

Appeal Decision

Site visit made on 24 April 2017

by J L Cheesley BA(Hons) DIPTP MRTPI

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

Decision date: 27 April 2017

Appeal Ref: APP/X0415/D/17/3170175

**Bendrose Grange, White Lion Road, Little Chalfont, Amersham,
Buckinghamshire HP7 9LJ**

- 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 Henry Durham, High Life Treehouses against the decision of Chiltern District Council.
 - The application Ref CH/2016/2160/FA was refused by notice dated 30 January 2017.
 - The development proposed is a children's play structure.
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Decision

1. The appeal is dismissed.

Main issue

2. I consider the main issue to be whether the proposal amounts to inappropriate development in the Green Belt, and if so, 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.

Reasons

3. Policy CS20 in the Core Strategy for Chiltern District (2011) seeks a high standard of design. Policy GC1 in the Chiltern District Local Plan 1997 (including adopted alterations 29 May 2001) Consolidated September 2007 & November 2011, seeks high quality design and states that proposed development should relate well to the characteristics of the site on which it is to be located.
 4. Saved Local Plan Policy GB15 permits the construction of ancillary buildings in the Green Belt within domestic curtilages provided they are small and subordinate in scale to the original dwelling. It states that such developments will be considered on their merits, rather than on specific Green Belt policy considerations.
 5. The proposed structure would be some 41 metres in length. It would comprise four decks linked by rope bridges culminating in a tree house. The overall play structure would be a significant structure in the garden which would dominate the setting of the dwelling. Thus, the structure would not be small and
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subordinate in scale to the original dwelling. From my observations, it would constitute significant built form detrimental to this rural landscape setting. Therefore, it would be contrary to Local Plan Policy GB15 in this respect and would not constitute high quality design as required in Local Plan Policy GC1 and Core Strategy Policy CS20.

6. The National Planning Policy Framework explains that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. One of the five purposes of the Green Belt is to assist in safeguarding the countryside from encroachment.
7. Local Plan Policy GB2 lists exceptions whereby development is not considered to be inappropriate development in the Green Belt. The criterion relating to outdoor recreation no longer accords with that outlined in the Framework. It is necessary to determine in accordance with the development plan unless material considerations indicate otherwise. In this particular instance, I consider the Green Belt policy including the exceptions list in the Framework, is a material consideration.
8. The construction of new buildings in the Green Belt is inappropriate unless in accordance with exceptions in the Framework. The second bullet point in paragraph 89 of the Framework states that the provision of '*appropriate facilities for . . . outdoor sport*' and '*outdoor recreation*' is not inappropriate as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
9. The proposal constitutes a children's play structure in a private garden. In my opinion, the proposal would amount to a facility for outdoor sport and recreation. Paragraph 89 also requires that such proposals are "appropriate". In this case, I do consider it appropriate for there to be a children's play structure in a private garden. It would therefore be capable in principle of meeting the exception outlined above. However it is also necessary to consider the openness of the Green Belt with respect to whether the proposal satisfies the above bullet point in the Framework.
10. Whilst the rope bridges would have an element of being open structures, in my opinion, the cumulative effect of the different elements, the cumulative length of the overall structure and the height above ground level would have significant visual impact. This would be to the detriment of the openness of the Green Belt.
11. I appreciate that the play structure would be well screened from close public view. However, view is not the same as openness. For the above reasons, I consider that the proposal would not preserve the openness of the Green Belt. Thus, as the proposal would not satisfy the requirements of the second bullet point in paragraph 89 of the Framework, I consider that it would constitute inappropriate development in the Green Belt.

Other Considerations

12. I agree that the proposal would encourage children to play outside and note that the play structure would be constructed of sustainably sourced timber. In addition, I understand that no trees would be removed and the Council's Tree and Landscape Officer has stated that any concerns about how the structures would affect the trees could be addressed by the imposition of a condition.

Given the limited scope and extent of these benefits, I afford them only modest weight in my assessment.

Conclusion

13. In reaching my conclusion, I have had regard to all matters raised. It is necessary to determine whether there are other considerations which clearly outweigh the substantial harm to the Green Belt, hereby justifying the development on the basis of very special circumstances. For the reasons stated above, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. There are no material factors that would amount to the very special circumstances needed to clearly outweigh the presumption against inappropriate development in the Green Belt.
14. For the above reasons, the proposal would be contrary to policy in the Framework; guidance on development in the Green Belt in the Residential Extensions and Householder Development Supplementary Planning Document (2013); Local Plan Policies GC1 and GB15 and Core Strategy Policy CS20. I consider these Local Plan and Core Strategy Policies and guidance to be broadly in accordance with the Framework as far as they meet the Framework's core principles and policies ; particularly with regard to the protection of the Green Belt.

J L Cheesley

INSPECTOR