

Appeal Decision

Site visit made on 23 May 2017

by Stephen Hawkins MA MRTPI

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

Decision date: 9 June 2017

Appeal Ref: APP/N0410/W/17/3166464

Tara Stud, Colley Hill Lane, Hedgerley SL2 4AT

- 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 and Mrs Grundon against the decision of South Bucks District Council.
 - The application Ref 16/00870/FUL, dated 27 April 2016, was refused by notice dated 5 July 2016.
 - The development proposed is a replacement dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - Whether the proposal would amount to inappropriate development in the Green Belt.
 - The effect of the proposal on the openness and purposes of the Green Belt.
 - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, whether this would amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

3. The appeal site consists of a modest single storey dwelling, the adjacent detached outbuildings and associated grounds. The dwelling forms part of a large country estate. Whilst there are stables nearby, the site is located away from any larger group of buildings, in undulating open countryside interspersed by tracts of woodland. It is outside of any recognised settlement.
 4. The site is within the Metropolitan Green Belt. Paragraph 89 of the National Planning Policy Framework (the Framework) advises that, apart from a limited list of exceptions, the construction of a new building would be inappropriate in the Green Belt. The construction of a replacement dwelling would fall within one of the exceptions, provided it would not be materially larger than the one to be replaced.
-

5. Saved Policy GB11 of the adopted South Bucks District Local Plan (LP) restricts the rebuilding of habitable dwellings in the Green Belt, other than in specified circumstances. The policy allows for theoretical future extensions to an existing dwelling to be included in assessing its size vis-à-vis a proposed replacement. The Council say that this would allow for a replacement dwelling up to 50% larger than the original structure. However, the exception in paragraph 89 of the Framework is limited to existing buildings. Therefore, the above policy is inconsistent with the Framework. Consequently, I intend to give more weight to the Framework. As accordance with saved Policy GB11 is necessary in order to accord with saved Policy GB1, I also intend to afford more weight to the Framework in that respect.
6. The proposed dwelling would be sited towards the east end of the site, in a similar position to the existing dwelling and outbuildings. According to the Council, the existing dwelling plus an existing outbuilding provides an overall floor area of around 108 square metres. The overall height of both buildings is around 3 metres. The appellant suggests that the new dwelling would have a floor area of around 200 square metres, although the Council put this figure higher at around 234 square metres. The eaves height of the new dwelling would be slightly higher than that of the existing buildings. Although the ridge height would vary slightly due to the new dwelling being slightly set into rising ground, its overall height would be 5.8 metres.
7. Therefore, the new dwelling would be around 2.8 metres higher than the existing buildings and its floor area would be around double the size. I have not been provided with any details of the volume of the new dwelling in comparison with the existing buildings. Even so, on the basis of its substantially enlarged floor area and increased height, the overall size and bulk of the new dwelling is likely to be considerably in excess of that of the existing dwelling and adjacent outbuilding.
8. As a result, I find that the new dwelling would be materially larger than the existing dwelling. It would therefore fall outside of the list of exceptions in paragraph 89 of the Framework and would be inappropriate development in the Green Belt. At paragraph 87, the Framework states that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances.

Effect on openness and purposes

9. Paragraph 79 of the Framework advises that openness is an essential characteristic of the Green Belt. The new dwelling would have a much larger footprint than the existing structures. It would also have a significantly increased height and a more substantial overall scale and bulk. This would all give the new dwelling a substantially increased visual presence in its surroundings compared with the existing buildings. Additionally, in the absence of any garaging, vehicles would be parked externally, often for significant periods. All of these matters would cause a significant degree of harm to the openness of the Green Belt.
10. I understand that the majority of the Council's administrative area is in the Metropolitan Green Belt. The repetition of new dwellings materially larger than those they replaced would be cumulatively harmful to the Green Belt, as it would undermine Green Belt openness and would conflict with one of the purposes of the Green Belt in the Framework at paragraph 80, of assisting in

safeguarding the countryside from encroachment. Each case should be considered on its individual planning merits. Therefore, outwardly similar proposals may not always receive the same decision as individual circumstances can vary between different sites. Nevertheless, it is also important that the planning system provides certainty by ensuring that similar proposals are determined in a consistent manner. Therefore, I afford some weight to the harm to Green Belt openness and purposes that would be caused by the cumulative effect of similar proposals.

Other considerations

11. In October 2014, the Council issued a Certificate of Lawful Proposed Development (CLPD) concerning the erection of side and rear extensions to the existing dwelling¹. According to the Council, the extensions would have a floor area of 75 square metres. I also note that another CLPD was issued by the Council during 2016 for a detached garage and an area of hardstanding². Whilst the garage has since been erected, the dwelling has not been extended to date.
12. The CLPD extensions are capable of being implemented. In this 'fallback' position, the cumulative floorspace of the buildings on the site would be around 200 square metres. This is substantially in excess of the floorspace of the existing dwelling. The new dwelling would have a comparable floor area to the extended dwelling, outbuilding and garage. However, it would have a more compact footprint by being arranged over two levels. Its footprint would be about a third smaller than that of the existing building. There would also be a reduction in hardstanding, although this has not been quantified. The reduction in the built footprint and hardstanding would increase the area of undeveloped land in the Green Belt.
13. However, Green Belt openness is not determined solely by the footprint of buildings. The CLPD extensions have a similar eaves and ridge height to the existing dwelling. Therefore, the extensions would not have a similar or greater visual impact on their surroundings when compared with the overall height, bulk and visual presence of the new dwelling. Consequently, any harm to Green Belt openness caused by the CLPD extensions would be significantly less than that caused by the new dwelling. Accordingly, the 'fallback' position of the CLPD extensions would not outweigh the harm identified above.
14. In any event, I am aware that the appellant has subsequently obtained planning permission for a replacement dwelling of a materially different design including a subterranean level at the site³. Therefore, if this appeal were to be dismissed the appellant could build out the approved scheme. Accordingly, the ability to implement that planning permission casts some doubt on whether it is reasonably likely that the CLPD extensions would actually be built.
15. The new dwelling has been designed to minimise its overall height whilst providing accommodation in the roof and it would provide updated accommodation compared with the existing dwelling. It would be open to limited public views in the immediate surroundings and the wider landscape. However, these factors would not justify the harm identified above.

¹ Council Reference 14/01860/CLOPED.

² Council Reference 16/00192/CLOPED.

³ Council reference 16/02019/FUL.

16. The Council did not object to the proposal on grounds of the effect on the character and appearance of the area, the living conditions of adjoining residential properties or highway safety and I have found no reasons to disagree with their assessment. However, these are neutral factors and do not weigh in favour of the proposal.

Planning Balance

17. The proposal would be inappropriate development in the Green Belt, it would harm Green Belt openness and undermine one of its purposes. The other considerations do not outweigh the totality of the harm to the Green Belt. As a result, very special circumstances do not exist in this case.
18. It follows that the proposal would therefore be inconsistent with the Framework. Although I have not afforded them full weight, it would also fail to accord with saved LP Policies GB1 and GB11.

Conclusions

19. The proposal would be inconsistent with the Framework and it would not accord with the Development Plan.
20. For the reasons given above I conclude that the appeal should be dismissed.

Stephen Hawkins

INSPECTOR