



Appeal Decision

Hearing held on 13 August 2019

Site visit made on 13 August 2019

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st August 2019

Appeal Ref: APP/N0410/W/19/3226363

Grange Farm, Grange Way, Iver SL0 9NT

- 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 Tim Hurley against the decision of South Bucks District Council.
 - The application Ref PL/18/4472/FA, dated 25 November 2018, was refused by notice dated 25 January 2019.
 - The development proposed is described as "The construction of a gate lodge at the entrance of Grange Farm, to provide accomodation (*sic*) for a farm employee to reduce anti-social behaviour on my farm and at the entrance to Grange Farm."
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the banner heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. This was confirmed at the hearing. Accordingly, I have used the description given on the original application.
3. Since the Council's decision, an updated version of the National Planning Policy Framework (February 2019) (Framework) has been published which I have considered in my decision. It has not been substantively altered concerning the matters that are relevant to the determination of this appeal and, hence, no party has been prejudiced.
4. The Council consider that the intended purpose of the proposed dwelling has changed from the planning application so that it now concerns a dwelling for an agricultural worker. I note, though, that the description of development as was set out on the planning application form made reference to that the proposed dwelling was to provide accommodation for a farm employee. It was also evident from the hearing that the agricultural and the security roles of the rural worker who would occupy the proposed dwelling would in any event be related in that they would form the duties of the worker. The Council has also

provided evidence on both these counts. I am therefore content to consider the appeal on this basis.

Main Issues

5. The main issues are a) whether the proposal would constitute inappropriate development in the Green Belt for the purposes of the Framework and the development plan policy, b) its effect on the openness and the purposes of the Green Belt, c) if it 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

6. The appeal site consists of a small area of overgrown vegetation which forms part of Grange Farm. It is located adjacent to the access to the farm holding. The boundaries of the site are partly formed by a blockwork wall and a metal fence. The fence was constructed following the grant of a recent planning permission¹. The remaining boundaries of the site are undefined with further areas of vegetation within the holding. The land on the opposite side of the track which leads from the farm access comprises open agricultural fields. The farmhouse and a poultry unit are found in the region of 400 to 500 metres along the track. Beyond the fence is the edge of the settlement of Iver, the nearest part of which contains housing and garages.

Inappropriate Development

7. Paragraph 145 of the Framework states that the construction of new buildings is inappropriate in the Green Belt unless, amongst other exceptions, it involves buildings for agriculture and forestry. 'Saved' Policy GB1 of the South Bucks District Local Plan (1999) also sets out a number of exceptions to the construction of new buildings in the Green Belt, including development for agriculture and forestry.
8. The proposed dwelling would be occupied for purposes related to agriculture and security. Consequently, it would be primarily intended for residential use, even though it would be supporting these other purposes. Whilst I have considered the views of the parties on this matter, how this exception is to be interpreted under the Framework and 'Saved' Policy GB1 is not so broad that, in my view, it includes residential use. The proposed dwelling would, therefore, not accord with this exception.
9. With the location of the proposed dwelling beyond the edge of the settlement, it would also not constitute limited infilling in villages. The site of the proposed dwelling is also not previously developed land as it is not land which is, or was occupied, by a permanent structure, based on the evidence before me. In relation to the broader holding, land that is or was last occupied by agricultural or forestry buildings is also excluded from the definition of previously developed land². The other exceptions under the Framework that have been brought to my attention would, as a result, not apply.

¹ Planning ref: 18/00398/FUL

² National Planning Policy Framework, Annex 2: Glossary.

10. Hence, the proposal would be inappropriate development in the Green Belt, and so it would not comply with paragraph 145 of the Framework. For similar reasons, it would also not comply with 'Saved' Policy GB1. As this policy deals with the relevant exceptions to new buildings in the Green Belt in a similar way to the Framework, it attracts significant weight in my decision.

Openness and Purposes

11. Openness is an essential characteristic of the Green Belt. The proposal would alter the area of land on which it would be situated from one which is currently undeveloped to contain a new build dwelling with associated domestic infrastructure, including hardstanding and car parking. In visual terms, it would be apparent as it would be beyond the edge of the existing settlement, albeit such an effect would be tempered by its single storey form and the screening provided by the vegetation. When these factors are taken together, the proposal would have a moderate adverse effect on the openness of the Green Belt.
12. The proposal would also conflict with the Green Belt purpose, as is set out in paragraph 134 of the Framework, to assist in safeguarding the countryside from encroachment. It would incur into land that is countryside by virtue of its undeveloped form and as it is part of the farm holding. It is also clearly distinct from the built up form of the settlement. With this conflict, how it fares in relation to the purpose to check the unrestricted sprawl of large built-up areas, as was raised by the Council at the hearing, does not substantially add to my concerns.
13. The site contributes towards the fundamental aim of Green Belt policy under the Framework which is to prevent urban sprawl by keeping land permanently open. The perceived quality of the land itself, therefore, does not change my view on openness and the same applies as regards the purposes of the Green Belt.

Other Considerations

14. The farm holding is of a size of approximately 20 hectares. The poultry unit accommodates 7,000 birds and is used for egg production. Other agricultural activities which take place on the land include hay production and the growing of beetroot. The activities are managed from the farmhouse. The holding has also been used for sheep grazing and, in the more distant past, for the production of coriander.
15. The rural worker who would reside in the proposed dwelling would be involved in activities including the cutting of grass and hay, trimming hedges, maintenance, assisting with the running of the poultry unit and the reintroduction of sheep grazing. The appellant considers that such activities would make the running of the farm business more sustainable.
16. The arable farming activities could, though, be carried out, whether or not there would be the proposed dwelling. The management of the poultry unit already appears to be effectively carried out from the farmhouse, in particular due to their proximity. In addition, the sheep grazing that was carried out on the site previously was done so without the proposed dwelling. Whilst I understand that sheep previously escaped from the site on occasion, it would

- seem to me this could be adequately addressed through suitable fencing and not reasonably necessitate a worker to live on site.
17. The appellant considers that 2 full time workers are required on the holding and that a rural worker would have difficulty affording alternative accommodation close to the site that is available to purchase or rent. Whilst I do not necessarily dispute these matters, as I have set out above, a number of the activities would not require the worker to live on the site and so this lessens the weight which can be attributed to them.
 18. Part of the justification that was put forward at the hearing also related to the intention to establish a donkey sanctuary. This would, however, fall outside what can be considered to be agriculture³ and, in the absence of substantive information to the contrary, it would not justify the proposed dwelling.
 19. Overall, the evidence I have before me concerning why a permanent residential presence from the proposed dwelling is required as regards the functional needs of the holding is of a limited nature. Equally, the financial information is similarly restricted and so it does not sufficiently indicate that the enterprise has clear prospects of being maintained for a reasonable period of time to support the proposed dwelling.
 20. Moving onto the security aspects, I am not unsympathetic to the appellant's situation as regards vandalism, waste tipping, unauthorised entry, horse tethering, motorbike use, and the theft of crops and livestock. Security is, however, rarely a justification for a rural worker's dwelling and the recently constructed fence appears to provide some deterrent, especially as the existing farmhouse is largely screened from this part of the holding. The access which can be gained from a public right of way is itself screened from where the proposed dwelling would be located so as to limit its surveillance capabilities, or would be similarly as visible from the farmhouse where it crosses through open fields. In relation to the potential cost of other forms of security, this needs to be considered against what would likely be the not insignificant cost of the proposed dwelling itself. Such contentions are not persuasive.
 21. When both the agricultural need and security aspects are considered together, they do not present a compelling case and so they attract limited weight in my decision.
 22. Both parties at the hearing made reference to an emerging Local Plan, in relation to the draft planning policies and the allocations which are proposed in the vicinity of the farm. As the plan is at a stage where it has been undergoing consultation prior to submission for examination and, thus, may undergo further changes prior to adoption, it attracts limited weight in my decision.
 23. The appellant's submissions refer to a lack of objections from local residents that would live closest to the proposed dwelling. The purported security benefits are addressed above, and these similarly apply for local residents concerning anti-social behaviour and fly tipping. I have dealt with the proposal on its planning merits and due to the concerns that I have expressed the proposal would not improve the quality of the Green Belt.

³ Section 336 (1) of the Town and Country Planning Act 1990

Conclusion

24. The proposal would be inappropriate development in the Green Belt. It would have a moderate adverse effect on openness and it would conflict with the Green Belt purpose to assist in safeguarding the countryside from encroachment. Paragraph 144 of the Framework establishes that substantial weight should be given to any harm to the Green Belt. Other considerations which arise do not clearly outweigh the totality of the harm. Consequently, very special circumstances do not exist. Accordingly, I conclude that the appeal should be dismissed.

Darren Hendley

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Tim Hurley

Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Richard Regan

South Bucks District Council

Vicki Burdett

South Bucks District Council