
Appeal Decision

Site visit made on 2 July 2019

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 August 2019

Appeal Ref: APP/X0415/W/19/3225983

Land Adjacent to The Old Britannia, Bottom Road, Buckland Common, HP23 6NU

- 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 A. Davidson, Founthill against the decision of Chiltern District Council.
 - The application Ref PL/18/4808/FA, dated 19 December 2018, was refused by notice dated 14 February 2019.
 - The development proposed is described as "Development of site to provide 5no. dwellings arranged in 2no. pairs of semi-detached and 1no. detached dwelling, with associated access, hardstanding, landscaping and car parking".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised in this case are:
 - Whether or not the proposal is inappropriate development in the Green Belt;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect on the character and appearance of the area having regard to the sites location within the Chilterns Area of Outstanding Natural Beauty (AONB); and
 - If the proposal is inappropriate development, whether the harm 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 the development.

Reasons

Whether or not the proposal is inappropriate development in the Green Belt

3. The appeal site is located within the Green Belt. The National Planning Policy Framework (the Framework), at paragraph 145, indicates that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt. Limited infilling in villages, is listed as one of the exceptions.

4. The site lies on the southern side of Bottom Road, a lane which has a distinctly rural character. Whilst there are a small number of dwellings located along the road, these are well-spaced apart and there are little, if any, cohesive qualities as far as they are positioned along the lane. There is also some variation in the siting of these dwellings, with some set alongside the road and others set back.
5. The site comprises a gap between the existing properties, which contributes to this sporadic pattern of development, and has a greater affinity with the surrounding countryside than it does to any of the nearby dwellings, due to the general lack of built form within the site. Thus, the site is part of the rural setting and it does not comprise any part of a village. The appellant contends that the site is part of St Leonards, which comprises a group of dwellings further to the south of the site. However, there is a visual separation between these existing dwellings to the south and the dwellings along Bottom Road. In light of this, the site cannot reasonably be described as forming part of this grouping.
6. There is also reference to the site lying adjacent to a former public house, which it is contended would have been a focal point for a village and thereby, points to the site being within a village. However, there is not the substantive evidence to demonstrate that the public house had such a function as regards any village and it would not have been unusual for such a facility to be located in the countryside. I also note mention of the proximity to the parish hall and church. However, these are well separated from the site. As such, these matters do not dissuade me from my findings above. Consequently, as the site does not lie within a village, it would be inappropriate development in the Green Belt. The scheme would therefore conflict with the provisions of the Framework.
7. As a consequence, whether or not the site could be said to be 'limited infilling' is not a determinative factor as, even if this was the case, this would not address the conflict with the exception in relation to the site not being located in a 'village'. I am mindful of the Wood judgment¹ to which the appellant has referred. However, with the site's location, its limited relationship with existing development and to a settlement, and its physical circumstances, the site is not within what can be deemed a village. My views are also not altered by the definitions of a village, that have been referred to in the appeal submissions.
8. Saved Policy GB2 of the Chiltern District Local Plan (1997) (the Local Plan) allows for the limited infilling in Existing Rows of Dwellings (as defined in Policy GB4) and in Green Belt Settlements (as defined in Policy GB5). However, the Council highlights that the site does not fall within the areas permitted by these policies. The scheme would therefore also be contrary to Policy GB2. The age of this saved policy does not lessen my concerns, as in any event, the scheme would be contrary to the provisions of the Framework as I have outlined above.

The effect of the proposal on the openness of the Green Belt

9. The Framework, at paragraph 133, indicates that openness and permanence are the essential characteristics of the Green Belt. The proposed scheme would result in the construction of dwellings where there are currently none. The buildings, their accesses and parking areas, together with the domestic paraphernalia that is likely to be associated with residential units, would

¹ Julian Wood v SSCLG and Gravesham Borough Council [2014] EWHC 683 (Admin), [2015] EWCA Civ 195

inevitably lead to a loss of openness of the Green Belt, which in my view, would be considerable.

Character and appearance

10. The site is currently undeveloped and, as I identify above, has a greater affinity with the surrounding countryside than with any nearby dwellings. The sporadic nature of the development along Bottom Road contributes to the rural character of the area, as well as that of the AONB at this location. Consequently, the introduction of five residential dwellings to the site would fundamentally change its appearance, as well as its contribution to the character of the area. It would introduce a considerable amount of built form, that fails to respect the pattern of development in the area and would be highly visible from the adjacent road. The scheme would be an obvious deviation from the irregular spacing of dwellings within the vicinity. This harm would not be adequately addressed by that there may not be longer distance views of the scheme. The proposed dwellings would also have a distinct sub-urban appearance, at odds with the rural setting.
11. Thus, I find that the scheme would have an unacceptable effect on the character and appearance of the area, including the AONB. The scheme therefore would conflict with Policies GC1 and LSQ1 of the Local Plan and Policies CS20 and CS22 of the Core Strategy for Chiltern District (2011). Together, and amongst other things, these policies seek to ensure development relates to the characteristics of the site on which it is located, that development respects the character of the surrounding area and that proposals conserve and enhance the special landscape character of the Chilterns AONB. The scheme would also conflict with the guidance in the Framework, in respect of conserving and enhancing landscape and scenic beauty in AONBs.

Other considerations

12. The appellant has stated that the Council cannot demonstrate a 5-year housing land supply in accordance with the Framework and this has not been contested by the Council. Whilst the proposal would make a contribution to housing land supply and boost housing provision, with the number of additional dwellings that would result, such a benefit would be modest. The same applies as regards the economic and social benefits. As a consequence, these considerations attract limited weight.
13. Despite the matters that arise from the housing land supply, the presumption in favour of sustainable development, as is set out in paragraph 11 of the Framework, does not apply because the application of policies in the Framework that protect areas or assets of particular importance, related to the Green Belt and the AONB, provide a clear reason for refusing the development proposed.

Conclusion

14. The proposal would be inappropriate development in the Green Belt and the Framework establishes that substantial weight should be given to any harm to the Green Belt. It would also lead to a considerable loss of openness. The scheme would also result in harm to the character and appearance of the area, in particular the AONB. The other considerations in this case do not clearly outweigh the totality of the harm that I have identified. Consequently, the very

special circumstances necessary to justify the development do not exist. The proposal would be contrary to Policies GB2, GC1 and LSQ1 of the Chiltern District Local Plan (1997) and Policies CS20 and CS22 of the Core Strategy for Chiltern District (2011), as well as the guidance in the Framework.

15. Therefore, for the reasons given and having regard to all matters raised, the appeal is dismissed.

Martin Allen

INSPECTOR