



Appeal Decision

Site visit made on 18 November 2019

by John Felgate BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 17th December 2019

Appeal Ref: APP/N0410/W/19/3223043

Land adjacent to Alderbourne Cottage, Fulmer Lane, Fulmer, Buckinghamshire SL9 7BL

- 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 J Rooney against the decision of South Bucks District Council.
 - The application Ref 18/00707/FUL, dated 15 March 2018, was refused by notice dated 15 February 2019.
 - The development proposed is conversion of existing outbuilding into a residential annex ancillary to Alderbourne Cottage.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of the existing outbuilding into a residential annex ancillary to Alderbourne Cottage, on land adjacent to Alderbourne Cottage, Fulmer Lane, Fulmer, Buckinghamshire SL9 7BL, in accordance with the terms of the application, Ref 18/00707/FUL, dated 15 March 2018, and the plans submitted with it, subject to the conditions set out in the attached Schedule.

Procedural Matters

2. The nature of the appeal proposal is disputed between the parties. The Council contends that the intention behind the application is to obtain permission for the use of the building as a separate residential unit, and for the retention of various other items, including fencing, entrance gates and pillars, which have previously been the subject of enforcement action. From their refusal reasons and other submissions, it is clear that this is the basis on which the Council has treated the application and appeal. However, it seems to me that the nature of the proposed development is defined by the details shown in the planning application form, and the accompanying plans and documents that comprised the application. I have dealt with the appeal on this basis.
3. In a Screening Direction dated 23 August 2019, on behalf of the Secretary of State, an authorised officer of the Planning Inspectorate found that the appeal proposal development was not one for which an Environmental Impact Assessment (EIA) was required. In a letter dated 3 September 2019, a Member of Parliament has asked that this decision be reviewed, having regard to the site's planning history and wider issues. I have reviewed the screening exercise carried out previously, and given the nature and scale of the scheme, I concur with the view that it would not be likely to have significant environmental effects within the terms of the relevant Regulations. I am therefore satisfied that an EIA is not required.

Planning Background

4. The building which forms the subject of this appeal is a single-storey structure, with the appearance of a cabin or chalet, set in woodland which was formerly attached to Alderbourne Cottage. The Cottage was originally a lodge house within the grounds of Alderbourne Manor, and the woodland formed part of the Manor's much larger area of wooded parkland and grounds. Up to about 2011, the cabin appears to have been used for various purposes, including as a workshop and office, and as occasional living accommodation, all ancillary to Alderbourne Cottage.
5. In December 2012, the cabin and part of the woodland were included in a proposal for change of use to two gypsy and traveller pitches, and the use of the existing building as a washroom, toilet and utility ancillary to that use, together with the installation of gates, fencing and hardstanding. An appeal relating to this proposal was dismissed by the Secretary of State in June 2014¹.
6. In April 2015, two enforcement notices were served on this larger site. The present appeal site formed part of Area 1. The breaches of planning control identified in the notice for this area² included: the use of the land as a gypsy and traveller site; the use of outbuildings for residential purposes ancillary to that use; and associated works to facilitate the unauthorised uses. Appeals against the notices were heard at an inquiry in June and October 2016³.
7. In March 2017, the appeals were dismissed, and the notices were upheld with various corrections and amendments. With regard to the building which is the subject of the present appeal, the terms of the notice were amended, so that the use being enforced against was described as a day room, incidental to the use as a caravan site, and separate from Alderbourne Cottage.
8. Within Area 1 as a whole, the amended enforcement notice required the removal of, amongst other things: all caravans, a utility block and shed, domestic paraphernalia, equipment and vehicles; earth and materials imported for re-profiling the land; hard surfacing including stone, gravel and tarmac; concrete and brick bases; all fencing, and the entrance gates and pillars. Regarding the appeal building itself, the notice required the removal of an infill extension, roof alterations, a veranda, a brick skirt, external rendering, internal alterations, and a bathroom installation.
9. In the present appeal scheme, the 'Proposed Floor Plans and Elevations' plan proposes the removal of the existing render, the roof canopy, supporting posts, and the infill extension. The Site Plan is annotated to propose a revised driveway with reduction in the existing level of hardstanding.
10. At the time of my visit, the roof alterations, canopy, posts, veranda, brick skirtings, and render had all been removed. The infill extension and bathroom installation remained in place. The room layout was as shown on the submitted 'As Built' plan.

¹ APP/N0410/A/12/2185586

² Notice No. E2/1229/AREA 1

³ APP/N0410/C/15/30708099 and others

Main Issues

11. The main issues in the present appeal are as follows:

- whether the proposed conversion would constitute 'inappropriate development' in terms of relevant Green Belt (GB) policies, having regard to the effects on openness and on GB purposes, and on the character and appearance of the area;
- the effects on the setting of Alderbourne Cottage as a heritage asset;
- the effects on Ancient Woodland;
- the effects on the Colne Valley Regional Park;
- the effects on biodiversity and wildlife.

Reasons for Decision

Green Belt policy

12. In the development plan for the area, the principal relevant policy is Policy GB2 of the South Buckinghamshire District Local Plan (the SBDLP), adopted in 1999. This sets out criteria for the re-use of buildings within the GB. Buildings should be of permanent and substantial construction, and capable of conversion without major reconstruction, and neither the proposed use itself, nor any associated use of surrounding land, should detract from the GB's open and undeveloped character, nor from the character and amenities of the locality. In addition, all developments in the GB are also subject to Policy GB1, but in this case the requirements are essentially the same as under GB2.
13. In the National Planning Policy Framework (the NPPF), paragraph 146 specifies various types of development that are not inappropriate in GBs, provided that they preserve openness and do not conflict with the purposes of including land in the GB. One of these is the re-use of buildings, provided they are of permanent and substantial construction.
14. In the present case, the building in question comprises a timber-framed structure on a masonry plinth. The removal of the white render has revealed a timber weather-board cladding, of a reasonably sound and durable nature. The roofs include a tiled pitched structure on one section and felted timber flat roofs over the remainder, all apparently in fair condition. The windows and external doors are modern double-glazed pvc units. Internally, the walls are plastered and the floors boarded. At the time of my visit, although the heating was off, the temperature was comfortable, indicating some degree of thermal insulation. As far as I am aware, no further external or structural elements are required to be removed to comply with the enforcement notice for Area 1. The appeal building therefore seems to me to fall within the relevant policy requirements in terms of being permanent and substantial, and being capable of being converted without major reconstruction.
15. The question of inappropriateness therefore revolves around the effects on the GB's openness and purposes. In so far as the proposed use as a residential annex would take place mainly inside the existing building, it seems to me that in these respects the development would have little or no impact at all. With regard to any external manifestations of the use, I note the Council's concerns regarding vehicle parking and domestic paraphernalia. However, given the building's modest size, it seems likely that these would be limited in scale and

number, and that they would be contained mainly within that part of the site immediately around the building itself. Indeed the submitted Site Plan indicates a relatively small area associated with the new use, and any overspill of parking or activities beyond that boundary would not accord with the terms of the application. A limited number of vehicles or domestic items, placed within this area, would not be visible from any public viewpoints. By their very nature, such items would also be likely to be temporary and transient. Consequently, in the circumstances of this particular site, I do not consider that the development now proposed would have any significant adverse effects on the openness of the GB. Nor would it entail an encroachment on the countryside, or conflict with any of the GB's other purposes.

16. I appreciate that similar matters were considered in the 2017 appeal decision, and that the Inspector in that case found conflict with the relevant GB policies. But that appeal related to a development which was primarily for the purposes of a gypsy and traveller site, with static and touring caravans, other built structures, and plant and equipment. The development now proposed is quite different, because the building in question already exists, no new operational development is proposed, and the associated external land is much more limited in extent. The present scheme is therefore significantly reduced in both scale and nature, and it follows that its likely impact would be significantly less than that found in the previous appeal.
17. The Proposed Floor Plan indicates that the existing bathroom and internal alterations would be retained. This would be contrary to some of the provisions of the enforcement notice. But at the time of the previous decision, these internal features were being considered in the context of other, more significant alterations to the building, affecting its external appearance. Most of those other changes have now been reversed. On their own, the bathroom and internal layout are minor works of little significance. Retaining only these features, as part of the development now proposed, would have no impact on the GB, or on the area's character and appearance.
18. Likewise, the Site Plan for the present scheme indicates a revised driveway and parking area, suggesting the possible retention of some of the infill and surfacing material which the enforcement notice required to be removed. But the area now indicated for these purposes is small compared to the much larger hardstanding which was considered in the 2016 inquiry. Within the present appeal site area, the existing levels appear reasonably close to the natural ground level, and the crushed stone and gravel dressing has a naturalistic appearance. And in any event, this part of the site is not visible from any public views. The details of the driveway and parking area can be controlled by condition, as suggested by the appellant. Consequently, the retention of a smaller driveway and parking area as now shown would not unduly affect the openness or appearance of the GB or the surrounding countryside.
19. Although the Site Plan indicates the position of the existing boundary fencing, the application does not seek permission for this existing fence to be retained, and in any event, the details of any proposed fencing can be controlled by condition. Nothing in the application or plans suggests any intention or proposal to retain the existing entrance gates or pillars. The Proposed Floor Plan indicates that the existing infill extension is to be removed, as required by the enforcement notice. With regard to all these items therefore, I see no

reason why the appeal proposal should in any way affect the Council's ability to secure compliance with the relevant provisions of the notice.

20. I conclude that the proposed change of use would not cause harm to the GB in through loss of openness, nor through encroachment, and nor would it harm the GB's character or appearance. The development would therefore not be inappropriate in terms of national GB policy, and would not give rise to any conflict with the GB policies of the development plan, including SBDLP Policies GB1 and GB2.

Setting of Alderbourne Cottage

21. Alderbourne Cottage is a Grade II listed building. It is an example of the 'cottage ornee' style, probably dating from the early 19th century. Its significance lies in its architectural, historical and social interest, as a former lodge serving the Manor house. There is no dispute that the appeal site lies within its setting.
22. However, as set out above, the appeal proposal would involve no operational development, and the use of the building as an annex would have no visual impact externally. Furthermore, for the reasons already explained, I consider that the associated use of the adjacent parts of the site for parking and other incidental purposes, would have a negligible impact. In these respects, the effects of the present scheme would be significantly less than those considered in 2016, due to the differences of scale and nature.
23. The development would therefore preserve the listed building's setting, and would cause no harm to the significance of the heritage asset itself. As such, there would be no conflict with Core Policy CP8 of the South Buckinghamshire Core Strategy (the SBCS).

Ancient Woodland

24. The appeal proposal would not involve the loss of any existing trees, nor does it propose any new works affecting trees. In the 2017 appeal decision, the Inspector had concerns regarding the effects on the ancient woodland, but that was in the context of a caravan site, used as the occupiers' primary residence. The use now proposed would be different and less intensive in nature. In the context of the present appeal proposal, I see no reason to anticipate any significant impact on the trees, either direct or indirect.
25. In so far as the Council's concerns relate to tree damage which has already occurred, that is not a matter for the present appeal. But nevertheless, granting permission for the appeal scheme would provide the opportunity to secure some new planting, which would potentially go some of the way towards making good those past losses. Such planting could be achieved by condition.
26. The retention of a driveway and parking area on part of the appeal site would be likely to prevent or reduce the prospect of any future woodland regeneration in those areas. But there is no evidence of any actual action which is planned or under consideration to promote such regeneration; realistically, in the absence of any such action, the prospect seems somewhat remote. And in any event, the area affected within the present appeal site is small in relation to the woodland as a whole.

27. In the circumstances, I conclude that the development would not be likely to cause any material harm to the ancient woodland. Accordingly, I find no conflict in this regard, either with the relevant provisions of SBCS Core Policy 9, or with NPPF paragraph 175.

Colne Valley Regional Park

28. The alleged harm to the Colne Valley Regional Park relates to landscape impact and the effects on the Park's visual amenity. For the same reasons as those already given above, I consider that the development now proposed would have no significant landscape or visual impact. It would therefore not conflict with the aims and objectives of the Regional Park, or with any relevant policies, including the relevant provisions of Core Policy 9.

Biodiversity and wildlife

29. The appeal site is located within a Biodiversity Opportunity Area, where Core Policy 9 requires developments to produce net gains to biodiversity resources. However, there appears no reason why such a gain could not be achieved within the present proposals. This seems to me a matter that could be secured by condition.
30. With particular regard to bats, the woodland habitat may be suitable, and in the absence of a bat survey, their presence cannot be ruled out. But given that the development would not require the clearance of any trees or other vegetation, or the demolition of any buildings, there is no apparent reason why any bats present should be unduly affected.
31. I therefore find no conflict with Core Policy 9, or any other policy, with regard to these matters.

Other Matters

32. The Council points out that the appeal site is in separate ownership from Alderbourn Cottage, and questions whether in those circumstances the proposed use could be properly implemented on an ancillary basis. However, land and property ownerships can easily change; and indeed so too can the identity of the occupier, without necessarily requiring any change of ownership. In the present case, I do not consider the ownership of either the appeal site or Alderbourn Cottage to be a relevant planning consideration.

Conditions

33. Although the Council has declined to offer any conditions, a number have been suggested by the appellant. Of the latter, I agree that conditions requiring further details of the driveway, parking area and boundary treatments, and to secure additional planting and biodiversity enhancements, are all necessary, for the reasons explained more fully elsewhere in this decision. These conditions are set out in the Schedule which follows.
34. In its appeal statement the Council considers, but ultimately rejects, the idea of a condition tying the use of the appeal building to Alderbourn Cottage. For the avoidance of doubt, I agree that such a condition would not be reasonable or enforceable, and would therefore fail to meet the relevant tests in the NPPF. But in any event, for the reasons already given, I am satisfied that no such condition is needed.

Conclusions

35. For the reasons set out above, I conclude that the proposed development would not be inappropriate in terms of GB policy. Neither would it cause significant harm in any other way. The proposal therefore accords with the relevant policies of the development plan and the NPPF.
36. Having taken account of all the other matters raised, I find that none outweighs this conclusion or justifies any change in my decision. The appeal is therefore allowed.

J Felgate

INSPECTOR

SCHEDULE OF CONDITIONS

The planning permission to which this decision relates is granted subject to the following conditions:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development shall be carried out in accordance with the following submitted plans: Location Plan and Site Plan, No AC-PA—02, Rev E; and Proposed Floor Plans and Elevations, No AC-PA-03, Rev B.
- 3) The development shall not be brought into use until the proposed driveway and parking area have been laid out within the application site, in accordance with details to be submitted to the Local Planning Authority and approved in writing.
- 4) The development shall not be brought into use until a boundary treatments scheme has been implemented, in accordance with details to be submitted to the Local Planning Authority and approved in writing. Thereafter, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected in connection with the proposed development, other than in accordance with the details thus approved.
- 5) The development shall not be brought into use until a scheme of new tree and shrub planting has been implemented within the application site, in accordance with details to be submitted to the Local Planning Authority and approved in writing.
- 6) The development shall not be brought into use until a biodiversity enhancement scheme has been implemented, in accordance with details to be submitted to the Local Planning Authority and approved in writing. The scheme shall include necessary measures to achieve a net gain in biodiversity within the application site, proportionate to the scale of the development permitted by this permission.

[END OF SCHEDULE]