

Appeal Decision

Site visit made on 16 May 2017

by Colin Cresswell BSc (Hons) MA MBA MRTPI

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

Decision date: 05 June 2017

Appeal Ref: APP/N0410/W/17/3169955

Land south of Rowley Lane, Wexham, Buckinghamshire SL3 6PD

- 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 Terry Daniel against the decision of South Bucks District Council.
 - The application Ref 16/01262/FUL, dated 5 July 2016, was refused by notice dated 24 August 2016.
 - The development proposed is described as "residential development consisting of two dwellings with associated access and landscaping, following demolition of existing buildings associated with the livery and storage uses on site".
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Decision

1. The appeal is allowed planning permission is granted for a development described as "residential development consisting of two dwellings with associated access and landscaping, following demolition of existing buildings associated with the livery and storage uses on site" at Land south of Rowley Lane, Wexham, Buckinghamshire SL3 6PD in accordance with the terms of the application, Ref 16/01262/FUL, dated 5 July 2016, subject to the Schedule of conditions at the end of this Decision.

Main Issues

2. The main issues in this case are:
 - whether the proposal is inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and any other relevant development plan policies.
 - the effect of the proposal on the character and appearance of the area.

Reasons

Whether inappropriate development

3. The appeal site is situated within the Green Belt and comprises a number of vacant buildings which were previously used for an equestrian business as well as for storage. It is proposed to remove the existing buildings and construct two dwellings in their place. The site adjoins another group of small buildings which appear to be part of the same complex but fall outside the boundaries of the appeal site. Although relatively near existing housing in Wexham Street and Rowley Lane, the site is surrounded by open fields on three sides and is accessed by a track which crosses one of these fields. This track would be widened as part of the proposed development.
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4. The Framework makes it clear that the Government attaches great importance to the protection of Green Belts and substantial weight must be given to any development which harms them. As such, paragraph 89 advises that the construction of new buildings in the Green Belt should be regarded as inappropriate, with a limited number of exceptions. One of the exceptions listed in paragraph 89 is set out in the 6th bullet point, which states that; *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*
5. Policy GB1 of the South Bucks District Local Plan 1999 takes a broadly similar approach insofar as it only allows limited forms of development to take place within the Green Belt. However, as this policy is somewhat dated and is not entirely consistent with all aspects of the Framework, I do not give it a great deal of weight in this appeal.
6. With regard to the 6th bullet point of paragraph 89, both parties accept that the site is previously developed and the proposal would not result in any loss of openness. However, the Council argue that the proposal would have a greater impact on the purposes of including land within the Green Belt and would therefore not meet all of the conditions of the 6th bullet point. According to paragraph 80 of the Framework, the Green Belt serves five purposes. This includes the purpose of assisting in safeguarding the countryside from encroachment, which the Council draw particular attention to.
7. The appeal site is situated outside the main built form of a settlement and is mostly surrounded by open fields which adjoin other fields and undeveloped land. I therefore consider the site to be situated within the countryside even though it is previously developed. The main consideration is whether the proposal would result in further encroachment of the countryside. Although the Council argue that the proposal would undermine the character and appearance of the countryside by domesticating the site, this is a separate issue which I deal with later in my decision. In terms of safeguarding the countryside from encroachment, I am mindful that the Framework states that the essential characteristics of Green Belts are their openness and permanence.
8. The proposed dwellings would be confined to parts of the site which are already occupied by buildings or hardstanding. Furthermore, the residential curtilages of each dwelling would respect existing boundaries and would not extend into the adjacent paddocks. Although the Council express concern at the potential for domestic paraphernalia within the site, I consider that there would be potential for a similar quantity of paraphernalia associated with the approved equestrian and storage uses. While I have not been provided with many details of the former business uses, it is reasonable to assume that this may include outdoor storage of feed and equipment necessary in the keeping of horses. Similarly, the widening of the existing access road would have no greater effect on the openness of the Green Belt even though it would inevitably have visual implications. For these reasons, I therefore consider that the proposed development would not undermine the purpose of safeguarding the countryside from encroachment. The openness and permanence of the Green Belt would be maintained.

9. For similar reasons, I do not consider that the proposed development would conflict with the purpose of the Green Belt to check the unrestricted sprawl of large built-up areas, nor the purpose of preventing neighbouring towns from merging into one another. The Council do not allege conflict with any of the other purposes of Green Belts and I concur. This leads me to conclude that the proposal would be an exception to inappropriate development in accordance with the 6th bullet point of paragraph 89 of the Framework.
10. My attention has been drawn to various appeal decisions which concern proposals for development elsewhere within the Green Belt. Although I have not been provided with the full details of each case, I note that in the appeals at Fulmerfields¹ and Cherry Tree Cottage², the Inspectors found that the proposals would have resulted in a loss of openness. In both appeals, it is clear that this was a factor which led the Inspectors to find harm to the purposes of including land within the Green Belt. While the Inspector in the appeal at Fulmerfields found that the introduction of domestic paraphernalia would result in a loss of openness, I have also been referred to an appeal at Chalfont St Peter³ where it was determined that domestic paraphernalia would not affect openness. The circumstances of each site and proposal vary and I have determined the current appeal on its own merits.
11. I have also had regard to an appeal decision at Iver⁴ where the Inspector found that the proposed replacement of equestrian buildings with a dwelling would constitute inappropriate development even though there would have been no loss of openness. However, the Inspector in that case concluded that the proposal would be inappropriate on the basis that it would not constitute an exception under the 4th bullet point of paragraph 89; *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces*. The current proposal is not being advocated on the basis that it would be a replacement building and the Council's objection mainly concerns the 6th bullet point of paragraph 89. Hence the circumstances of the current appeal are materially different. I also note that in the Iver appeal the visual impact of the development is considered by the Inspector under the separate issue of character and appearance.
12. I therefore conclude on this issue that the proposal would not be inappropriate development.

Character and appearance

13. Although the appeal site is surrounded by open fields on three sides, it already contains a number of buildings. The proposed dwellings would be low profile structures with flat roofs which would not increase the quantum of built development within the site. As such, they would not appear substantially more prominent than the existing buildings when seen from the surrounding area. Whilst the access road would be widened, the visual impact of this would be relatively minor in the context of the surroundings and would not have an urbanising effect on the fields over which it would pass. The areas of paddock would remain and the bridleways which interested parties refer to would be unaffected. Rural character would therefore be maintained.

¹ Appeal Decision: APP/N0410/W/16/3150192

² Appeal Decision: APP/N0410/W/16/3147824

³ Appeal Decision: APP/X0415/W/16/3156951

⁴ Appeal Decision: APP/N0410/W/15/3022066

14. I accept that the site would assume a domestic appearance as a result of the proposed development. Although this would be in contrast to the existing equestrian buildings, it would not undermine the character of the countryside in this location as it would not be a visually prominent development. Whilst the proposal is likely to result in vehicles being parked on the site, this would also be the case with the approved activities associated with equestrian and storage uses. The potential for domestic paraphernalia to be visually intrusive is somewhat limited by the modest size of the proposed gardens which would not extend far from the dwellings.
15. I therefore conclude on this issue that the proposal would have an acceptable effect on the character and appearance of the area.

Other matters

16. Interested parties raise concern that the proposed dwellings would not benefit from safe access. However, the Highway Authority has considered the scheme and raises no objection. I have little reason to disagree with this technical assessment. Although it is suggested that the widened access road would result in damage to neighbouring property, there is limited evidence before me to confirm that this would necessarily be the case. Allegations of damage in the future would be a private matter between the relevant parties.
17. It is argued that granting planning permission would set a precedent for other development within the Green Belt. However, the circumstances of each site and proposal vary. Differing circumstances and the potential for cumulative harm would represent matters to be considered were other similar proposals to be advanced. I am therefore confident that the Council would be able to successfully resist any development which was found to result in harm.

Conclusion and Conditions

18. For the above reasons, and having regard to all other matters raised, I therefore conclude that the appeal should be allowed.
19. In the interests of certainty a condition requiring compliance with the approved plans has been imposed, together with the standard time limit condition. In the interests of highway safety, there are also conditions requiring that access and parking arrangements are in place before the proposed dwellings are occupied. A similar condition requires refuse and recycling arrangements to be put in place. To protect the character and appearance of the area there is a condition requiring samples of external materials together with further details of landscaping. There is also a condition removing permitted development rights to limit future extension of the dwellings. This is justified on the basis of the Green Belt location. I note the appellant's comments with regard to this condition but the wording would not prevent any subsequent planning applications from being considered on their own merits.

Colin Cresswell

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 2965-01B, 1965-SITE-01C, 2965-5-02A, 1965-SITE-02C, 2965-5-03A, 2965-5-06, 1965-5-07A, 2965-5-08A, 1965-5-11A, 1965-5-12A, 021015/b1-3-9-12, 021015/b2-5-7-14, 021015/b4-6-8-10, 021015/b11-13-15-16, 2965-SK1 Rev A.
3. No development shall take place until samples and/or a schedule of materials to be used in the elevations of the development hereby permitted have been submitted to and approved by the Local Planning Authority in writing. Thereafter the development shall be carried out in accordance with the approved details.
4. Prior to the commencement of the development hereby permitted samples and/or a specification of all finishing materials to be used in any hard surfacing of the application site shall be submitted to and approved by the Local Planning Authority in writing. Thereafter the development shall be constructed using the approved materials.
5. Notwithstanding any indications illustrated on drawings already submitted, no development shall take place until there has been submitted to and approved by the Local Planning Authority in writing a scheme of landscaping which shall include indications of all existing trees, shrubs and hedgerows on the site and details, including crown spreads, of those to be retained. None of the trees, shrubs or hedgerows shown for retention shall be removed or felled, lopped or topped within a period of five years from the date of this permission, without the prior written permission of the Local Planning Authority.
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the development hereby permitted or the substantial completion of the development, whichever is the sooner. Any trees, hedgerows or shrubs forming part of the approved landscaping scheme which within a period of five years from the occupation or substantial completion of the development, whichever is the later, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
7. Notwithstanding the provisions of Article 3 and Classes A, B & E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification) , no enlargement, improvement or other alteration (including the erection of a garage, stable, loosebox or coach-house within the curtilage) of or to the dwellinghouses the subject of this permission, shall be carried out nor shall any building or enclosure required for a purpose incidental to the enjoyment of any said dwellinghouse as such be constructed or placed on any part of the land covered by this permission.
8. No other part of the development shall be occupied until the existing means of access has been altered in accordance with the approved drawing and

constructed in accordance with Buckinghamshire County Council's guide note "Private Vehicular Access within Highway Limits" 2013.

9. No other part of the development shall begin until visibility splays have been provided on both sides of the access between a point 2.4 metres along the centre line of the access measured from the edge of the carriageway and a point 43 metres along the edge of the carriageway measured from the intersection of the centre line of the access. The area contained within the splays shall be kept free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.
10. The scheme for parking, garaging and manoeuvring indicated on the submitted plans shall be laid out prior to the initial occupation of the development hereby permitted and that area shall not thereafter be used for any other purpose.
11. Notwithstanding any indications on any of the drawings hereby approved, prior to the commencement of any development, details shall be submitted and approved in writing by the Local Planning Authority of a scheme for the provision of refuse and recycling storage in accordance with the Council's requirements and such approved scheme shall be implemented prior to the initial occupation of any of the dwellings hereby approved and shall thereafter be maintained.