appropriate training, many of these tasks could be delegated to other workers, in particular a worker living permanently in the existing caravan.

### *Planning Balance*

29. The appeal scheme has harmful implications for the Green Belt in terms of inappropriate development, the erosion of the openness of the Green Belt and the conflict with the purpose of including land within it. Whilst the overall loss of openness would be moderate, the Framework establishes that substantial weight should be given to any harm to the Green Belt. Furthermore, the development would fail to conserve or enhance the AONB.
30. From the evidence presented to me, both written and orally, there is a compelling case that the proposed dwelling would improve the appellant's work/life balance. However, I am not satisfied that it has been demonstrated that there is an essential need for an agricultural worker to live permanently on the farm. Consequently, the very special circumstances necessary to justify the development do not exist. As such, it fails to comply with Policy GB17 of the LP and paragraph 55 of the Framework

### **Conclusion**

31. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

*Alexander Walker* INSPECTOR

## **APPEARANCES**

### **FOR THE APPELLANT:**

|                                                  |           |
|--------------------------------------------------|-----------|
| Peter Smith MRICS, AICarb.,<br>Registered Valuer | PJSA      |
| Emrys Williams                                   | PJSA      |
| Colin Channer                                    | Appellant |

### **FOR THE LOCAL PLANNING AUTHORITY:**

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|----------------|-----------------------------------------|
| Melanie Beech  | Case Officer, Chiltern District Council |
| Jill Scrivener | Bourne Rural                            |

## **DOCUMENTS SUBMITTED AT THE HEARING**

- 1 Copy of decision notice and plans for CH/2016/0946/FA. Submitted on behalf of the appellant.
- 2 Drawing No CC-EW-6.1
- 3 Drawing No CC-EW-5.1