
Appeal Decision

Site visit made on 21 March, 2017

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: 26th April, 2017

Appeal Ref: APP/N0410/W/16/3164949

Trenches Farm, Middle Green, Wexham, Buckinghamshire, SL3 6QQ

- 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 Arfan Butt against the decision of South Bucks District Council.
 - The application Ref: 16/01531/FUL dated 16 August, 2016, was refused by notice dated 4 November, 2016.
 - The development proposed is a replacement dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The site falls within the Green Belt, and accordingly the main issues are:
 - a) whether the development 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;
 - c) the effect of the proposal on the character and appearance of the area;
 - d) if the development would be 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 needed to justify it.

Reasons

3. The development plan for the purposes of this appeal is the South Bucks Core Strategy 2011 and the saved policies of the South Buckinghamshire Local Plan 1999 (the LP). Policy GB1 of the LP is broadly consistent with the National Planning Policy Framework (the Framework) in seeking to protect the Green Belt, but pre-dates it. The Framework is an important material consideration and where there are inconsistencies between the two, I have attached greater weight to the approach to the Green Belt set out in the Framework.
 4. The site of the former Trenches Farm farmhouse is now a vacant, secured site containing rubble, following the fire-damage and demolition of the original, two-storey dwelling. It sits within the Orchards Residential Park, which is characterised by stationary mobile homes.
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5. The appeal proposal is for a replacement for the lost house, occupying the same location on site, similar orientation, and in the form of a house of two storeys plus an additional roof storey.

Inappropriate development

6. Paragraph 89 of the Framework states that the replacement of a building in the Green Belt is not inappropriate, provided the new building is in the same use, and not materially larger than the one it replaces. It also allows for the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building.
7. Permission has previously been granted for the replacement of the fire-damaged building which was accepted to amount to very special circumstances. This permission allowed a two storey house with a gross floor space of 513.5 m² which would have been the maximum allowed floor space if the fire-damaged building had still been in place and had been extended in accordance with the development plan.
8. However, as no evidence has been put before me to indicate that this permission was implemented, and there was nothing evident on site to suggest that it had been, I consider that the appropriate test to be applied in this case is that in bullet point 4 of paragraph 89 of the Framework. The question is therefore whether the proposed building would be materially larger than the original dwelling, rather than in relation to the approved replacement for it.
9. The current proposal would provide a floor space of 543.74 m² as a result of the increased floor space within the roof. This increase would be a greater than 50% extension of the original dwelling which it would replace, and which the Council calculates to have had a floor space of about 344.62 m². This is not disputed by the appellant.
10. The increase in floor space over the original building would be exacerbated by the increased bulk of the structure at roof level. In total, therefore, the development would amount to a building which would be materially larger than the original house on the site.
11. I conclude therefore that the appeal proposal would constitute inappropriate development for the purposes of paragraph 89 of the Framework. Paragraph 87 of the Framework sets out the general presumption against inappropriate development which, it advises, is by definition harmful to the Green Belt, and should not be permitted except in very special circumstances.

Effect on openness

12. The fundamental aim of Green Belt policy set out in paragraph 79 of the Framework is to prevent urban sprawl by keeping land permanently open. As there would be a significant increase in floor space and bulk of the proposed dwelling over that it would replace, it appears to me that there would be some effect on openness, and that it would cause moderate harm.

Character and appearance

13. The appeal proposal would create what would effectively be a three storey house, characterised by a long continuous roofline with large crown roof element. It would therefore form a conspicuously bulky element in an area

characterised by extremely modest single storey mobile homes in an open, rural setting. Given the low height of the surrounding buildings the development would be likely to be visible within the area and from certain viewpoints looking into the area.

14. I conclude that the proposal would be harmful to the character and appearance of the area and would therefore conflict with the provisions of Policy GB1 and GB11 of the LP and Policy 9 of the CS in respect of the need for new development to respect the character and appearance of the area in which it is situated, including landscape character. I therefore attach moderate harm to the proposal.

Other considerations

15. The appellant has stated that the increased ridge height of the proposed building over that previously approved is needed to improve internal space and the living conditions of future occupiers. However, even without this additional space, the dwelling provided would be a substantial one. No other circumstances have been put before me to indicate why this additional space is necessary. The benefits to be gained from the appeal proposal would therefore be entirely private and I attach little weight to them.
16. In terms of whether or not this development would set an undesirable precedent, the circumstances of the case are very particular and unlikely to be replicated elsewhere. In any event, every case should be dealt with on its own merits. I do not therefore identify any additional harm arising for this reason.

Conclusion

17. Paragraph 88 of the Framework advises 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.
18. I have identified that the proposed scheme would constitute inappropriate development in the Green Belt for the purposes of the Framework. Paragraph 88 of the Framework is clear that substantial weight should be given to such harm. In addition, the proposal would harm openness and the character and appearance of the area. I have considered the grounds presented in support of the development, but together they do not outweigh the harm the scheme would cause. Consequently, the very special circumstances necessary to justify the development have not been demonstrated.
19. For the reasons given above therefore, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

S J Buckingham

INSPECTOR