
Appeal Decision

Site visit made on 27 June 2017

by Amanda Blicq BSc (Hons) MA CMLI

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

Decision date: 11 July 2017

Appeal Ref: APP/X0415/W/16/3166119

Homestead, Burtons Lane, Little Chalfont, Buckinghamshire HP8 4BL

- 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 Michael Smyth against the decision of Chiltern District Council.
 - The application Ref CH/2016/1984/FA, dated 21 October 2016, was refused by notice dated 19 December 2016.
 - The development proposed is demolition of existing barn, removal of concrete hardstanding and tennis court, and erection of two dwellings and conversion of outbuilding to garages and storage.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's decision notice refers to the urbanising effect of the development on the Green Belt, which would be at odds with the site's rural character. As such, I have considered it appropriate to include the effect of the development on the character and appearance of the Green Belt as a main issue.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the development on the character and appearance of the Green Belt;
 - whether the proposal would lead to an increased demand for on-street parking in the area, and if so, whether it would adversely affect highway safety;
 - the living conditions of future occupiers of the neighbouring barn, with particular regard to light; and,
 - whether the harm, by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If it is, would this

amount to the very special circumstances necessary to justify the proposal.

Reasons

Existing Site

4. The appeal site is situated within a cluster of buildings to the east of the Homestead, a substantial detached dwelling built in a mid C20 style and within the Metropolitan Green Belt. The dwelling and its associated outbuildings are on elevated land which abuts rolling grassland. Buildings in the immediate vicinity of the dwelling include single storey pitched roof outbuildings and a line of former stables. Although clearly ancillary and subservient to the dwelling, the pitched roof outbuildings have detailing which is reflective of the dwelling. However, further to the east, the buildings are more utilitarian and have a distinct agricultural character. The appeal site includes outbuildings and adjacent areas of hardstanding including a tennis court and vehicular hardstanding.
5. The development would require the demolition of one agricultural building (Building 1) and the partial demolition of another (Building 4). Two two-storey, but partly subterranean dwellings would be located partly on Building 1's footprint and partly on an existing gap between Building 1 and a barn to its east. Parking bays would be created in retained outbuildings as well as on the site of the partly demolished Building 4.

Inappropriate development

6. National policy on Green Belt development is set out in the National Planning Policy Framework (the Framework) and Paragraph 79 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraphs 87, 89 and 90 should all be read together and consequently, development in the Green Belt is inappropriate (and only permissible under very special circumstances) unless it falls within the closed lists of exceptions set out in Paragraphs 89 and 90. Policy GB2 of the Local Plan¹ (LP) also contains a closed list of exceptions which is broadly similar to that given in the Framework.
7. It is not disputed that the proposed development does not fall within any of these exceptions and on the basis of the evidence before me I see no reason to disagree. I therefore conclude that the proposals amount to inappropriate development in the Green Belt, which is by definition harmful. It is therefore necessary for me to consider whether any other harm would be caused by the proposal, and then balance other considerations against the totality of that harm.

Openness

8. Openness in the Green Belt is generally considered to mean freedom from development and buildings. The appellant argues that the site is not an open green field. However, Green Belt policy is not confined to open areas and the fact that the site contains agricultural buildings does not diminish the weight given to its Green Belt designation.

¹ Chiltern District Council, Local Plan, adopted September 1997, consolidated September 2007 and November 2011

9. I concur that the two dwellings proposed would have the same above ground volume as the demolished buildings. However, the spread of development on the southern edge of the site would be extended. Building 1 is attached to an existing outbuilding on one side and has a gap of some 10 metres to the nearest barn on the other. The development would position the two dwellings between the retained outbuilding and barn. This would fill in the gap and block the view through to Building 3, to the north of the site, leading to a loss of openness compared to the current situation.
10. The appellant argues that the dwellings would have a reduced footprint compared to the existing development. Having reviewed the site layout plan, I am not satisfied that this is the case. If the excavated lightwells are discounted, the footprint of the dwellings would appear to be either the same or slightly greater than that of the demolished buildings. Notwithstanding that the lightwells would be built within the envelope of previously developed land, they and their associated safety fencing, would visibly extend built form on the site to some 6 metres to the south of Building 1's footprint. As such I conclude that there would be some moderate loss of openness to the Green Belt arising from the spread of development.

Character and appearance

11. I disagree with the appellant that the development's design is well considered. The dwellings would have modern styling, with gable features and floor to ceiling windows on their southern elevations. In detailing and proportion they would appear alien against the utilitarian and rural character of adjacent agricultural buildings. Furthermore, their ridgelines would be as high as that of Building 1, and consequently they would appear no more subservient in relation to the existing buildings than the current situation. The dwellings would also be prominent on the elevated land next to the field and the juxtaposition of residential and urban styling immediately adjacent to agricultural barns and expansive grassland and woodland, would appear incongruous and unreflective of its context.
12. I appreciate that there is a redundant tennis court on the southern portion of the appeal site. However, this has a limited effect on the character of the area as there are no above ground structures and it appears to have been unused and unmaintained for some time. The encroachment of garden planting and domestic paraphernalia onto this area would have an urbanising effect.
13. In the light of the above, the development would have an urbanising effect and encroach into this rural environment, which would be detrimental to the character of the area and the Green Belt in particular. This would be contrary to the design aims of LP Policy GC1 which expect development to relate well to the characteristics of its site and Policy CS20 of the Core Strategy² (CS). This states that new development will reflect and respect the character of the surrounding area and those features which contribute to local distinctiveness.

Living conditions

14. There is a prior approval for a change of use for the barn to the immediate east of the appeal site. The internal layout plans for this conversion indicate that there would be windows serving habitable rooms on the barn's western

² Chiltern District Council, Core Strategy, adopted November 2011

elevation which would be about 1 metre from the flank wall of House 2. The appellant has stated that no properties would be sufficiently close to be affected by the development. However, if this extant permission is implemented, it is likely that there would be a significant reduction in the ingress of diffused light through the barn window. This would have a significant effect on the living conditions of future occupiers of the barn with respect to daylight.

15. Accordingly, in those circumstances, the development would be contrary to LP Policy GC2 which requires the design of development to ensure that adjoining land or buildings are protected from a significant loss of sunlight and daylight, and LP Policy GC3 which seeks to protect the amenities of occupants of adjoining and neighbouring properties.

Parking provision

16. LP Policy TR16 states that dwellings with a floor area of above 120 sqm should have three parking bays per dwelling. The proposals show two parking bays per dwelling. However, the site is some considerable way from the highway and I am not satisfied that the proposed shortfall in parking provision would cause an increased demand for on-street parking or have an adverse effect on highway safety. As such I find no conflict with LP Policy TR16.

Other considerations

17. The grant of prior approval to Building 1 for change of use from a barn to a dwelling has not afforded the appeal site the principle of residential use in relation to any building other than the conversion of Building 1. Furthermore, the appellant's statement states that the site comprises a group of agricultural buildings, which leads me to conclude that the site has an established agricultural use.
18. I appreciate that the dwellings would have one floor largely below ground but although this would reduce the proportion of each dwelling visible above ground, it does not justify the development. I also appreciate that the proposals have been amended since a previous application and appeal, but each appeal is determined on its merits.
19. The appellant argues that the development would allow the design of dwellings that reflect the character of the area generally. However, the overriding character of the area in the vicinity of the appeal site is agricultural. The imposition of dwellings with a distinct residential character would be alien in this environment. Furthermore, the aforementioned barn to the east of the appeal site would retain its fundamental agricultural scale and form if the prior approval was implemented, leading to a close and incongruous juxtaposition of urban and residential form.
20. The appellant argues that there would be a diversification of plot sizes in the area but this does not alter my reasoning. Similarly that the site cannot readily be seen from the public domain is not determinative to whether or not the development would cause harm to the Green Belt.
21. The appellant also argues that there is an existing outbuilding on the appeal site but this weighs neither for nor against the development.

22. Overall I consider none of these other considerations is sufficient to outweigh the substantial harm I have identified in the form of inappropriate development, together with the substantial harm that would be caused to openness of the Greenbelt, as well as harm to the character and appearance of the area and to the living conditions of occupiers of the barn conversion. Furthermore, the development would represent the encroachment of urban form into the countryside which Green Belt policy is designed to prevent. As such there are no very special circumstances to justify the proposal.

Planning policy and sustainable development

23. The Council does not dispute that it does not have a five year housing land supply, and consequently LP Policy GB2, which is restrictive in respect of housing supply, is out of date. However, case law³ has indicated that where policies for the supply of housing are out of date, development plan policies cannot be judged to carry no weight or be disregarded as a result. Furthermore, in other case law⁴ the courts considered that the particular purpose of the out of date policy could influence the weight to be accorded to it, for example where there are restrictive housing supply policies aimed at protecting gaps in the Green Belt. As such, given that LP Policy GB2 is largely consistent with national policy with regard to the Green Belt, I see no reason to give this policy other than substantial weight in my reasoning.
24. Furthermore, Planning Practice Guidance⁵ states that unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the very special circumstances required to justify inappropriate development.
25. I appreciate that the development would make a limited contribution to the local housing shortfall, bring limited economic benefits to the area and would also be reasonably close to local amenities. However, even if Paragraph 14 of the Framework was engaged, the adverse impacts of the development identified above would significantly and demonstrably outweigh that limited benefit when assessed against the policies in the Framework taken as a whole.

Conclusion

26. For these reasons and taking all matters into account, I conclude that the development would not comply with relevant national policies in respect of the Green Belt and the relevant policies of the Council's Local Plan and Core Strategy. The very special circumstances required to allow inappropriate development in the Green Belt do not exist, and therefore the appeal should be dismissed.

Amanda Blicq

INSPECTOR

³ Crane v Secretary of State DCLG (2015) EWHC 425 (Admin)

⁴ Suffolk Coastal District Council v Hopkins Homes Ltd (2016) EWCA Civ168

⁵ Paragraph: 034 Reference ID: 3-034-20141006