The Planning Inspectorate

Appeal Decision

Site visit made on 18 July 2019

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 12th September 2019

Appeal Ref: APP/K0425/W/19/3226904
Land to the north of 19 The Row, Lane End HP14 3JR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr and Mrs Hebbourne against the decision of Wycombe District Council.
- The application Ref 18/07170/OUT, dated 14 July 2018, was refused by notice dated 16 October 2018.
- The development proposed is described as the erection of detached dwelling with access, parking and amenity space.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was submitted in outline with all matters except for access reserved for later consideration. The application includes a site layout plan. I consider this to be indicative and have determined the appeal on that basis.

3. Since the submission of the appeal, the Wycombe Local Plan has been adopted (August 2019), and I have had regard to this in making my decision.

4. The National Planning Policy Framework (the Framework) was revised in February 2019. I have taken account of it in the determination of this appeal.

Main Issue

5. The appeal site is situated within the Metropolitan Green Belt, the Chilterns Area of Outstanding Natural Beauty (AONB) and borders the Lane End Conservation Area.

6. The main issues are therefore:

   - Whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies;

   - The effect on the openness of the Green Belt;

   - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal, and

- The effect of the proposal on the character and appearance of the area where it relates to the AONB and the setting of the Lane End Conservation Area.

Reasons

Green Belt: whether the proposal would constitute inappropriate development

7. The main parties have agreed that the proposal would represent inappropriate development in the Green Belt as defined in development plan policy and the Framework. I concur with this.

Green Belt: the effect of the proposal on the openness

8. There is no definition of openness in the Framework but, in the Green Belt context, it is generally meant as the absence of, or freedom from development. The appeal proposal would be harmful to the Green Belt, because it would, quite evidently, result in a loss of the openness of the site through the development of a new dwelling.

Very special circumstances

9. Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

10. At paragraph 144 of the Framework, it is states that decision-takers should *'ensure that substantial weight is given to any harm to the Green Belt. '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'*.

11. The site forms part of a larger farm which is in the process of being sub-divided. The appellants make the case that as part of retaining ownership over their part of the holding, that they would be required to live on site 24 hours a day on the basis that they plan to continue to run their 'agricultural/equestrian' business.

12. I have considered their submissions, but do not consider their case contains enough compelling evidence to demonstrate why the appellants need to live on site, nor any evidence that they could not find appropriate accommodation within a reasonable distance from it. I am aware that equestrian and agricultural businesses do not always have owners living on site, and I am not clear what operations would take place within the holding that would require a permanent 24 hour presence.

13. I therefore do not consider that very special circumstances have been demonstrated in this case and consider the proposals are in conflict with Policy DM42 (Managing development in the Green Belt) of the Wycombe Local Plan (2019) (LP) which controls development in Green Belt subject to a closed list of exceptions (none of which are met by the appeal proposals) and paragraphs 143 and 144 of the Framework.

Character and appearance in relation to the AONB

14. The appeal site falls within the Chilterns AONB, where paragraph 172 of the Framework requires that great weight be given to conserving and enhancing

landscape and scenic beauty. Along with National Parks and the Broads, AONBs have the highest status of protection in relation to these issues.

15. The appeal site sits within an area that has a tranquil and strongly rural and open character, which positively contributes to the AONB.

16. Whilst the site has a degree of containment associated with boundary vegetation and its raised topography above this part of the village, the development of a new dwelling here will change this character permanently.

17. At the site visit, I observed some glimpsed views to the site and of the undeveloped landscape beyond, as well as into the site from the surrounding open countryside. Whilst much of the site is screened from the road by the existing 'belt' of vegetation, I consider it would still be possible to see the proposed new dwelling from the public domain, particularly during the winter months and from the public rights of way routes close to the site. I also consider that the visibility of the site would increase as a result of the need to facilitate an acceptable access into the site through the loss of some of this vegetation.

18. I consider that the character and appearance of the AONB would be harmed by the development of a new dwelling in this location, albeit I find this harm to be moderate.

19. There would be some benefit associated with the occupation of the site to support an agricultural/equestrian business, which would support the economic and social well-being of the local community within the AONB. However, as I have no further details of the appellants' business, such as employee numbers or information about the nature and scale of the operation, I am unable to afford this anything other than limited weight.

20. I therefore find the harm to the character and appearance of the AONB would outweigh the benefits I have described, contrary to policy DM30 (Chilterns Area of Outstanding Natural Beauty) of the LP and paragraphs 127, 170 and 172 of the Framework.

Character and appearance in relation to the Conservation Area

21. The site sits outside, but adjacent to the Lane End Conservation Area (CA), which is a designated heritage asset. The CA covers much of the village and the northernmost area, which is adjacent to the appeal site is characterised by loose knit dwellings set around Handleton common which draws the surrounding open rural character into the village.

22. The CA includes the tree and vegetation belt to the front of the appeal site, which also defines the edge of the CA, separating it the village and common from the open countryside beyond. The CA is dominated by open countryside along its western boundary. The appeal site, directly bordering and extending out from the vegetation belt, is an integral part of this setting.

23. I consider that developing this site would result in harm to the rural and open setting of the CA, albeit less than substantial, given the scale of the proposals. In light of this, I have considered the public benefits of the proposal, as described by paragraph 196 of the Framework.

24. There would be some economic benefits associated with the construction and future occupation of the dwelling. However, these would be limited, given the proposals are only for a single dwelling. These benefits do not outweigh the harm to the setting of the CA I have identified.

25. I therefore consider there to be conflict with policy DM31 (Development affecting the historic environment) of the LP which seeks development that conserves and enhances the historic environment, as well as the relevant parts of the Framework.

Conclusions

26. Overall, I have found harm through the inappropriateness of the development in Green Belt and through the loss of openness, as well as harm to the character and appearance of the area in relation to both the AONB and the setting of the CA. The other benefits I have discussed do not clearly outweigh this.

27. Having regard to all matters raised, I consider the appeal is dismissed.

Sian Griffiths

INSPECTOR