



Appeal Decision

Site visit made on 16 July 2019

by K Ford MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 August 2019

Appeal Ref: APP/K0425/W/19/3226378

1 Little Lane, Saunderton HP27 9NW

- 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 Wilson against the decision of Wycombe District Council.
 - The application Ref 19/05078/FUL, dated 11 January 2019, was refused by notice dated 11 March 2019.
 - The development proposed is erection of 2x4 bedroom dwellinghouses, detached garages, hard and soft landscaping and new site entrance.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (NPPF) and any relevant development plan policies.
 - The effect of the development on openness.
 - Whether the proposal would conserve and enhance the natural beauty of the Chilterns Area of Outstanding Natural Beauty (AONB).
 - The effect of the proposal on flood risk from surface water run-off.
 - Whether the proposal would make adequate provision for off street parking.
 - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate Development

3. The appeal site is located within the Green Belt. Paragraph 143 of the NPPF states inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the NPPF states the construction of new buildings in the Green Belt is inappropriate. It sets out some exceptions, which include limited infilling in villages and the limited infilling or the partial or complete redevelopment of

previously developed land which would not have a greater impact on the openness of the Green Belt. Policy CS9 of the Wycombe Development Framework Adopted Core Strategy Development Plan Document (Core Strategy) requires that Green Belt should be protected from inappropriate development, as defined by Government policy. Policy 1 of the Bledlow-cum-Saunderton Neighbourhood Plan 2016-2033 also requires development outside settlement boundaries to conform with the provisions of policies that control development in Green Belt.

4. The appeal site is garden land of the residential property of No. 1 Little Lane, a corner plot at the junction of Little Lane and Wycombe Road. The site is currently screened to some extent by vegetation on the northern and western boundaries but the corner location means it is in a prominent position.
5. The site is located outside the settlement boundary of Saunderton and forms a gap in ribbon development which extends along Wycombe Road, predominantly taking the form of detached dwellings. Despite this, development in the wider area is dominated by agricultural fields creating a semi rural character of which the site makes a positive contribution.
6. Given the location of the site I do not consider that the proposal would constitute limited infilling in a village. The scheme would consequently be inappropriate development which by definition is harmful and should not be approved except in very special circumstances. Whether the development would not be inappropriate by virtue of being located on previously developed land is dependent on the impact on openness.

Openness

7. Paragraph 133 of the NPPF says 'the fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence'.
8. The site is predominantly bounded by vegetation and is free from development. As such the proposal would lead to built development where there is currently none. The scale and massing of the 2, 2 storey dwellings and the likely associated domestic paraphernalia that would accompany them would result in a loss of openness, even if it would be squaring the corner and there would be gaps between the dwellings, as identified by the appellant. The fact that the development would be viewed in the context of No 1 Little Lane and the other dwellings on Wycombe Road would do little to mitigate the harm. In reaching this conclusion I have had regard to the caselaw¹ referenced by the appellant.
9. The residential development proposed would have a suburbanising effect that would increase urban sprawl and encroach into the countryside. Irrespective of the weight that should be applied to the policy in the Council's emerging Wycombe District Local Plan Submission Version (March 2018) (new Local Plan), this would be contrary to the fundamental aim of Green Belt, set out in paragraph 133 of the NPPF. It would also be contrary to one of the 5 purposes of the Green Belt which is to safeguard the countryside from encroachment, outlined in paragraph 134 of the NPPF.
10. The proposal would reduce openness and be contrary to one of the purposes of Green Belt. It would therefore constitute inappropriate development due to the

¹ Goodman Logistics Developments (UK) Ltd v SoSCLG and anor [2017] EWHC 947 (Admin)

harm to the openness and purpose of including land within the Green Belt. The development would therefore conflict with local and national policy in this regard.

Character and Appearance of Area of Outstanding Natural Beauty

11. The site is located within the Chilterns AONB which has the highest status of protection in relation to landscape and scenic beauty and great weight should be given to its conservation.
12. The design and choice of materials would seek to adopt a variety of elements taken from local architecture. However, it has been done in a haphazard awkward way which would create a disjointed incongruous development that would not easily assimilate into its surroundings. This is irrespective of whether the Council's comments on the way the design could be improved are correct.
13. The roofs of the dwellings would appear particularly odd with the mix of roof types failing to create a link between the 2 properties, as proffered by the appellant. Instead, it would create a mixed, unbalanced and cluttered appearance. Whilst the appellant suggests the gable roof would break up the massing of the roof space, the absence of any forward projection means the effectiveness of any distinction would be minimised.
14. Given the corner location, the development would appear visually prominent, even if the main dwellings were set back from the road. The height of the dwellings would mean that the development would not be completely obscured by vegetation and this would not be mitigated by an enhanced landscaping scheme.
15. Irrespective of the acceptability of the layout of the scheme, including the location of the garages in relation to the dwellings and the connectivity between them, overall the proposal would harm the character and appearance of the AONB. The development would consequently conflict with the part of Policy CS17 of the Core Strategy that requires the conservation and enhancement of the Chilterns AONB and its setting. It would also conflict with the part of Policy CS19 of the Core Strategy which requires high standards of design and layout and reinforcement of locally distinctive qualities of place through enhancement of the landscape and built characteristics of a site. The scheme would also be contrary to saved Policy L1 of the Wycombe District Local Plan to 2011 (Local Plan) which prevents development that is likely to damage the special character, appearance or natural beauty of the area and the part of Policy G3 of the Local Plan which expects new development to achieve a high standard of design that respects and reflects local character and context and be sympathetic to the design and appearance of the surroundings, including amongst other things, architectural detail.

Flood Risk

16. Although the site is located in flood zone 1 there remains a risk of surface water flooding. Whilst the appellant questions the legitimacy of the provisions of emerging Policy DM39 of the new Local Plan, paragraph 163 of the NPPF requires that new development should not lead to an increased risk of flooding elsewhere. Policy CS18 of the Core Strategy also requires that new development should avoid increasing, and where possible reduce risks of, or from flooding, including surface water flooding.

17. The appellant says there has been no flood events listed at the site on the Environment Agency flood risk maps. They also say the large grass verge outside the site is capable of intercepting and holding flood water. However, in the absence of appropriate evidence to demonstrate that an effective sustainable drainage system would be put in place, I cannot be satisfied that the requirements of the policies have been met and that there would not be an increased risk of surface water flooding as a consequence of the development, even if the flood risk is very low.
18. The appellant says the matter can be addressed through a planning condition. I disagree, as measures required to mitigate the impact may have other consequential impacts on the design of the scheme.

Parking Provision

19. Policy T2 of the Local Plan requires 3 spaces for dwellings of the size and location proposed. Each property would be provided with 2 spaces in garages. Whilst the plans show additional car parking in front of the garages, this would impede the ability of vehicles to turn within the site to enable them to exit in a forward gear. This would have negative implications for highway safety given the proximity of the access to the junction with the main road.
20. I note that the appellant says the proposed layout is indicative and illustrative. However, even if it were possible to alter the design to ensure acceptable parking provision the proposal before me is a full planning application with no matters reserved. I am therefore required to assess the layout based on the plans before me.
21. The proposal would fail to make adequate provision for off street parking and as such would conflict with Policy T2 of the Local Plan which requires new development to make provision for on-site parking. It would also conflict with Policy CS20 of the Core Strategy which amongst other things requires appropriate and effective parking provision and vehicular servicing arrangements.

Other Considerations

22. Paragraph 144 of the NPPF states that substantial weight should be given to the Green Belt and 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.
23. The appellant says the development would take place on previously developed land on a main road, a reasonable cycling distance from Princes Risborough and main villages to the south. Be that as it may, the site is nevertheless located outside a settlement and from my observations on site would not be easily accessible to services and facilities via modes of travel other than the car. This is because of the high speed limits on the routes, absence of footpaths in places and lack of street lighting. In this instance I do not think the development in this location would be NPPF compliant, contrary to the view of the appellant. The presence of other dwellings near to the site do not alter my view on this matter.
24. Whilst the appellant asserts that the scheme would generate economic benefits, the small size of the development would limit the scale of such gains. Similarly, even if the appellants claims regarding the Council's 5 year housing

land supply were correct, the proposal of 2 dwellings would do little to address any housing shortfall within the District.

25. The appellant also identifies that No 1 retains permitted development rights for potentially large outbuildings under the provisions of the General Permitted Development Order. Be that as it may, there is little before me to suggest that it is more than a theoretical possibility in terms of such development taking place as I have not been provided with a specific proposal. In the absence of a specific proposal there is little to indicate that the fallback position would be more harmful than the scheme before me. I consequently give this limited weight.

Other Matters

26. The appellant dismissed the Council's concerns regarding refuse collection and the impacts of noise from traffic on Wycombe Road as matters not relevant to the planning merits of the case. However, I am satisfied that such matters could be addressed through appropriately worded planning conditions, as identified by the Council.
27. Whilst the appellant has criticised the level of engagement by the Council in determining the planning application, this does not alter my findings on the merits of the scheme.

Planning Balance and Conclusion

28. The development would constitute inappropriate development in the Green Belt which by definition is harmful. Paragraph 144 of the NPPF requires that substantial weight be attributed to harm to the Green Belt. The development would also harm the landscape character and special qualities of the AONB and there is insufficient information to ensure the development would not increase surface water runoff. The proposal also makes inadequate provision for car parking. For the appeal to succeed the combined weight of other considerations must clearly outweigh the harm caused. The other considerations do not clearly outweigh the totality of the harm that would be caused and so very special circumstances to justify the development do not exist. For the reasons identified, I therefore conclude that the appeal should be dismissed.

K Ford

INSPECTOR