
Appeal Decision

Site visit made on 28 March 2017

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

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

Decision date: 12th April 2017.

Appeal Ref: APP/X0415/W/16/3165674

Burtens Wood, Dibden Hill, Chalfont St Giles HP8 4RD.

- 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 David White against the decision of Chiltern District Council.
 - The application Ref CH/2016/1036/FA, dated 1 June 2016, was refused by notice dated 26 October 2016.
 - The development proposed is described as "redevelopment of site to provide four detached chalet style dwellings".
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr David White against Chiltern District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - The effect on the openness of the Green Belt;
 - Whether the development would result in the loss of a valuable employment site;
 - The effect of the development on the character and appearance of the area;
 - Whether the site is suitable for residential development, having regard to access to services;
 - If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstance required to justify the proposal.

Reasons

4. The appeal site comprises several parcels of land and buildings, which are in use for a variety of commercial activities including steel fabrication and the storage and processing of wood. Other buildings/structures include a mobile home, portacabins, transport lorries, storage containers and skips. There is also a large area of hardstanding partly surrounded by fencing. Despite the
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commercial use, the Council advises that the site is, in part, designated in land use terms as agriculture. It is located within the Green Belt.

5. The main parties have agreed that the proposal would represent inappropriate development in the Green Belt, as defined in Policy GB2¹ of the Local Plan and the National Planning Policy Framework (the Framework). I concur with that position and find that the development would be inappropriate development which is, by definition, harmful to the Green Belt.

Effect on openness

6. The development would involve the demolition of all of the former farm buildings and fencing, and the clearance of the temporary buildings and structures. This would be replaced with four relatively large detached houses with gardens, and an associated access drive. The development would inevitably adversely affect the openness of the Green Belt as it would amount to permanent buildings and associated development. However, the harm resulting from the loss of openness would be limited as the development would replace numerous existing buildings and structures, and the open storage would cease.

Loss of Employment Site

7. The Council cites policies CS16 of the Core Strategy² and Policy GB22A of the Local Plan in the second reason for refusal. Policy CS16 seeks to secure the long-term retention of a portfolio of employment sites and premises within the District which are attractive to the market and which will provide a range of jobs to meet local needs. The policy makes no reference to employment sites in the Green Belt, which are dealt with under Policy GB22A.
8. Policy GB22A is a restrictive policy that seeks to protect existing employment sites in the Green Belt from changes of use. However, the policy is not entirely consistent with the exceptions set out in the Framework. The Framework states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. Consequently, I give Policy GB22A limited weight.
9. I have also considered the development against the Framework, which advises that significant weight should be placed on the need to support economic growth through the planning system. The Framework further states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.
10. The appellant refers to the Council's Employment Land Needs Assessment,³ which concerns the Districts' employment land requirements to 2026. This did not consider the appeal site as part of its assessment of employment sites. The appellant considers that, if the criteria used in the assessment to identify the most important sites were applied to the appeal site it would have been categorised as "least important," at best. It is difficult to successfully apply the criteria of the assessment retrospectively and in isolation. Moreover, the

¹ Chiltern District Local Plan, adopted 1 September 1997 (including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011

² Core Strategy for Chiltern District, adopted November 2011

³ Chiltern District Council: Chiltern Employment Land Needs Assessment, Final Report March 2013

assessment recognises that other factors such as accessibility, proximity to labour and services, compatibility of adjoining uses and development constraints would affect the long term value of the site.

11. The appellant also refers to the Buckinghamshire Housing and Economic Development Needs Assessment,⁴ which forecasts growth in office based jobs and a decline in the industrial sectors. This is a general forecast and does not demonstrate that appeal site would not be attractive to the market.
12. Nonetheless, the site has limited accessibility, which would affect its future use. Its location within the Green Belt and the close proximity of residential development are constraints that would affect the range of employment uses and type of development that could be accommodated on the site. These constraints are sufficient to negatively impact on the use of the site for employment purposes and are likely to make the site less attractive to the market.
13. Despite the evidence advanced by the appellant, it has not been conclusively demonstrated that there is no reasonable prospect of the site being used for commercial purposes in the future. However, due to the constraints described above, I do not consider that the loss of the site would undermine the Council's economic strategy or be in conflict with the aims of the Framework. Consequently, I find that the development would not result in the loss of a valuable employment site and would not be in conflict with Policy CS16. Although the development would not comply with Policy GB22A, this policy carries limited weight.

Character and Appearance

14. The site is accessed via single track private lanes that serve a number of detached houses and farms. Beyond the application site, there is a mix of paddock and open land which gives the area a semi-rural character and appearance.
15. The development would provide four detached houses, set around a small area of open space. It would generally reflect the existing residential development in the vicinity in terms of size and scale and the respective plot sizes. The houses would be relatively large, but the design would not be out-of-character with the predominant architectural style of other houses in the area.
16. The Council is concerned that the development would be suburban. I accept that the semi-circular group of four houses would not reflect the largely linear pattern of development on Dibden Hill. However, the houses would adjoin other residential development to the north and would be seen in the context of the farm buildings to the south and east. Consequently, I do not consider that the development would have an urbanising effect and it would respect the character and appearance of the area. It would, therefore, meet the aims of Policy GC1 of the Local Plan and Policy CS20 of the Core Strategy, which seek, amongst other things, to secure high quality development that relates well to its surroundings and contributes to local distinctiveness.

⁴ Buckinghamshire Housing and Economic Development Needs Assessment Update, Report of Findings, Draft: October 2016

Access to Services

17. The first reason for refusal states that the site is not within a sustainable location. The site is on the edge of Chalfont St Giles and is within walking distance of the village, which has community facilities and services. I do not have any details of whether the village is served by public transport. Given the countryside location it is likely that future occupants would be dependent of the private car to access a wider range of facilities.
18. I saw from my site visits that the nearby village provides a small range of services including schools, places of worship, shops and public houses. Future occupants would be within a reasonable walking/cycling distance of day-to-day facilities and are likely to contribute to the vitality of the rural community. Consequently, I find that the development would not be poorly located, having regard to the principles of sustainable development as set out in the Framework and Policy CS4 of the Core Strategy.

Other considerations

19. The appellant argues that the development would be more compatible with surrounding land uses and there would be an improvement in terms of residential and visual amenity, biodiversity and wider landscape improvements. The site is, in part, previously developed land and there is some local support for the scheme. I agree that the site has a negative impact on the area in terms of character and appearance. It is also apparent that the use is in conflict with the surrounding land uses. However, these benefits are largely localised and it not clear how much conflict arose from the previous unauthorised uses of the site. I note that the restricted hours of operation for the employment uses should reasonably limit undue harm to neighbouring residents. Future uses would also be likely to have similar operating constraints imposed. Overall, I consider that these benefits carry limited weight.
20. The appellant considers there would be benefits to highway safety and amenity arising from a reduction in the use of the lanes by commercial vehicles. Also, the safer use of the bridleway, which runs close to the site, would enable greater access to the countryside. The appellant accepts that the development may not result in a reduction in vehicle movements but states that there would be a reduction in vans, trucks and commercial vehicles.
21. It appears that the businesses are in a period of transition and, at present, commercial vehicle movements are lower than expected. I accept that this could change given the commercial nature of the site but, having regard to the appellant's transport statement,⁵ it is difficult to accurately quantify this. Moreover, there would be a number of vehicle movements associated with the use of four family homes. Whilst the reduction in commercial vehicles would be an improvement in terms of highway safety, this would be offset to a certain extent by the traffic movements associated with the new houses. Therefore, I consider that the highway safety and amenity benefits carry limited weight.
22. The development would also make a small contribution to the local housing supply. Whilst there is likely to be a need for more housing in the district, it is not clear how the development would contribute to the identified local need. Consequently, the weight attached to this benefit is limited.

⁵ Transport Statement, dated May 2016

23. The appellant refers to another employment site in the Green Belt, J and L Travel Ltd,⁶ where the Council granted permission for three houses on a site used for coach and bus parking. The Council concluded the development was not inappropriate development in the Green Belt. The Council considered that the business would relocate locally as the service provided would still be necessary, so the loss of employment would be negligible.
24. Having considered the above decision, I am satisfied that there are significant differences between the appeal site and the J and L Travel Ltd site. Consequently, I give this decision limited weight.

Other Matters

25. It is argued that the Council cannot demonstrate a five-year supply of deliverable housing sites and, therefore, the housing supply policies should be considered out-of-date. However, paragraph 14 of the Framework is not triggered because the site is within the Green Belt and, therefore, development should be restricted.

Conclusion

26. The proposal would be inappropriate development and the Framework establishes that substantial weight should be given to any harm to the Green Belt. In addition, there would be a limited loss of openness. Whilst I have found there would be no other harm, this is a neutral factor which does not weigh for or against the proposal.
27. Limited weight is attached to the other considerations and these do not clearly outweigh the totality of harm. Consequently, the very special circumstances necessary to justify the development do not exist.
28. The proposal would not accord with the Framework, insofar as it seeks to protect Green Belt land, or Policy GB2 of the Local Plan.
29. For the reasons given above, the appeal is dismissed.

Debbie Moore

Inspector

⁶ Ref CH/2014/1248/OA dated 1 April 2015