



Appeal Decision

Site visit made on 27 June 2017

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

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

Decision date: 1st August 2017

Appeal Ref: APP/X0415/W/17/3173640

Land to the rear of 140 Botley Road, Chesham, Bucks HP5 1XN

- 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 & Mrs N Bradley against the decision of Chiltern District Council.
 - The application Ref CH/2017/0047/FA, dated 10 January 2017, was refused by notice dated 14 March 2017.
 - The development proposed is the erection of detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The site is within the Green Belt and so the main issues are:
 - Whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and the development plan;
 - The openness of the Green Belt;
 - The character and appearance of the area; and
 - If the proposal is inappropriate development, whether the harm caused 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 it.

Reasons

Whether inappropriate development

3. The National Planning Policy Framework (the Framework) establishes that new buildings are inappropriate in the Green Belt, unless they fall within exceptions detailed in paragraphs 89 or 90 of the Framework. One exception is the limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan. Policy GB2 of the Chiltern District Local Plan (LP) 1997 (with alterations 2001, consolidated 2007 and 2011) states most development in the Green Belt is inappropriate and there is a general presumption against such development. Under this policy, one of the exceptions is limited infilling which is reiterated under LP policy GB5.

4. There is no definition of infilling within the Framework and therefore any assessment is a matter of fact and degree. Useful local guidance is provided by LP policies GB4 and GB5. Within policy GB4, infilling is defined as the construction of one or two dwellings in a small gap in an existing row of dwellings which form an otherwise fully developed frontage to a road. In this regard, the dwelling would not be within a fully developed frontage by reason of its backland location.
5. Within policy GB5, infilling is also defined as development totally or substantially enclosed by existing development, including dwellings and not just their curtilages. Under this policy, the curtilage of each dwelling should be of a size and shape comparable to existing surrounding development and the siting of a new dwelling should be compatible with the existing character of the settlement. Here there is recent housing development behind the properties on Botley Road which the nature of the appeal plot would not be dissimilar to. However the appeal plot would relate to Botley Road frontage by reason of its location within and to the rear of No 140, together with its access off Botley Road. Dwellings along Botley Road have large spacious plots and therefore the appeal plot and resultant smaller plot of No 140 would not be comparable to existing surrounding development in size and shape.
6. In terms of character, the siting of a dwelling to the rear of 140 Botley Road would be noticeably at odds with the prevailing character and appearance of this part of Botley Road. Most dwellings are stepped back from the road with long rear gardens which gives an attractive spacious and verdant character and appearance. A dwelling known as Apple Tree has been developed within the rear garden of a Botley Road property but this is an exception to the prevailing pattern of development. Therefore the sub-division of No 140 into smaller plots would be incompatible with the character of the settlement.
7. The adverse impact on character would be noticeable by reason of its shared access with No 140 from Botley Road despite the limited public visibility of the new dwelling by reason of its backland location. Associated with the new dwelling, there would also be comings and goings of vehicles and activity on Botley Road which would draw attention to the new development. Additionally from neighbouring properties, the dwelling's adverse impact would be apparent. Landscaping would be implemented to screen the development but this would not necessarily be retained for the lifetime of the development. It is quite possible that in the future any screening would be removed or would die back as often happens to vegetation.
8. Taking all these considerations into account, the LP definition of infilling has benefit in interpreting national policy at the local level. Therefore the proposal would not amount to infilling by reason of its backland nature under the Framework or LP policies GB4 and GB5.
9. The Appellants state that the land would be given to a family member for the purposes of building a long-term home in a village close to family and relatives. However this personal need does not equate to affordable housing need in the absence of any detailed information on circumstances. Furthermore the dwelling would not be intended for occupation by others in need given the absence of any commitment to this. On this basis, the part of the Framework exception relating to affordable housing provision would not be applicable.

10. Under paragraph 89 of the Framework, another exception is the limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land). As garden land in built-up areas does not come within the definition of brownfield land, this exception would not apply. There is no reason for me to consider any other exception listed under paragraphs 89 or 90 because they are not relevant to the nature of the proposal. Furthermore no main party has drawn my attention to the applicability of any other exceptions.
11. In light of previous comments, the proposal would conflict with LP policies GB2 and GB5 because it would not fall within any of the listed exceptions to inappropriate development and would not be limited infilling. Additionally the proposal would not fall within the exceptions listed in the Framework. Accordingly, the proposal would represent inappropriate development which is by definition, harmful to the Green Belt.

Openness of the Green Belt

12. In terms of openness, this is an essential characteristic of the Green Belt which is commonly taken to mean the absence of built or otherwise urbanising form. The chalet bungalow would result in an increase in built volume on a largely undeveloped site and therefore there would be a greater impact on the openness of the Green Belt arising from the development. This would conflict with a purpose of the Green Belt under the Framework which states a fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.

Character and appearance

13. The development would harm the character and appearance of the area for the reasons previously indicated. Accordingly the proposal would conflict with policy GC1 of the LP and policy CS20 of the Core Strategy (CS) for Chiltern District 2011, which collectively and amongst other matters, requires development to be of a high standard of design, siting of new buildings to be in accordance with the siting of any existing adjoining buildings and that reflects and respects the character of the surrounding area and those features which contribute to local distinctiveness.

Other considerations

14. The dwelling would provide a residence for a family member in a location close to family and relatives, and in an area where property prices are high. However personal circumstances will seldom outweigh the more general planning considerations as works of a permanent nature will remain long after the personal circumstances have ceased to be material.
15. There would be no harm to the living conditions of neighbouring residents by reason of the loss of privacy, overshadowing or outlook. There is adequate turning space to allow vehicles to enter and leave the development in a forward gear. However these are common requirements for the acceptability of new development and as such are not benefits to be weighed into a balance.

Conclusion

16. The proposal would be inappropriate development in the Green Belt which is by definition harmful. There would also be an adverse loss in the openness of the Green Belt. The Framework establishes substantial weight should be given to

any harm to the Green Belt. Additionally, there would be harm to the character and appearance of the area. There would be benefits arising from the personal circumstances of the Appellants but these are limited. Therefore very special circumstances do not exist because the harm to the Green Belt, by reason of inappropriateness, and other harm to the character and appearance of the area, is not clearly outweighed by other considerations.

17. By reason of inappropriateness and character and appearance harms, the proposal would conflict with policies GB2, GB5 and GC1 of the LP and policy CS20 of the CS and the development plan as a whole. The proposal would be inappropriate development and harmful to the Green Belt under the Framework. The proposal should be determined in accordance with the development plan and refused as there are no other material considerations to indicate otherwise.
18. For the reasons given above and having regard to all other matters raised, including support, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR