

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: 07 June 2017

Appeal Ref: APP/N0410/W/16/3165493

Land Adjacent to Brick House, Brickfield Lane, Burnham SL1 8LF

- 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 Charlesgate Homes Limited against the decision of South Bucks District Council.
 - The application Ref 16/01559/FUL, dated 22 August 2016, was refused by notice dated 14 November 2016.
 - The development proposed is demolition of existing stable blocks and replace with a new custom build dwelling with associated garage block and stables.
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Decision

1. The appeal is dismissed.

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 on the openness of the Green Belt.
 - the effect on the character and appearance of the area.
 - if the development is 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 necessary to justify the development.

Reasons

Whether inappropriate

3. The appeal site is within the Green Belt and contains single storey buildings which are used for stables and storage purposes. It is proposed to demolish the existing buildings and construct a two storey dwelling on the site, together with a separate garage and stable block. The site is accessed from Brickfield Lane and includes a paddock which is used for keeping horses.
 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. Consequently, paragraph 89 advises that the
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construction of new buildings in the Green Belt should be regarded as inappropriate, with a limited number of exceptions. Policy GB1 of the South Bucks District Local Plan 1999 (the Local Plan) takes a similar approach insofar as it only allows certain forms of development to take place within the Green Belt. However, as this policy is rather dated and is not entirely consistent with the Framework, I do not give it a great deal of weight in this appeal.

5. The exceptions to inappropriate development set out in paragraph 89 of the Framework include buildings for agriculture and forestry, the provision of facilities for outdoor sport and the extension or alteration of buildings. None of these directly apply to the circumstances of the current proposal. Although limited infilling in villages is permitted, the appeal site is outside the main built up area of Burnham and so is not within a village. Nor is it proposed to build affordable housing for community needs. Another exception relates to replacement buildings, but this is provided the new building is in the same use and not larger than the one it replaces, which is not the case here.
6. It therefore seems to me that the most relevant exception to inappropriate development listed in paragraph 89 is set out in the 6th bullet point which refers to *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*. Both parties agree that the site is previously developed land. However, in order to meet the terms of this exception it is also necessary to demonstrate that there is no greater impact on openness and the purpose of including land within the Green Belt.
7. The appellant argues that the footprint of the new development would not be much larger than what exists at present and would be mostly confined to parts of the site that already contain hardstanding or buildings. However, the proposed dwelling would be two storeys in height, featuring a hipped roof with dormer windows. As such, it would be markedly taller and bulkier than the existing buildings, which are modest single storey structures with flat roofs. The resultant increase in volume would clearly have a greater impact on openness than the existing buildings. While the appellant argues that the development would not be easily seen from public vantage points, the openness of the Green Belt has spatial as well as visual aspects.
8. According to paragraph 80 of the Framework, the Green Belt serves five purposes. This includes the purpose *to assist in safeguarding the countryside from encroachment*. Although the appeal site is close to a small group of dwellings on Brickfield Lane, it is nonetheless outside the built up area of Burnham in surroundings which are otherwise dominated by open fields and agricultural land. As such, I consider the site to be located within the countryside. Whilst I recognise that the proposed development would not extend far beyond the confines of the existing buildings or hardstanding, the increase in the volume of built development in this location would nonetheless represent encroachment of the countryside.
9. The appellant argues that the proposal would be compatible with another purpose of the Green Belt *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land*. However, although the appeal site is

previously developed it is not urban in nature. As such, the proposed development would not contribute to this purpose.

10. This leads me to determine that the proposal would not meet any of the exceptions to inappropriate development listed in paragraph 89 of the Framework. Nor would it meet any of the exceptions listed in paragraph 90 which includes mineral extraction, engineering operations, transport infrastructure, reuse of buildings and development brought forward under a Community Right to Build Order. I therefore conclude on this issue that the proposal is inappropriate development in the Green Belt which, according to the Framework, is harmful by definition. The Framework advises that substantial weight must be given to this harm.

Any other harm

Effect on openness

11. I have found in my reasoning above that the proposal would result in some loss of openness as the overall mass of built development would exceed that of the existing buildings which currently occupy the site. I consider this would result in a moderate level of harm to openness.

Effect on character and appearance

12. Together with the open paddock, the existing stables and modest storage units give the site a distinctly rural appearance. I accept that the existing buildings are in a poor condition and the proposed development would help to tidy the site. However, the proposal would introduce additional development and would change the character of the site so that it assumed more domestic appearance. Its rural characteristics would therefore be somewhat eroded.
13. I accept the appellant's point that the development would not be conspicuous from many public viewpoints. The open paddock which the dwelling would face is not part of the public domain and there is a good level of screening around most other parts of the site. I also accept that the development would not extend any further into the open countryside to the east than the neighbouring properties. However, the new development, including with the widened access drive, would be visible from outside the site along Brickfield Lane. Although it would not be an especially prominent feature, the development would nonetheless represent further urbanisation of a street scene which is characterised by its rural appearance. It would therefore cause incremental harm to the character and appearance of the countryside in this location, to which I assign a moderate degree of weight in this appeal. There would be conflict with Policy EP3 of the Local Plan in this respect.

Other matters

14. I have considered the Council's argument that granting planning permission would set a precedent for similar developments. However, each application and appeal must be determined on its individual merits and a generalised fear of harm is not, in itself, a reason to withhold planning permission. I therefore give this matter little weight in this appeal.

Whether very special circumstances exist

15. For the proposal to be acceptable, other considerations weighing in favour of the development must clearly outweigh the harm that I have identified above. The appellant argues that the proposal would provide a custom-build property and has provided a unilateral undertaking to secure the site for this purpose. Reference is made to the Housing White Paper¹ and Self-Build and Custom Housebuilding Act 2015, which promote opportunities for such development and I have had regard to these documents.
16. The appellant argues the Local Plan is out of date and does not make provision for custom-build homes. Paragraph 14 of the Framework states that there is a presumption in favour of sustainable development and indicates that when development plan policies are out-of-date, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. However, it is also made clear that planning permission should not necessarily be granted where specific policies in the Framework indicate development should be restricted and, according to footnote 9, this includes land designated as Green Belt. Both the Framework and the more recent Housing White Paper make it clear that the protection of Green Belts is of great importance to the Government.
17. I recognise that that the appeal proposal would contribute to housing supply by providing a custom-build property on a small, previously developed site. However, given that the site would only accommodate a single dwelling I only give these benefits moderate weight. Consequently, these benefits are not sufficient to outweigh the substantial harm caused by inappropriate development within the Green Belt (added to which is the moderate harm to openness and character and appearance that would arise). Therefore, the harm I have identified is not clearly outweighed by other considerations sufficient to demonstrate very special circumstances.

Conclusion

18. For the above reasons, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Colin Cresswell

INSPECTOR

¹ *Fixing Our Broken Housing Market*, Department of Communities and Local Government, February 2017