
Appeal Decision

Site visit made on 21 May 2019

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 13 August 2019

Appeal Ref: APP/X0415/W/19/3222534

Oaklands Farm, Beamond End Lane, Beamond End HP7 0QT

- 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 Channer against the decision of Chiltern District Council.
 - The application Ref CH/2017/1650/FA, dated 29 August 2017, was refused by notice dated 16 January 2019.
 - The development is a log cabin for agricultural use - farm office and restroom.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The log cabin in question is already in existence, having been installed for residential use by an agricultural worker following planning permission, reference CH/2011/1194/FA (the original permission). This was however a conditional temporary permission, with removal of the log cabin required by 30 June 2012. This condition was breached, and the Council subsequently initiated enforcement action. Other schemes have since been advanced in relation to the log cabin, including one dismissed at appeal in 2016. The use has itself already commenced.
3. The log cabin is described as a 'mobile home' within the conditions attached to the original permission. A mobile home falls within the definition of a 'caravan' set out in the Caravan Sites and Control of Development Act 1960 (as amended). However, as I have no information regarding its current degree of affixation to the ground, and given that both parties have considered the log cabin as though a building, I have also considered it as such for the purposes of this appeal.
4. I have removed 'retention of' from the description of development in the banner heading above, as this does not constitute an act of development. I have therefore considered the appeal on the basis that a permanent grant of planning permission is being retrospectively sought for the existing log cabin, including a change in its use from a residential to an agricultural use. I have thus made my decision on the basis of the log cabin as it exists. This also appears to have been the basis upon which the Council considered the planning application.

Main Issues

5. The main issues are:

- whether the development is inappropriate development in the Green Belt; and
- if the development is inappropriate, whether 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 development is inappropriate

6. The site lies within the Metropolitan Green Belt. The development has entailed use of the existing log cabin as office and mess space, with an element of storage, without any obvious required alteration to the domestic layout, services or fixtures it contains.
7. The appellant has principally promoted the scheme in relation to the exception set out in paragraph 145(a) of the National Planning Policy Framework (the Framework), which is applicable to 'buildings for agriculture'. Paragraph 145 however relates to the construction of new buildings, whereas the log cabin is already in existence, and its existence indeed long predates its current use. As such the exception set out in paragraph 145(a) of the Framework does not apply.
8. The appellant has also presented the scheme as a 'reuse' of an existing building. Though not specifically referenced within the submissions, this is an exception set out in paragraph 146(d) of the Framework, applicable to buildings of permanent and substantial construction, provided that the development in question preserves the openness of the Green Belt, and does not conflict with the purposes of including land within it.
9. Notwithstanding the fact that the exception set out in paragraph 146(d) more logically relates to disused buildings than it does to changes of use, given that the log cabin is substantially built from timber, and was originally provided to serve a temporary use, its construction appears to be neither permanent nor substantial.
10. With regard to openness, the log cabin consists of solid built fabric, which, as a matter of fact, erodes the openness of the Green Belt. Despite having a limited adverse visual effect given enclosure by hedging, loss of openness is contrary to the fundamental aim of Green Belt designation set out in Paragraph 133 of the Framework. Consequently, the development does not preserve the openness of the Green Belt, and conflicts with the purpose of including land within it. As such the exception set out in paragraph 146(d) is not applicable.
11. I conclude therefore that the appeal scheme represents inappropriate development, which is by definition harmful to the Green Belt. The proposal, as such, conflicts with the Framework, saved Policy GB2 of the Chiltern District Local Plan Adopted 1 September 1997 (Including alterations adopted 29 May 2001) Consolidated September 2007 and November 2011 (the Local Plan) which seeks to prevent inappropriate development in the Green Belt. Saved

Policy GB27 of the Local Plan was also cited by the Council. However, given that the log cabin is not a new agricultural building, and the development would not involve the extension or alteration of an existing agricultural building, saved Policy GB27 is not applicable.

Other considerations

12. The appellant indicates that if the appeal was allowed 2 portacabins which previously provided some of the functions now supported by the cabin, would be removed. This could be secured by a suitably worded condition. Though the portacabins are more visible features within the farm site than the cabin, they are however considerably smaller in combined size. As such the loss of openness resulting from presence of the log cabin would not be balanced by the removal of the cabins.
13. The appellant states that an increase in existing office space is required and sets out the statutory requirement to provide welfare facilities for staff. The log cabin clearly provides improved facilities relative to the 2 portacabins. Need is however disputed between the parties, and in this regard the log cabin clearly does not represent a solution specifically tailored to the appellant's stated needs given that it was originally provided to serve a residential use. I therefore attach limited weight to these considerations.
14. The appellant indicates that health and safety will be improved as a result of the relocation of staff and office facilities out of the farm yard. However, access to the log cabin nonetheless remains through the yard. As such the benefit is unclear. I therefore attach limited weight to this consideration.
15. The appellant has indicated that a similar building could be erected as permitted development. However, whilst I have been provided with limited information, I note that the appellant also indicates this would be subject to prior approval. I have therefore considered the appeal scheme on its own merits.
16. The appellant has drawn attention to 2 appeal decisions involving farm offices. However, based on these decisions, neither relates to sites within the Green Belt. As such the circumstances differ. The fact that appeals involving farm offices have been allowed elsewhere on sites outside the Green Belt does not therefore lend any weight in favour of the current appeal scheme.
17. The site is located within the Chilterns Area of Outstanding Natural Beauty (the AONB). I have therefore had regard to the statutory purposes of the AONB's designation, most particularly to conserve and enhance the natural beauty of the area. In that regard paragraph 172 of the Framework, states that great weight should be given to conserving and enhancing landscape and scenic beauty within ANOBs. On account of the limited visibility of the log cabin outside the site however, I am satisfied that it causes no harm to the AONB.

Planning Balance and Conclusion

18. The development is inappropriate within the Green Belt. Paragraph 144 of the Framework establishes that substantial weight should be given to any harm to the Green Belt.
19. The other considerations referred to by the appellant are insufficient to outweigh the harm to the Green Belt. Harm caused by the development is not

therefore clearly outweighed by other considerations, meaning that the very special circumstances necessary to justify the development do not exist. Therefore, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR