



Appeal Decision

Site visit made on 3 July 2017

by D. M. Young BSc (Hons) MA MRTPI MIHE

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

Decision date: 28 July 2017

Appeal Ref: APP/N0410/W/17/3173298

Little Place, Green Lane, Burnham SL1 8QA.

- 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 16/01313/FUL, dated 14 July 2016, was refused by notice dated 7 October 2016.
 - The development proposed is the change of use of an existing ancillary residential garage/stables to a single independent residential dwelling, including subdivision of plot.
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Decision

1. The appeal is allowed and planning permission is granted for an existing ancillary residential garage/stables to a single independent residential dwelling, including subdivision of plot at Little Place, Green Lane, Burnham SL1 8QA in accordance with the terms of the application, Ref 16/01313/FUL, dated 14 July 2016, subject to the following 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: 3025-SK1, 3025-02 Rev B and 3025-06 Rev A.
 - 3) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development falling within Classes A, B, C, D and E of Part 1 to Schedule 2 of the Order shall take place.

Main Issue

2. The appeal site is located within the Green Belt, and accordingly the main issue is whether the proposal would be inappropriate development for the purposes of the "*National Planning Policy Framework*" (the Framework).

Reasons

3. The Framework identifies the protection of the Green Belt as a core planning principle. It says one of the fundamental aims of the Green Belt is to keep land permanently open, and openness is one of its essential characteristics. Moreover, checking the unrestricted sprawl of large built-up areas and safeguarding the countryside from encroachment are among the 5 purposes it

says the Green Belt serves. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

4. In paragraph 89 it gives various exceptions where the construction of new buildings in the Green Belt would not be inappropriate, but that paragraph is not relevant in this instance as the appeal concerns a change of use. However, in paragraph 90, the Framework confirms that the re-use of buildings of a '*permanent and substantial*' construction would not be inappropriate development providing the re-use preserves the openness of the Green Belt and does not conflict with the purposes of including land in it.
5. At the local level Policy GB2 of the "*South Bucks District Local Plan 1999*" (the LP) states, amongst other things, that the re-use of buildings in the Green Belt will only be permitted provided that; they are of permanent and substantial construction; the design is in keeping with its surroundings and the proposed use including land surrounding the building does not detract from the open and undeveloped character of the Green Belt.
6. The appeal scheme seeks a change of use to an existing garage and attached stables. The Council accept that the building is of permanent and substantial construction and capable of conversion without complete or major rebuilding. It is also conceded that the conversion and small scale alterations to the appeal building would not affect the openness of the Green Belt. Having inspected the building I see no reason to take a contrary view on these matters. The crux of the matter is therefore whether the residential use of the land around the appeal building would preserve the openness of the Green Belt.
7. It is true that the development would create a dwelling with a separate garden thereby increasing housing density on the site. However, that in itself would not result in any harm to the Green Belt and therefore there would be no sensible purpose served by rejecting the proposal on that basis alone.
8. Although the appeal building is located close to Green Lane, it is well screened by a thick band of mature landscaping that extends across the site frontage. This consists of several mature oak trees and a mix of bushes many of which are evergreen. There is also an existing timber fence along the highway boundary. The overall result is that views into the site are severely restricted from public vantages. In this context it is almost inconceivable that any new boundary treatments or domestic paraphernalia would be visible outside the boundaries of the site. In any event the appellant has confirmed that the newly created boundary between the two dwellings would be demarked by soft landscaping as opposed to domestic style fences.
9. It is germane that the current use of the land around the appeal building is as residential curtilage. Accordingly, I can see no compelling reason why there would be an increase in the amount of residential paraphernalia that might be placed on the land. Indeed when I conducted my site visit I noted the presence of several every day, domestic items. However, as these are not visible outside the boundaries of the appeal site, their impact on the openness of the Green Belt is not significant.
10. I therefore conclude that the development would re-use a building of permanent and substantial construction which would preserve the openness of the Green Belt and would not conflict with the purposes of including land in it.

Consequently, the development would not be inappropriate development within the Green Belt for the purposes of the Framework (paragraph 90) and Policy GB2 of the LP. Although I have noted concerns in relation to ecology and trees, I agree with the Council's assessment that the proposal would not cause unacceptable harm in these areas.

Other Matters

11. To provide certainty I have imposed a standard time limit condition together with a condition specifying the approved plans. In the interests of protecting the openness of the Green Belt a condition restricting permitted development rights is necessary.
12. I have noted correspondence relating to visibility at the site access. However no specific concerns have been put to me by the Council. As such and given that the increase in traffic using the access would be modest, I am not persuaded a condition relating to visibility splays is necessary.
13. Finally, the Council is concerned that the development would set a precedent for similar proposals. However, each application and appeal must be determined on its individual merits and therefore a generalised concern of this nature would not justify withholding planning permission. Moreover, I have found that the appeal proposal would comply with local and national policy and that no harm would be caused to the Green Belt. In these circumstances I do not consider the granting of planning permission would prevent the Council from being able to resist other Green Belt schemes which were found to result in harm.

Conclusion

14. Based on the foregoing and taking into account all other matters, I conclude that the appeal should succeed.

D. M. Young

Inspector