



Appeal Decision

Site visit made on 26 June 2019

by I A Dyer BSc (Eng) MIHT

an Inspector appointed by the Secretary of State

Decision date: 26 July 2019

Appeal Ref: APP/N0410/W/18/3216740

Land at Roots Gardens, Bath Road, Taplow SL6 0NL

- 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 Frontier Estates Ltd and Care UK Community Partnerships Ltd against the decision of South Bucks District Council.
 - The application Ref 18/00507/FUL, dated 19 March 2018, was refused by notice dated 12 October 2018.
 - The development proposed is the demolition of existing structures and provision of an 82-bed care home (within class C2), with parking, access, landscaping and other associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellants have provided revised information regarding surface water management and the Council has confirmed that, having received further comments from Buckinghamshire County Council, who are the Lead Local Flood Authority (the LLFA), the concerns of the LLFA have been fully addressed, subject to attachment of conditions should the appeal be allowed and I see no reason to disagree with that assessment. Therefore, the Council has withdrawn its objection relating to the effect of the development on surface water management within the site and surrounding area.
3. The appellants have provided a Unilateral Undertaking (UU) in relation to financial contributions which they have discussed with Buckinghamshire County Council and the Clinical Commissioning Group (CCG). The Council has had the opportunity to comment upon this matter during the course of this appeal and I have taken those comments into account in coming to my decision.
4. Following the Council's determination of the application further amendments have been made to the National Planning Policy Framework (the Framework). The parties have had the opportunity to make comments on the revisions to the Framework as part of the appeal process.
5. Since the appeal was lodged the publication version of the Chiltern and South Bucks Local Plan 2016 (the emerging Local Plan) has been approved by the Council. However, the emerging Local Plan has yet to be examined and found sound and so attracts limited weight.

Main Issues

6. In light of the Council's withdrawal of its objection in regard to the effect of the development on surface water management within the site and surrounding area the main issues are: -
- Whether, or not, the proposal would be inappropriate development in the Green Belt having regard to the Framework, and the effect on the openness of the Green Belt, and:
 - If inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development

7. The appeal site is roughly triangular in shape and lies between Bath Road, Station Road and the access road to Taplow Station. The principal current use of the site is as a garden centre, although other uses are also located within the site. There are various single storey buildings within the site associated with these uses.
8. The site lies within the Metropolitan Green Belt. Policy GB1 of the South Bucks District Local Plan (2009) (the Local Plan) restricts the construction of new buildings within the Green Belt to development for agriculture or forestry, essential facilities for outdoor sport, outdoor recreation or outdoor leisure, cemeteries, replacement of existing dwellings and limited infilling in existing villages, all of which must be in accordance with other policies within the Local Plan; mineral working and subsequent restoration of the land, in accordance with the policies in the Buckinghamshire Replacement Minerals Local Plan; and other uses of land and essential facilities for them which would not compromise the purposes of including land in the Green Belt and which would permanently retain its open and undeveloped character.
9. Paragraph 145 of the Framework establishes that the construction of new buildings in the Green Belt is inappropriate subject to a number of exceptions. Paragraph 145 g) of the Framework provides scope for the redevelopment of Previously Developed Land (PDL), which would not have a greater impact on the openness of the Green Belt than the existing development.
10. The Framework identifies that the fundamental aim of the Green Belt is "to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence". The Green Belt has both a spatial and a visual dimension. Whilst there is no dispute that the plot could accommodate a building of the scale proposed, the combined floor area and mass of the proposed use would exceed that of the existing buildings within the site. For the above reasons, in spatial terms the increased built form on the site would result in a loss of openness which is a separate issue from the character and appearance of the area.
11. The proposal would improve the visual amenity of the site, replacing areas within the site currently occupied by existing buildings and hardstanding with green landscaping, and the new building would be well screened from the

public realm and the wider countryside but this does not affect my conclusion that the proposed development would reduce the openness of the Green Belt.

12. I conclude that the proposal would amount to inappropriate development in the Green Belt having regard to the Framework, and the effects on the openness of the Green Belt. The proposal is therefore contrary to Policy GB1 of the Local Plan and Section 13 of the Framework.

Other Considerations

13. The Framework advises that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.
14. The development would provide benefits in terms of delivering additional elderly care accommodation to boost the local supply. Whilst there is dispute between the parties as to the required numbers of units needed, it is clear that there is a local need for this accommodation, particularly for dementia care. I note the support from Buckinghamshire County Council and CCG for the proposal in this regard together with the support expressed by local people in representations.
15. The care home is likely to draw the majority of its residents from the local catchment. This would have the benefit of releasing their existing dwellings for use. Contributing to the choice of housing in the locality and increasing housing supply in the local area.
16. The site is located close to Taplow Station and is a sustainable location for access to public transport. There is potential for employees and visitors to residents to travel to the care home by modes other than the private car
17. The proposal would improve the visual amenity of the site and I note the support of local residents for such an improvement.
18. The care home would provide employment opportunities within the local area. However, the development would displace other employment uses. The appellants state that it is currently the intent that the garden centre would relocate to another site but has provided little information on the proposed relocation and future operation of the business. Nevertheless, it is clear from the evidence within the appellants' statement that there would be a nett increase in employment within the site. There would also be likely minor benefits to the local economy in terms of short term employment in the construction industry and longer term support to local shops and businesses, together with longer term support to the supply chain supporting the care home. Taken together these benefits carry moderate weight.
19. There is a proposal in the emerging Local Plan to remove the site from the Green Belt. Policy DM LP7 of the emerging Local Plan would provide support for the provision of supported specialist care accommodation for older persons and supported specialist care. However, for the reasons set out above, I attach limited weight to the Draft Local Plan.
20. In regard to the UU provided by the appellants, the proposed UU would provide contributions to an NHS "hub" and a video conferencing facility for the CCG. Paragraph 56 of the Framework states that planning obligations must only be sought where they meet all of the tests set out in that paragraph. Whilst it

could be argued that the obligations are directly related to the development, which, given its nature, would be likely to generate demand for NHS services I have limited evidence to demonstrate that the obligations are either necessary to make the development acceptable or that they are fairly and reasonably related in scale and kind to the development. On this basis the UU does not meet the tests and therefore it attracts no weight in my determination of this appeal.

Other Matter

21. I note that the appellants have expressed frustration with the way in which the Local Planning Authority handled the application. However, this is a matter between the parties involved and would not alter the outcome of this appeal.

Conclusion

22. The Framework establishes that substantial weight should be given to any harm to the Green Belt and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Whilst I have identified benefits which attract moderate weight, these considerations do not clearly outweigh the harm to the Green Belt by reason of inappropriateness. Consequently, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist.
23. The proposal is therefore contrary to Policy GB1 of the South Bucks District Local Plan (1999), in as much as the development would compromise the purposes of including land in the Green Belt and would not permanently retain its open and undeveloped character. Similarly, the development is contrary to the aims of the Framework which seeks to protect the Green Belt from inappropriate development.
24. For the reasons given above the appeal should be dismissed.

I Dyer

INSPECTOR