



Appeal Decision

Site visit made on 16 December 2019

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 December 2019

Appeal Ref: APP/N0410/W/19/3237204

Sawyers Green Farm Kennel, Langley Park Road, Wexham SL3 6DD

- 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 Mazhar Hussain against the decision of South Bucks District Council.
 - The application Ref PL/19/2257/FA, dated 1 July 2019, was refused by notice dated 4 September 2019.
 - The development proposed is part change of use of kennels to vehicle parking for sales.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the header above is taken from the application form, although the word 'retrospective' has been removed as this is superfluous and not an act of development. Parts of the appellant's appeal statement refer to a change of use to airport parking. For reasons of clarity, I confirm that I have assessed the appeal on the basis of the above description.
3. On my visit I saw cars on parts of the appeal site, although parked in a manner at odds with the appeal drawing. Whilst I am uncertain whether any of the cars were for sale, the planning application form states that the development has already started. Consequently, I have determined the appeal on this basis.
4. Reference has been made in the appeal submissions to an emerging Chiltern and South Bucks Local Plan. This document is at an early stage in its preparation and so I afford its policies limited weight in my assessment. The written statement submitted by Buckinghamshire County Council (BCC) also refers to policies from the Chiltern District Local Plan 1997 and Chiltern District Core Strategy. I have not been provided with a copy of these policies. As they relate to another Council district, it appears they are not relevant to this appeal and so I have not taken these policies into account.

Main Issues

5. The appeal site is located within the Green Belt and so the main issues are:
 - whether the proposal represents inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the 'Framework') and development plan policy; and

- the effect on highway safety by reason of traffic generation, traffic flows and parking layout; and
- if the development is inappropriate, 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 it.

Reasons

Whether inappropriate development in the Green Belt

6. The appeal site forms part of Sawyers Green Farm and is open land with no buildings. Paragraph 146 of the Framework states that a change in use of land is not inappropriate development in the Green Belt provided it preserves openness and does not conflict with the purposes of including land within it. Policy GB1 (g) of the South Bucks District Local Plan 1999 (LP) is generally consistent with the Framework in this regard.
7. The appellant advises that the site was last used in 1998 as dog kennels and has remained vacant ever since. The Inspector who determined a previous appeal relating to the site¹ found the kennels use and any associated parking and open storage could not have encompassed much more than a limited portion of the site. In the absence of any other evidence to the contrary, I agree with the previous appeal Inspector in this regard.
8. The scheme includes the erection of no buildings, but the car sales use is likely to involve vehicles being parked on the site for considerable periods of time. The appellant states the development provides parking for 250 vehicles and the appeal drawing shows car spaces across most of the site. Such an extent of parked cars is unlikely to have occurred with the previous kennel use.
9. From various positions on the highway there are views into the site that are only partially screened by the fence and trees on the boundary. Cars can also be seen through the entrance gap. Therefore, the presence of vehicles on the site results in the visibly diminished openness of the Green Belt.
10. Furthermore, the development introduces an extensive and noticeable commercial activity onto a site that forms part of the Colne Valley Park, that is adjacent to an open golf course and contains typical rural features such as trees and hedges. The site is also close to the built up area of Langley. Therefore, the development represents encroachment into the countryside and urban sprawl, contrary to 2 of the purposes of Green Belt as set out at paragraph 134 of the Framework.
11. The appellant's statement refers to the use on a temporary basis, although no period is specified. However, the development has an obvious visual impact that is harmful to openness and the purposes of Green Belt policy, even if allowed for just a short period of time. As such, a temporary permission would not address the identified harm.
12. Therefore, the appeal development does not preserve the openness of the Green Belt and conflicts with the purposes of Green Belt policy. As such it fails

¹ Appeal ref no APP/N0410/W/17/3190035

to comply with paragraph 146 e) of the Framework and so represents inappropriate development in the Green Belt.

Highway safety

13. The access to the site is on Langley Park Road. Whilst providing only a snapshot in time, I saw on my site visit that the road was quite busy with traffic heading into and leaving nearby Langley.
14. No transport assessment for the development has been submitted. The TRICS information provided with the BCC statement is based on actual trip counts at other existing businesses and indicates that car show rooms can generate a significant number of traffic movements. There is no evidence that substantiates the appellant's claim that the development attracts no more than 20 customers a day. Given the scale and nature of the development, the evidence suggests the car sales use has the potential to generate significant additional traffic movements compared to the previous use.
15. An increased number of cars leaving and slowing down to enter the site has a subsequent impact on traffic flows on the adjacent highway. Whilst gates are set back from the road, the access is unable to accommodate 2 passing vehicles and so there is a significant additional risk of car drivers waiting on the carriageway for vehicles to exit the development.
16. The site entrance is just inside the 30 mph speed limit, although actual traffic speeds appear to be higher as vehicles from the south are leaving a built up area and the national speed limits apply just to the north. In addition, the approach from the south is over a bridge where forward visibility is restricted to a degree. As such, there is a clear potential that the local highway network is unable to safely accommodate the vehicle movements and the subsequent impediment to traffic flows as a result of the appeal development.
17. Concern is also raised by BCC in respect of the parking layout and its ability to safely accommodate vehicle turning. However, this is a matter that could be addressed through the imposition of a planning condition requiring the approval of a revised car parking layout. Acceptability in this regard fails to address the identified harm to highway safety.
18. Therefore, I conclude the appeal development causes unacceptable harm to highway safety by reason of additional traffic generation and subsequent impact on traffic flows. Consequently, and in this regard, the development is contrary to LP policy TR5, the aims of the BCC Local Transport Plan 4 and the Framework. These all aim to ensure development does not have an unacceptable impact on highway safety. I find the development is acceptable in terms of parking layout and therefore accords with LP policy TR7 in this regard.

Other considerations

19. Drainage concerns can be addressed through the imposition of a planning condition and the appeal development has no impact on the living conditions of occupiers of any residences. However, acceptability in these regards is a neutral factor in my assessment.
20. The appellant states that use of the site helps prevent unlawful occupation and provides security against the dumping of waste and harm to wildlife. However, there is no evidence that demonstrates a realistic prospect of harm being

caused in these respects if the appeal is dismissed, or that the development is the only manner of addressing such issues. I therefore attach limited weight to this point in my assessment. However, the development has the benefit of providing employment, to which I attach positive weight.

Green Belt balance

21. The scheme represents inappropriate development, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. These only exist where the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations. The Framework dictates that, in carrying out the balancing exercise, substantial weight is to be given to any harm caused to the Green Belt.
22. As well as harm by reason of inappropriateness, the development causes a loss of openness, thereby adversely impacting on one of the essential characteristics of the Green Belt. In addition, the development prejudices 2 of the purposes of Green Belt policy. Whilst concerns regarding parking could be addressed by a planning condition, the development causes harm to highway safety by generating additional movements and affecting traffic flows. I attach significant weight to the harm caused in this respect.
23. On considering all the relevant matters, I conclude that the benefits of the appeal scheme and all other considerations do not clearly outweigh the totality of harm the development causes to the Green Belt and the other harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. As such, the development conflicts with the Framework and LP policies GB1 and EP3 which, amongst other things, seek to resist inappropriate development in the Green Belt unless very special circumstances exist and to preserve its openness.

Conclusion

24. For the reasons given above, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR