
Appeal Decision

Site visit made on 21 March, 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: 2nd May, 2017

Appeal Ref: APP/N0410/W/16/3164984

Hedgerly Reservoir, Collum Green Road, Stoke Poges, SL2 3RH.

- 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 Seamus Henry against the decision of South Bucks District Council.
 - The application Ref: 16/01535/FUL dated 17 August, 2016 was refused by notice dated 20 October, 2016.
 - The development proposed is change of use of existing pump house to residential dwelling incorporating side porch, single storey rear extension, side dormer and roof alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development given in the heading above was changed from that on the application form, but this was done with the agreement of the parties. Accordingly, I have used it in this decision.
3. The appellant has submitted revised plans as part of the appeal. I have considered whether any party would be prejudiced by being deprived of the opportunity to comment on them, and as the changes proposed would materially alter the development, I conclude that they would be. I have not therefore taken these plans into account in my decision.

Main Issue

4. 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; and
 - c) 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.
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Reasons

5. 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.
6. The appeal building is a small, single storeyed, former pump house close to the south-east corner of the Hedgerley Reservoir.

Inappropriate development

7. It is agreed by the parties that the re-use of the permanently and substantially built pump house would not constitute inappropriate development in the Green Belt in relation to Paragraph 90 of the Framework. Paragraph 89 of the Framework states that the extension or alteration of a building in the Green Belt is not inappropriate development, provided it does not result in disproportionate additions over and above the size of the original building.
8. The appeal proposal would convert the building to a dwelling, extending it to a depth of nearly two metres on its eastern side, and adding a small porch. The roof would be reconfigured and a dormer added to accommodate additional floor space. An existing void underneath the building would be expanded to create a basement floor to accommodate the two bedrooms and bathrooms.
9. There is a dispute between appellant and Council as to the extent of the proposed increase in floor area. The appellant has suggested that as the basement would not be visible and there would be no above ground features, that the additional floor space it would provide need not be included in the calculation of the overall increase in size.
10. However, it seems to me that the reference to the size of the extended building in bullet point three of paragraph 89 of the Framework is not qualified in any way, including by whether the extensions are visible or not. The Council has indicated that the increase in floor space created by the cumulative impact of all the extensions would amount to an increase of 58%. There would be an accompanying increase in the bulk of the building resulting from the changed roofline and addition of basement accommodation, which would not be completely concealed, being signalled by a series of glass pavement lights and a large light well to the western side of the building. This would result in an extended building which was actually and noticeably significantly larger than the original. I conclude that this would amount to a disproportionate increase over and above the size of the modest original building.
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, which is to prevent open sprawl by keeping land permanently open.
13. The appellant indicates that the new residential curtilage would be defined by a low ditch and the existing iron railings bounding the site, while the existing hard surfaced area to the western side of the building would be utilised for access and turning and parking vehicles. The submitted plans also show a large area of patio paving to the east of the building, although the appellant has indicated a willingness to reduce this, and it is an issue which would be capable of resolving by condition. These features of the development would therefore have a limited effect in reducing openness.
14. However, although the existing permission for residential conversion of the reservoir structure suggests that the additional residential paraphernalia generated by the appeal proposal may be marginal, I consider that there would be no certainty that items such as garden furniture, washing lines or dryers, children's play equipment etc. would not appear around the dwelling. Intensification of such paraphernalia would tend to diminish the openness of the site.
15. I have had regard to the extracts from appeal decisions quoted by the Council, which, in very general way, confirm this conclusion. However I have reached my decision on the basis of the evidence before me.
16. The presence of accommodation in the basement area would be signalled by the pavement lights and light well, particularly when illuminated at night. The size of the extended building and its domestic nature would as a result be apparent. It would therefore, while increasing the density of built structures on site, also introduce an obviously intensified domestication. It would, along with any domestic paraphernalia that might occur, have a visual effect in reducing the sense of openness and an effect on the open character of the site by changing its use. It appears to me that this would have a moderately harmful effect.

Other considerations

17. 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

18. Paragraph 88 of the Framework advises that 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.
19. I have concluded that the proposal would be inappropriate development, and would therefore, by definition, be harmful to the Green Belt. I have also concluded that the proposal would cause moderate harm to the openness of the Green Belt.

20. The appellant has drawn my attention to the presumption in favour of sustainable development in the Framework, and the need, set out in paragraph 49 to have regard to this in considering applications for housing. The creation of an additional dwelling would in this context constitute a benefit, but it would be a small one. No evidence has been put before me to indicate that there is an under supply of housing in the district, but even if there were, Government's Planning Practice Guidance states that 'Unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the Green Belt'¹.
21. The substantial weight given to the harm arising from inappropriate development and the other harm I have identified are not therefore clearly outweighed by other considerations. Consequently, I find that the very special circumstances necessary to justify the development do not therefore exist.

Conclusion

22. 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

¹ (ref ID 3-034-02014006)