



Appeal Decision

Site visit made on 11 June 2019

by JP Tudor BA (Hons), Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 15 August 2019

Appeal Ref: APP/K0425/W/18/3218628

**Land to the rear of 22-24 Chapel Road, Flackwell Heath, High Wycombe
HP10 9AB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr E Hancocks against Wycombe District Council.
 - The application Ref 18/05414/OUT, is dated 12 February 2018.
 - The development proposed is outline planning application (all matters reserved except for access) for the redevelopment of site comprising erection of 950m² of B1 office space and the erection of up to 22 affordable housing units and associated works including demolition/clearance of existing commercial uses on site.
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Decision

1. The appeal is dismissed and planning permission for outline planning application (all matters reserved except for access) for the redevelopment of site comprising erection of 950m² of B1 office space and the erection of up to 22 affordable housing units and associated works including demolition/clearance of existing commercial uses on site is refused.

Preliminary Matters

2. The proposal is in outline only with all matters, apart from access, reserved for future consideration. A site plan labelled 'for illustrative purposes only' has been submitted showing a possible layout around the proposed access.¹ I have considered the appeal on that basis.
3. A revised version of the National Planning Policy Framework (the Framework) was published on 24 July 2018, after the original application was submitted. The Framework has since been subject to an update in February 2019, when the latest edition was published. However, the parties have had the opportunity to take account of any relevant changes during the course of the appeal. The Framework is an important material consideration in all planning decisions, as it sets out the Government's planning policies for England and how they should be applied.²
4. The emerging Wycombe District Local Plan (the emerging LP) has been found sound, subject to some modifications which have been consulted on with representations considered by the examining Inspector. The Council advises that it is due to be adopted very shortly at Council meetings scheduled for 19

¹ Plan Ref: 16.014.3

² Paragraph 1

August 2019. Therefore, taking account of paragraph 48 of the Framework, it is reasonable to give policies in the emerging LP significant weight. Nevertheless, until the formal adoption of the emerging LP, policies in the existing development plan remain applicable.

5. The Council has indicated that had it been in a position to determine the application, it would have refused planning permission for reasons relating to: the effect on the Metropolitan Green Belt; the effect on the character and appearance of the area with regard to the Chilterns Area of Outstanding Natural Beauty (AONB); effects on protected trees, adjacent woodland and other matters relating to layout; the provision of affordable housing ; and, surface water drainage arrangements. The appellant has had the opportunity to comment on those issues during the appeal.
6. According to the appellant, the appeal site is within the settlement boundary of Flackwell Heath in the emerging LP. That view appears to be based on mapping included within a 'Settlement Hierarchy Study Final Report' (the report).³ However, the Council has clarified that the report was part of the evidence base for the emerging LP and its settlement hierarchy. It says that the settlement and other boundaries relevant to emerging LP policies are contained within the associated 'Policies Map'. Indeed, emerging LP policy CP3 ('The Settlement Strategy'), which seeks to direct development via the settlement hierarchy, indicates, at 3.a), that for Tier 3 settlements, which I understand include Flackwell Heath, the settlement boundary is '*as identified on the policies map*'.
7. The appellant has latterly suggested that the 'policies map' has no legal status and that only minimal weight can be attached to boundaries shown within it. The appellant cites comments in the Inspector's Report relating to the emerging LP, which stated: '*The policies map is not defined in statute as a development plan document and so I do not have power to recommend amendments to it. However, a number of published amendments to the Plan's policies require further corresponding changes to the policies map*'.
8. However, whilst that statement is correct, it does not indicate that the policies map has no standing or legal status. Regulation 9 of The Town and Country Planning (Local Planning) (England) Regulations 2012 provides that the adopted policies map must illustrate geographically the application of the policies in the adopted development plan. It is well established that the policies map illustrates detailed policies and assists in understanding the geographical areas to which they relate. Furthermore, it is accepted that the adopted policies map will generally be definitive.
9. That position applies to development plans across England and it is legitimate and standard for local plans to refer out to boundaries on the relevant policies map. Otherwise, without the ability to refer to settlement or development boundaries or other geographical information contained in the policies map, development plan policies could not be applied. Therefore, I disagree with the appellant that only minimal weight can be attached to boundaries shown on the policies map.
10. The Council has supplied extracts from the 'policies map' relating to the emerging LP. It has also confirmed that the settlement and Green Belt (GB)

³ September 2017 Update

boundaries relevant to the appeal site are unchanged in relation to the adopted development plan and the emerging LP. Therefore, based on that mapping, I am satisfied that the bulk of the appeal site, save for the property at 22 Chapel Road, is outside the settlement boundary for Flackwell Heath and within the GB. The relevant settlement boundary and GB boundary are the same.

Main Issues

11. The main issues are:

- whether the proposal would be inappropriate development in the GB;
- the effect on the openness of the GB and its purposes;
- the effect on the character and appearance of the area, with particular regard to the Chilterns AONB;
- whether the proposal would make an appropriate contribution towards the provision of affordable housing; and,
- if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Background

12. The appeal site comprises an area of land on the western edge of the village of Flackwell Heath. Although it includes the semi-detached dwelling at 22 Chapel Road, most of the site is to the rear of existing residential development fronting onto the road. There is a cluster of commercial buildings, occupying the north-western part of the site, which benefit from a Certificate of Lawful Existing Use or Development (CLEUD).
13. Apart from the dwelling at No 22, the rest of the site to the rear is within the Metropolitan GB and outside the settlement boundary of the village. The house at No 22 would be demolished to make way for a proposed new access. The site also falls within the Chilterns AONB, which washes over the area.
14. Aside from the commercial buildings and the dwelling, the remainder of the site comprises a sizeable open area of grassland, hedgerow and trees. It backs onto woodland to the north-west with allotments, paddocks and a Scout and Guide building to the south-west. Overall, this area, situated on the fringe of the village has a green and semi-rural character and appearance. Agricultural fields lie beyond to the north-west and south-west with other built-up parts of the village to the north-east and south-east.

Whether inappropriate development

15. Although policy CS9 of the Council's Adopted Core Strategy (CS)⁴ predates the Framework, it says that the GB will be protected from inappropriate development, as defined in Government policy. As the Framework is a statement of Government policy, it now provides the relevant criteria.

⁴ July 2008

Similarly, policy GB2 of the Wycombe District Local Plan to 2011 (WDLP)⁵ predates the Framework, but there is broad consistency with the basic tenet that development in the GB is not permitted unless it meets certain exceptions, notwithstanding that the exceptions within the policy differ in some respects from those in the Framework. Policies DM42 and DM25, which will be discussed below, attract significant weight, given the advanced stage of the emerging LP.

16. Paragraph 143 of the Framework sets out that inappropriate development is, by definition, harmful to the GB and should not be approved except in very special circumstances. Framework paragraph 145 advises that the construction of new buildings in the GB should be regarded as inappropriate subject to limited exceptions. Policy DM42 (Managing Development in the Green Belt) of the emerging LP refers out to the exceptions in the Framework but provides clarifications at 1.b) i-v.
17. The appellant refers to three of the possible exceptions in Framework paragraph 145, which I will consider in turn.
18. An exception, referred to in paragraph 145.e) of the Framework, concerns 'limited infilling in villages' within the GB. The terms 'limited' and 'infilling' are not defined in the Framework and, therefore, are essentially a question of fact and planning judgement. 'Infill', in planning terms, is normally understood to consist of building in a relatively limited space or gap between existing buildings, usually fronting a street or road.
19. Moreover, policy DM42 1.b) iv, of the emerging LP, seeks to clarify that Framework exception by indicating that 'limited infilling' is '*only within the built-up villages identified on the Policies Map and in accordance with the definition in paragraph 6.214 below.*' That supporting paragraph defines 'limited infilling' as at most one detached house or one pair of semi-detached dwellings in an existing small gap between other buildings in a built-up area. That appears to be broadly in accordance with the generally understood meaning.
20. The majority of the appeal site, save for the house at No 22, is within the GB and outside the main built form and settlement boundary of Flackwell Heath. The village is not within the GB. Therefore, it is not apparent on what basis the proposal would fall into the category of 'limited infilling in villages', as referred to in paragraph 145.e) of the Framework, which, logically, must be referring to villages which are within the GB.
21. Furthermore, the proposed 22 houses and office space would be to the rear of the existing development along Chapel Road rather than between houses fronting the road. Indeed, one of the houses, at No 22, would be demolished to 'create' a gap for the proposed access road. If it is being suggested that the development, or the houses at least, would be 'infilling' a gap between the existing commercial buildings and the line of existing houses on Chapel Road, that does not bear scrutiny, as the existing commercial buildings and structures would be demolished to accommodate the new office space.

⁵ Adopted January 2004 (As Saved and Extended (2007)); and replaced by the Adopted Core Strategy 2008 and the Adopted Delivery and Site Allocations Plan July 2013)

22. Whilst 'limited infilling' is not defined in the Framework, the dictionary definition of the word 'limited' is '*restricted in size, amount or extent; few, small or short.*'⁶ Therefore, applying its everyday meaning, and taking account of the definition within the supporting text of emerging policy DM42 referred to above, the scale of the proposed development of up to 22 houses and 950m² of office space, would not fall into the category of 'limited infilling'.
23. Given the above factors, the proposal does not meet the exception within paragraph 145.e.) of the Framework.
24. The second potentially relevant exception, at Framework paragraph 145.f), refers to limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites). Policy H14 of the WDLP indicates that rural housing to meet a specific local housing need would be identified via a survey of households in the community. The supporting text says that the survey should be undertaken by a Parish Council or an appropriate organisation, with the geographical extent suggested as a single village, or a group of villages, as identified in consultation with the District Council. It is legitimate to consider the supporting text as an aid to interpreting policy.
25. Similarly, policy DM42 of the emerging LP, also refers to limited affordable housing for community needs but only in accordance with policy DM25 (Rural Exceptions Affordable Housing). That emerging policy also indicates in its supporting text that this housing need is best identified through a survey of households in the community undertaken by a Parish Council or other appropriate organisation. The geographic extent is envisaged to be a whole parish, a single village or a group of small hamlets.
26. The appellant refers to a consultation response from the Council's Community Housing Team (CHT) which identifies a general need for affordable housing within the district. However, as no evidence has been submitted to demonstrate a specific local need in Flackwell Heath, the Council has confirmed that the proposal cannot be viewed as an 'exception site'.
27. The appellant asserts that it is sufficient to infer from the generalised need for affordable housing across the district that there would be a local need in Flackwell Heath. However, the Framework exception specifically refers to community needs under policies set out within the development plan. Therefore, the approach and methodology referred to in the existing and emerging development plan policies is relevant to identifying such a local housing need. As that is absent, I am not satisfied that the proposal meets the exception in paragraph 145.f) of the Framework. Moreover, as will be discussed later in this decision, there is no satisfactory mechanism before me to secure the proposed housing as affordable.
28. A third possible exception, at Framework paragraph 145.g), refers to: '*limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings).*' I have already found that the proposal would not be 'limited infilling'. Therefore, the next question is whether the scheme would constitute '*the partial or complete redevelopment of previously developed land*'.

⁶ Oxford English Dictionary

29. The Council contends that only that portion of the site which has been subject to the CLEUD, in relation to the existing commercial buildings, is previously developed land. That position appears to be accepted by the appellant who says: *'...only a portion of the site lies within the definition of PDL [previously developed land] for which there is a Lawful Development Certificate (Ref: 13/07564/CLE) and 22 Chapel Road lies outside the Green Belt boundary.'*
30. In the Glossary to the Framework the definition of 'previously developed land' refers to: *'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed infrastructure.'* Given that the CLEUD only covers the portion of the site occupied by the existing commercial structures, with the rest comprising open grassland and trees, apart from No 22, it is reasonable to conclude that a significant proportion of the site cannot be considered previously developed land. Therefore, as the proposal relates to the whole site and not all of it is previously developed land, it would not fall within paragraph 145.g). Consequently, there is no requirement to consider effects on openness referred to in the two further criteria within that exception category.
31. However, even if the proposal did meet the first part of Framework paragraph 145.g), the construction of up to 22 houses and offices across the site, much of which is open grassland, would, with regard to the first additional criterion, have a greater impact on the openness of the Green belt than the limited existing development. With regard to the second criterion, the quantum and extent of the proposed built development would cause substantial harm to the openness of the GB. In any case, as already established, only some of the land is previously developed and, as discussed further below, the proposed affordable housing is not secured. Therefore, the scheme does not meet the exception detailed in paragraph 145.g) of the Framework.
32. Given that the proposal does not meet any of the possible exceptions detailed in the Framework or comply with relevant policies in the existing development plan or the emerging LP, it follows that it must be considered inappropriate development in the GB.

Openness and Green Belt Purposes

33. A fundamental aim of GB policy, as set out in paragraph 133 of the Framework, is to prevent urban sprawl by keeping land permanently open. Additional bulk and physical presence may affect openness, which can also have a visual element. Whilst the site is currently relatively well screened by trees and vegetation around most of its boundaries, the illustrative layout appears to indicate that at least some trees may need to be removed, although it is acknowledged that a number are safeguarded by a Tree Preservation Order (TPO). Therefore, visibility could be greater as a result of the development.
34. According to the illustrative layout, the existing collection of single storey commercial structures would be replaced by two office buildings. Whilst the overall floorspace would be similar to that which exists, the illustrative layout indicates that one of the buildings would be two-storey and, therefore, likely to be more visible from surrounding land. More significantly, the undeveloped land within the site would be covered by up to 22 houses, shown as six blocks of terraces, along with connecting roadways and parking areas. Even if aspects were amended at the reserved matters stage, the significant increase in built

form on the site, currently comprising grass, trees and scrubland with relatively limited existing development, would inevitably have a significant adverse effect on the openness of the GB.

35. In addition, as most of the site is outside the main urban form of the village and its settlement boundary, the proposal would also compromise one of the five purposes of the GB, set out in paragraph 134 of the Framework, which is to assist in safeguarding the countryside from encroachment.

Character and appearance of the area and the Chilterns AONB

36. The Framework advises, at paragraph 172, that: '*Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.*'
37. Although the existing group of commercial buildings, a number comprising corrugated metal elevations and roofing, have some negative visual impact, they are confined to the northern part of the site. However, the proposal would extend built development across the green areas of the site which, with their trees and grassland, make a positive contribution to the semi-rural character and appearance of the area and this part of the Chilterns AONB. Indeed, a number of the trees are protected by a TPO, in recognition of that positive contribution.
38. As already established, the site backs onto woodland and together with allotments and paddocks to the south-west, it forms part of a soft edge to the settlement of Flackwell Heath and a transitional area to the agricultural fields further to the north-west and south-west. Whilst there is relatively dense housing to the east inside the settlement boundary, constructing up to 22 houses and office accommodation on the site would extend the main built form of the village towards the open countryside.
39. The current semi-rural nature of the site would be urbanised by domestic housing, access roads and hardstanding areas for parking to the detriment of its character. Whilst the site is relatively well screened by trees and vegetation, given the extent of the proposed development, there would be likely to be partial views of the new roofscape from the entrance on Chapel Road and from land to the south-west. Visibility may increase if some trees or vegetation need to be removed to accommodate the houses, domestic gardens, offices, internal roadways and parking areas, which appears likely, notwithstanding the outline nature of the scheme.
40. The appellant refers to a previous appeal decision relating to the site, issued on 5 June 2017. Although the appeal for that outline proposal was dismissed, the Inspector considered that the scheme would not be likely to '*erode the site's otherwise open nature and would not therefore affect the character and appearance of this part of the AONB.*'⁷ However, as indicated in paragraphs 10, 13, 22 and 23 of that appeal decision, the Inspector's findings, in that regard, appear to be based on the proposition that the development could be restricted to the area of the existing commercial buildings.
41. The proposal in the appeal before me is for up to 22 houses and 950m² of office space. The illustrative layout shows 22 dwellings in terraced blocks spread

⁷ APP/K0425/W/17/3167425 – paragraph 23.

across the site around the access road with office buildings shown as replacing the existing commercial buildings. The appellant's 'Planning, Design and Access Statement' (PDAS) indicates that there would be a mix of 2 and 3 bed units. Even allowing for negotiation and some variation at the reserved matters stage, the potential quantum of development proposed, would be likely to occupy much of the site, including the currently open, undeveloped areas.

42. Therefore, although I do not have full details relating to that previous appeal scheme, there would appear to be significant differences between it and the appeal before me. Consequently, the findings within that decision relating to the effect on the AONB have limited relevance. In any event, all proposals must be judged on their individual merits, which is the approach I have taken in considering this appeal.
43. I conclude, therefore, that the proposed development, notwithstanding its outline form, would be likely to have an adverse effect on the character and appearance of the area and the landscape of the Chilterns AONB. Consequently, the proposal would fail to comply with policies CS2, CS7 and CS17 of the CS, Policy L1 of the WDLP and policy DM30 of the emerging LP. Together, amongst other things, they seek to protect environmental assets, which includes conserving the special character and appearance of the Chilterns AONB and the rural character of the District, whilst recognising that the economic and social wellbeing of local communities within the AONB is also relevant. There would also be conflict with similar content within the Framework.

Affordable housing

44. The site is within the Chilterns AONB which is considered a designated rural area. The Council acknowledges a need for affordable housing, as reflected in relevant development plan policies. CS Policy CS13 requires affordable housing to be provided on proposals of 5 units or more, which appears to be in accordance with paragraph 63 of the Framework. In this case, the proposal is for the entire housing provision to be affordable, with an indicated mix of 2 or 3 bed dwellings, which would, in principle, meet the requirements of policy DM24 of the emerging LP.
45. The proposal is supported by a letter from Paradigm Housing Association (PHA)⁸, who consider the site to be in a suitable location as there is access to services and facilities in Flackwell Heath. PHA indicates that if planning permission were granted it would be their intention to acquire the site to deliver the scheme. The provision of affordable housing would be a significant benefit.
46. In order for affordable housing to be provided effectively, arrangements must be made to transfer it to an affordable housing provider, to ensure that appropriate occupancy criteria are defined and enforced, and to ensure that it remains affordable to first and subsequent occupiers. The legal certainty provided by a planning obligation (such as a section 106 agreement or a unilateral undertaking) makes it the best means of ensuring that these arrangements are effective and comply with the definition of 'affordable housing' in the Glossary to the Framework.

⁸ Dated: 13 November 2018

47. However, no completed legal agreement was provided during the course of the application and none has been submitted during the appeal. The Planning Inspectorate's 'Procedural Guide – Planning appeals – England'⁹, in relation to appeals under the Part 2 written representations procedure, says: *'If the appellant intends to send a planning obligation and wants to be certain that it will be taken into account by the Inspector they must make sure that it is executed and a certified copy is received by us no later than 7 weeks from the start date.'* As no planning obligation has been received, there is no legal mechanism in place to secure the proposed affordable housing.
48. The appellant suggests that the matter could be dealt with by means of a condition or at the reserved matters stage. However, a condition would still be required as the issue does not fall within reserved matters, as defined in 'The Town and Country Planning (Development Management Procedure) (England) Order 2015. Furthermore, the Planning Practice Guidance advises that: *'Ensuring that any planning obligation or other agreement is entered into prior to granting planning permission is the best way to deliver sufficient certainty for all parties about what is being agreed. It encourages the parties to finalise the planning obligation or other agreement in a timely manner and is important in the interests of maintaining transparency.'*¹⁰
49. The PPG continues: *'However, in exceptional circumstances a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate, where there is clear evidence that the delivery of the development would otherwise be at serious risk (this may apply in the case of particularly complex development schemes).'*¹¹
50. There has been ample time for a planning obligation to have been provided and no case for exceptional circumstances has been made. Moreover, I do not consider that the proposal falls into the category of a 'particularly complex' development scheme.
51. As there is no legal mechanism in place to secure the housing as affordable and it would not be appropriate to deal with the matter by condition, I conclude that the proposal does not make the necessary contribution towards the provision of affordable housing. Therefore, the proposal conflicts with CS policy CS13 and policy DM24 of the emerging LP, which seek to secure an appropriate level and mix of affordable housing.

Other considerations

52. The appellant's PDAS, although dating from March 2017, suggests that the Council does not have a 5-year housing land supply (HLS). Although that aspect is not pursued in the appellant's more recent submissions, there is reference to shortfalls in affordable housing. For certainty, with regard to the 5-year HLS position, the Council has confirmed, with reference to its most recent position statement,¹² that it is able to demonstrate more than a 5-year supply of specific deliverable housing sites (from a 31 March 2018 base date), in accordance with paragraph 73 of the Framework and the Planning Practice

⁹ 19 March 2019: Annexe N (N.2.1)

¹⁰ Paragraph: 010 Reference ID: 21a-010-20190723

¹¹ Paragraph: 010 Reference ID: 21a-010-20190723

¹² Wycombe District Council 5YS Position: 1 March 2019

Guidance. That position has also been accepted by an Inspector in a recent appeal decision and I see no reason to take a different view.¹³

53. The emerging LP, which has been found sound, is also due to be adopted very shortly. The provision of a 5-year housing land supply (HLS) would have formed part of the assessment of the 'soundness' of the emerging LP. The requirement for and supply of affordable housing would also have been considered within the examination of the emerging LP.
54. The appellant's case mainly focussed on the contention that the proposal was not inappropriate development in the GB. I have already found otherwise for the reasons given. However, the appellant's PDAS and subsequent submissions refer to other considerations.
55. As accepted by the Council, the potential provision of 22 affordable homes would attract significant weight. However, given that there is no legal agreement in place to secure the affordable housing, and the PPG indicates that it would not be appropriate to deal with the matter by means of condition, that benefit is negated.
56. There would be a contribution to the housing land supply with housing provided at a location with access to services and facilities in Flackwell Heath. Although the Council has a 5-year HLS, the Framework does not suggest that should be treated as a cap. Therefore, I give the contribution to the supply of housing moderate weight.
57. The appellant refers to paragraph 84 of the Framework which supports a prosperous rural economy and says that: '*The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.*' Parts of the site are previously developed land and the site is adjacent to Flackwell Heath. However, that same paragraph also indicates that '*it will be important to ensure that development is sensitive to its surroundings*'. The position of the site within the GB and the Chilterns AONB and outside the settlement boundary, marks it as a particularly sensitive location.
58. There would be some economic benefits derived from the creation of short-term employment opportunities and the purchase of building materials during the construction period. Future occupiers would also contribute to the local economy and towards the viability of local services.
59. There would be a limited benefit in the removal of the existing group of utilitarian commercial buildings in the north-western part of the site, as they are visually unprepossessing and out of keeping with the semi-rural character of this part of the Chilterns AONB. However, that benefit is largely negated, taking account of the illustrative plan and quantum of development sought, by the proposed extension of built development over most of the site.
60. Reference is made by the appellant to the provision of new commercial space but the net gain over the existing buildings is minimal and, therefore, attracts little weight.

¹³ APP/K0425/W/18/3213837

Other Matters

61. The Council has also expressed various concerns about the layout of the scheme, including potential adverse effects on protected trees within the site and adjacent 'ancient semi-natural woodland'. However, given that the proposal is for 'up to' 22 houses, which offers some flexibility, and that 'layout' and all other matters are for further consideration (apart from access), I am satisfied those issues could be dealt with at the reserved matters stage.
62. According to the Council, the site is in Flood Zone 1 and less than 1 hectare. However, it refers to a lack of information about surface water drainage disposal, a concern shared by the Lead Local Flood Authority (LLFA).¹⁴ I note that the LLFA's letter confirms that the flood map for surface water flooding provided by the Environment Agency shows the site lies in an area of very low risk. Whilst further details of surface water management are necessary, there is no evidence that suitable arrangements could not be put in place. Therefore, I consider that issue could be dealt with by means of a suitable condition.

Planning Balance and Conclusion

63. The Framework indicates, at paragraph 143, that inappropriate development is, by definition, harmful to the GB and should not be approved except in very special circumstances.
64. I have already found that the proposal would be inappropriate development. Significant harm to the openness of the GB and conflict with one of its purposes has also been established. Furthermore, although some of the Council's concerns could be addressed at the reserved matters stage and by condition, I have also found harm to the character and appearance of the area, including the AONB.
65. Paragraph 144 of the Framework advises that substantial weight should be given to any harm 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 resulting from the proposal, is '*clearly outweighed by other considerations*'.
66. I have given moderate weight to some of those other considerations, which are discussed above. The main factor in favour, put forward by the appellant, would be the provision of affordable housing. However, the absence of a completed legal agreement negates that potential benefit.
67. Overall therefore, I find that the other considerations do not, either individually or cumulatively, clearly outweigh the harm to the GB and the other harm identified. Consequently, the very special circumstances necessary to justify the proposal do not exist.
68. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed and outline planning permission refused.

JP Tudor

INSPECTOR

¹⁴ Buckinghamshire County Council