



Appeal Decision

Site visit made on 1 July 2019

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 August 2019

Appeal Ref: APP/X0415/W/19/3226293

Land Adjacent to Woodcote, Burtons Lane, Little Chalfont HP8 4BA

- 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 D Salter against the decision of Chiltern District Council.
 - The application Ref PL/18/2956/FA, dated 3 August 2018, was refused by notice dated 28 January 2019.
 - The development proposed is the erection of new residential dwellings, access, landscaping and associated works.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are:
 - a) Whether the proposal would be inappropriate development in the Green Belt.
 - b) The effect of the proposal on the openness of the Green Belt
 - c) The effect of the proposal on the character and appearance of the Chiltern Area of Outstanding Natural Beauty (the AONB).
 - d) If the proposal would be 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 it.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

3. Policies CS1, CS4 and CS20 of the Core Strategy for Chiltern District 2011 (the CS) and saved Policies GC1, GB2 and GB17 of the Chiltern District Local Plan 2019 (including alterations 1 May 2001) Consolidated September 2007 and November 2011 (the LP), state that the council will seek sustainable development that protects the Greenbelt and that planning applications will be considered in line with national policy. Section 13 of the National Planning Policy Framework (the Framework) sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in

very special circumstances. It states that construction of new buildings should be regarded as inappropriate in the Green Belt, except for listed exceptions.

4. The proposed dwelling would have 1 bedroom on an upper mezzanine, with 2 bedrooms on the larger ground floor, along with the proposed office and open plan kitchen living space. The basement of the proposed dwelling would provide a garage and small pool area. The roof of the proposed dwelling would be planted, incorporating solar panels and rooflights.
5. The appeal property forms a plot currently designated as a field in agricultural use within the Green Belt. The plot is adjacent to 'Woodcote', a house on the edge of the built-up area of the village of Little Chalfont. A public footpath accessed from Burtons Lane runs between these two properties. The proposed dwelling would be located towards Burtons Lane, forward of the halfway point of the appeal plot, and would be accessed by a new driveway and pathway incorporated into a new landscaping scheme.
6. The appellant has brought to my attention an Appeal Decision¹ that relates to the considerations of whether development proposals should be considered infill development in villages within the Green Belt. However, as clarified by the Appeal Court Decision², also brought to my attention by the appellant, which determined that the 'village' in paragraph 89 of the Framework need not be the same as the settlement boundary, depending on the situation 'on the ground'. This is, therefore, a matter for my planning judgement based on consideration of matters affecting the proposed development.
7. Where the appeal plot fronts on to Burtons Lane it faces detached houses on generous plots that form part of the built-up area of Little Chalfont and an open field that appears to be in agricultural use. The rear boundary faces onto open fields that also appears to be in agricultural use and the boundary of the plot away from 'Woodcote' is shared with the extensive garden of a property that appears to be called Rowood Farmhouse. This is a large detached house separated from the village by the field that forms the appeal site. This large detached house and its gardens form part of small grouping of larger detached houses and farm buildings isolated from the village.
8. The appeal plot appears to be outside of the built-up area of the village and separates the village from other isolated buildings in the countryside and does not appear to be within the village for the purposes of infill development. I, therefore, conclude that the proposal does not benefit from the listed exception in Paragraph 145 of the Framework for limited infilling in villages.
9. Taking all of the above into account, I find that the proposal would be inappropriate development in the Green Belt.

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

10. Section 13 of the Framework makes it clear that an essential characteristic of Green Belts is their openness and their permanence.
11. As I have identified above, the proposed detached building would result in an inappropriate development, that would add an additional built form into the

¹ Appeal Ref: APP/P1940/17/3187494

² Julian Wood v SSCLG & Gravesham Borough Council [2015] EWCA Civ 195

Green Belt. The proposal would be readily apparent within the context of open fields from Burtons Lane, the existing properties on the edge of the village, Rohood Farmhouse and the fields adjacent to appeal site. Notwithstanding its design that incorporates an extensive planted roof, the proposed development would, due to its footprint and scale result in a loss of openness and, therefore, harm to the openness of the Green Belt.

Chiltern Area of Outstanding Natural Beauty

12. The site of the proposed development is a field in agricultural use adjacent to the village of Little Chalfont and other open fields within the AONB. I consider that the field makes a positive contribution to the scenic beauty of the AONB.
13. With respect to the proposed development's appearance, it is of a contemporary design that incorporates some commendable features that appear to make the house more environmentally sustainable and would not be out of keeping with other housing in the nearby village that exhibit a wide variety of architectural expressions. However, given the location of the proposal in relation to fields on the edge of the village, within a field that appears to be agricultural use, and without any topographical or natural screening from wider views in the area, I find that the proposal would introduce an urbanising feature, incongruous within its countryside setting. This would be harmful to the landscape and scenic beauty of the AONB and would therefore conflict with Policy CS22 of the CS and Policy and LSQ1 of the LP, which seek to ensure that development conserves or enhances the AONB's landscape character and scenic beauty.

Other considerations

14. Through the development of a 'windfall site' not identified in the Development Plan as a site allocated for housing, the proposal would add to the delivery of housing within the Chiltern District and an increase in housing stock. However, the benefit of a single dwelling within this context is a matter of only very limited weight in favour of the appeal scheme
15. The appeal site is one that appears to have good access to local transport facilities, being located close to the village and nearby train stations. Notwithstanding that the proposal includes substantial below ground garaging, this also appears to show plenty of scope for secure cycle storage and the local area appears to provide good scope for cycling. This would however carry little weight in favour of the appeal scheme.
16. Although the proposal does include some environmentally sustainable design features, such as solar panels and the planted roof that would appear to reduce/slow water run-off and provide opportunities for biodiversity. However, these benefits are limited and would not in themselves mitigate against the other hard surfaces proposed, or the energy use of the house when in occupation and, therefore carry little weight in favour of the proposal.
17. Whilst the construction of the proposal could potentially lead to temporary construction jobs and the occupants of the house could potentially lead to spending in shops and other local services, such as public transport, these benefits would be limited in scope and would have a minimal impact of the local economy and for this reason carry little weight in favour of the proposal.

Whether there are Very Special Circumstances

18. The 5 purposes of the Green Belt, as set out in Paragraph 134 of the Framework relate to the reasons for designation of Metropolitan Green Belt as a whole. Although the proposal does not directly challenge 3 of these principles, the proposal would, because of harm to openness, conflict with the checking of unrestricted sprawl and safeguarding the countryside from encroachment.
19. Paragraph 143 of the Framework sets out the general presumption against inappropriate development within the Green Belt. This states that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development 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.
20. I have concluded that the proposal is inappropriate development that, by definition, would harm the Green Belt. Paragraph 144 of the Framework requires substantial weight to be given to any harm to the Green Belt. I have also found harm to the openness of the Green Belt and harm to the character and appearance of the AONB, and, having regard to Paragraph 172 of the National Planning Policy Framework (the Framework), I have given great weight to the requirement for development to conserve and enhance, wildlife, cultural heritage, landscape and scenic beauty in AONB's.
21. On the other hand, the other considerations I have already discussed are matters of limited weight in favour of the development. As such, the other considerations would not clearly outweigh the totality of harm that I have identified and therefore the very special circumstances necessary to justify the proposal do not exist. Consequently, the appeal scheme would be in conflict with Policies CS1, CS4, CS20 and CS22 of the CS and saved Policies GC1, GB2, GB17 and LSQ1 of the LP and the Framework.

Conclusion

22. For the reasons given above, the proposed development would not accord with the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Victor Callister

INSPECTOR