



Appeal Decision

Site visit made on 17 March 2020

by Christopher Butler BA(Hons) PG Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 June 2020

Appeal Ref: APP/X0415/W/19/3228107

**Little Chalfont Village Hall, Cokes Lane, Little Chalfont, Amersham,
Buckinghamshire HP7 9QB**

- 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 Little Chalfont Parish Council against the decision of Buckinghamshire Council - Chiltern Area.
 - The application Ref PL/18/2249/FA, dated 13 June 2018, was refused by notice dated 6 November 2018.
 - The development proposed is the demolition of existing buildings, erection of two-storey community centre, alteration to existing access, formation of new vehicular access and provision of cycle parking, car park, bin stores, boundary treatment and landscaping.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Little Chalfont Parish Council against Buckinghamshire Council – Chiltern Area, formerly Chiltern District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. On 1 April 2020 the name of the decision-making authority changed from Chiltern District Council to Buckinghamshire Council – Chiltern Area. This is reflected in the banner heading above.
4. The appellant has submitted two versions of the Preliminary Ecological Appraisal (PEA) with this appeal. The first version, PEA report reference ECO1808, dated 26 January 2016 was submitted with the original planning application. The second version, PEA report reference ECO1808b, dated 30 October 2018 (PEA2) was submitted prior to the Council's Planning Committee meeting, but the Council considered the PEA2 to be submitted too late to allow itself time to consult its Ecological Advisor and declined to accept it.
5. The Council and interested parties to this appeal have had the opportunity to comment upon the PEA2, as part of the appeal process, and as such I do not consider that any party, with an interest in this appeal, is prejudiced by me taking it into account.

Main Issues

6. The main issues are:

- Whether the proposal would be inappropriate development in the Green Belt having regard to any relevant development plan policies and the National Planning Policy Framework (The Framework);
- The effect of the development on the character and appearance of Cokes Lane and the surrounding area, including ancient woodland, protected trees and biodiversity;
- The effect of the development on highway and pedestrian safety; and
- If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, would be outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether inappropriate development

7. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to safeguard the countryside from encroachment and prevent urban sprawl by keeping land permanently open, as the essential characteristics of Green Belts are their openness and their permanence.
8. The Framework states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the Framework states that the construction of new buildings is inappropriate development in the Green Belt, save for those circumstances as listed therein. Additionally, Paragraph 146 of the Framework also advises "*Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.*"
9. Policy CS1 of the Core Strategy for Chiltern District (Adopted November 2011) (CS) forms part of the Council's Spatial Strategy and states it "*...aims to protect the Chilterns Area of Outstanding Natural Beauty and Green Belt by focusing new development... on land within existing settlements not covered by those designations...*" Policy GB2 of the Chiltern District Local Plan (Adopted September 1997) (including alterations adopted May 2001) Consolidated September 2007 (LP) states that new buildings in the Green Belt will be inappropriate development unless they would be one of the listed exceptions specified in the Policy.
10. Policy CS1 of the CS and Policy GB2 of the LP are not wholly consistent with the Framework. The exceptions identified in Policy GB2 do not list all the exceptions set out in Paragraph 145 of the Framework. Whilst the appellant and Council initially appear to agree that the proposal would amount to inappropriate development, especially as the appellant suggest 'very special circumstances' necessary to justify the proposal exist, many of the claimed very special circumstances appear to be potential exemptions, as identified in Paragraphs 145 and 146 of the Framework. These include the 'Fallback' position with a Community Right to Build Order (CRBO); the 'Brownfield nature

- of the site'; and reference to the development being a replacement facility/replacement of the existing hall with the new community building.
11. Dealing first with the CRBO, as referred to in Paragraph 146 f) of the Framework. A proposal that amounts to development identified by this Paragraph of the Framework would not be inappropriate in the Green Belt, provided it preserves its openness and does not conflict with the purposes of including land within it. However, no evidence has been provided to me that demonstrates the development is being brought forward under a CRBO. In the absence of any certainty in this regard, the proposal cannot reasonably be considered to be development not inappropriate in the Green Belt by virtue of Paragraph 146 f).
 12. Turning to the appellant's reference to the 'Brownfield nature of the site', I note that part of the development site incorporates an area of trees and scrub that would be removed to make way for the proposed community hall and its ancillary development. This area of woodland is designated as Ancient and Semi Natural Woodland (ASNW), as defined by Natural England in its Ancient Woodland Inventory (AWI). There is no evidence to suggest that this part of the site that falls within the ASNW is previously developed land. As such not all of the site could be considered to be 'Brownfield' or previously developed land.
 13. Paragraph 145 g) of the framework, states limited infilling or the partial or complete redevelopment of previously developed land need not be inappropriate development within the Green Belt, but this is subject to one of two criteria. The first of which is that it would not have a greater impact on the openness of the Green Belt than the existing development. The other criteria in Paragraph 145 g) of the Framework is not relevant in this instance, as it relates to meeting an identified affordable housing need, which is not being proposed by this application.
 14. Even were all the land proposed to be developed considered to be brownfield land, which it is not, it must be noted that the existing village hall is a single storey building, whilst the proposed development would be two storeys in height.
 15. The appellant has provided figures for the Gross Internal Area (GIA) of the building, as well as existing and proposed volume, widths, depths and heights (eaves and ridge). These figures have not been disputed by the Council. Overall the proposed building would increase in width and height, whilst being marginally shorter in depth compared to the existing building. As a result, the floorspace of the proposed development (GIA ground and first floor) would be some 732m², as compared to the existing buildings combined footprint of 317m², an increase of some 130.9%. It is also common ground that the new building would have a volume of 2,497m³, compared to the combined volume of the existing buildings of 1,050m³, an increase in volume of some 137.8%.
 16. The proposed building would be substantial in size, which when compared to the existing built form on site would be larger. Notwithstanding the appellants' submissions in this regard, it is clear to me that the proposal would have a greater impact on the openness of the Green Belt than the existing development. This would be due not only to the increased footprint and volume of the proposed development as a whole, but also the increased height by including a second storey element. The proposed development would be more substantial in terms of its construction and appearance than the existing village

hall and storage buildings, which are relatively low scale and unobtrusive in the landscape.

17. Whilst landscaping would have the potential to help integrate the new development into its context, it would not alter the fact that the proposed development would be significantly larger than what exists, such that it would not mitigate the loss of openness. For the reasons outlined above the proposed built form alone would have a greater effect on openness than the existing development and I have no reason to believe that the proposed development would meet the criteria of Framework paragraph 145 g).
18. In regard to the development being a replacement facility/replacement of the existing hall with the new community building, for the reasons set out above, I consider that the development would be materially larger than the building it would replace. On this basis, it would not meet the criteria of Framework paragraph 145 d).
19. Finally, the Council in its first ground of refusal refer to the greater spread of hard-surfacing having a severe detrimental impact on the openness of the Green Belt. From the description of the development such hard-surfacing would be related to the alteration to the existing access, together with the formation of a new vehicular access and areas related to the provision of car park, bin stores and cycle parking.
20. The alterations to the existing access and the provision of such hard-standing areas would in my opinion amount to engineering operations as referred to in Paragraph 146 b) of the Framework. However, for development to be considered as not inappropriate in the Green Belt under this Paragraph the development needs to preserve its openness and not conflict with the purposes of including land within it.
21. It is clear from the plans and details submitted that the proposed parking area and related hard-surfacing would significantly increase as a result of the development. This area would be located to the rear of the library; be visible from the site frontage and from the junction of Cokes Lane and the access to the Dr Challoner's High School.
22. The proposed community centre, would have increased capacity and functionality, over and above that of the current village hall, and would, potentially, attract more users/attendees. The proposed parking and related hard-surfaced area would be new and fit for purpose, and as such would also be likely to be more attractive to users. When considered together, these factors suggest that the car park and hard-surfaced area would result in a level of use that would reduce openness. As such, the proposed car park and hard-surfaced area would not preserve the openness of the Green Belt and would conflict with the purposes of including land within it, as it would fail to check unrestricted sprawl of large built-up areas.
23. From the evidence before me, I have no reason to believe the proposed development would meet any of the other exceptions set out in Framework paragraphs 145 and 146 and therefore the proposed development would amount to inappropriate development in the Green Belt.

Character and appearance, including Ancient Woodland, protected trees and biodiversity

Character and appearance, including ASNW

24. The site comprises the existing village hall and is adjoined to the south by a public library and to the north by a public car park. The village hall and library are both single storey and nestle discretely into the surrounding woodland setting, as does the public car park. They are clearly more spacious in nature and sylvan in appearance than the more built up developments in the vicinity of the site, which are located on the west side of Cokes Lane, northern side of White Lion Road and further south on Cokes Lane.
25. The existing village hall, adjoining public library, public car park and their immediate surroundings play a notable role in the transition from the built up area of Little Chalfont. When combined with the hedgerows and trees within and adjoining the site, including those in close proximity to the site and along the site boundaries, there is a more open and verdant quality to the site and its surroundings than the more built up developments mentioned above.
26. The introduction of the presence of considerable built form and associated hard-surfaced area, over and above that which already exist, would considerably diminish the spaciousness and sylvan character currently provided by the appeal site to the detriment of the character and appearance of Cokes Lane and the surrounding area.
27. As noted above, part of the development site incorporates an area of designated ASNW. A Tree Preservation Order¹ (TPO) also covers the site. The standing advice² of Natural England, the government's adviser on ancient woodland, is a material consideration to which I attach significant weight. It states that ancient woodland takes hundreds of years to establish and that there should be a buffer zone of at least 15m from ancient woodland to avoid root damage. It also advises that the buffer zone should contribute to wider ecological networks, and be part of the green infrastructure of the area.
28. No formal enclosure between the ASNW and the site currently exist. Indeed, part of the site proposed to be developed is covered with trees that lie within the ASNW. The development would result in the removal of some of the trees within and adjoining the site, including some of the trees within the ASNW. These trees are also covered by the TPO, as are some that are proposed to be removed that lie outside of the ASNW, as defined on the AWI.
29. The appellant's Tree Survey³ identifies a number of trees within and adjoining the ASNW as trees of low quality or trees with less than 10 year life span remaining. Whilst some trees identified as low quality are retained, others are shown as being removed as part of the development. The Tree Survey also identifies a proportion of the trees to be removed, both within and adjoining the ASNW, as trees categorised as trees of moderate quality and of landscape value.

¹ Tree Preservation Order No. 4, 1948

² Forestry Commission & Natural England standing advice - Ancient woodland, ancient trees and veteran trees: protecting them from development, published 2014, updated 2018

³ BS5837 Tree Survey dated 22 September 2014 (Updated and Stage 2 April 2017) submitted with the planning application, as clarified by appellant's response to the Council's Tree Officers comments dated 12 April 2018.

30. Whilst the area of ASNW and trees affected by the development is not large, when compared to the overall size of the ASNW and number of trees in the area generally, they do make a positive contribution to the wider character and appearance of the surrounding area. Although there has been some disturbance to parts of the edge of the ASNW, these areas still have established tree growth and act as buffer zones to the less disturbed areas of ASNW, which lie further within the woodland.
31. The majority of trees identified, especially those that would need to be removed to allow the construction of the building (The trees identified in the TPO as G16) and those within the new access and parking area (The trees identified in the TPO as G7, T8 and T25) contain trees of apparent reasonable health and of not insignificant stature. Indeed, more likely than not these trees would continue to provide a valuable contribution in the medium to long-term to the local landscape. This is particularly notable when bearing in mind that many of these are seen against the backdrop of the ASNW or are comprised within the assemblage of trees within the ASNW, that make a significant contribution to the character and appearance of Cokes Lane and the wider surrounding area in general.
32. The various intended tree removals, when considered cumulatively, would have a stark visual effect when experienced from Cokes Lane. The removals would lead to the erosion of the site's wooded character and remove their ability to act as a buffer to the ASNW. The cumulative value of the trees intended to be removed is significant and I consider that the proposal would harm the ASNW and the site's overall woodland character.
33. I acknowledge reference is made to the possibility to partially mitigate the loss of part of the ASNW, by extending the ASNW to the south, if the landowners consent can be obtained, or by implementing a woodland management plan for the retained woodland. However, the adjoining ASNW is not within the control of the appellant and there is no evidence before me that indicates the landowner would be agreeable or has given consent to enable such mitigation to take place.
34. Government advice contained in the Planning Practice Guidance⁴ (PPG) is that such a negatively worded condition (Grampian condition), should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission. In the absence of such evidence, or any other mechanism that secures such mitigation, I am not satisfied that the proposed development would provide adequate mitigation in this regard.
35. I have also considered whether a planning condition requiring the appellant to enter into a planning obligation would make the development acceptable. However, the proposed development is not complex and there is no clear evidence that the delivery of the development would be otherwise at serious risk. As such it would not meet the exceptional circumstances for a negatively worded condition as set out in the PPG.⁵

⁴ PPG: Use of Planning Conditions - Paragraph: 009 Reference ID: 21a-009-20140306

⁵ PPG: Use of Planning Conditions - Paragraph: 010 Reference ID: 21a-010-20190723

36. The site currently makes an important and valuable contribution to the character and appearance of the local area. Even should mitigation, along the lines indicated by the appellant, be secured, any benefits of this would be outweighed by the associated consequence of areas of tree cover being removed as a result of the development, to the detriment of the area's character and appearance.
37. For the above reasons, the proposal would cause harm to the character and appearance of the area. The proposal conflicts with Policies GC4, TW3 and TW6 of the LP and with Policies CS4, CS20, CS24 and CS32 of the CS, in so far as these Policies seek to protect, conserve and enhance the natural environment, including the landscape and important natural features, such as ancient woodland, trees and hedgerows.

Protected trees to be retained

38. The development would be constructed in close proximity to a number of trees, covered by the TPO, that are shown as being retained. The development would fall within the Root Protection Zone (RPZ) of Tree T13, as identified in the TPO, and which the Tree Survey identifies as a tree of the highest quality and of landscape value. Whilst I note the proposed use of '*minimal dig*', '*temporary ground protection*' and '*Construction Exclusion Zone*', the fact that the development falls within the RPZ is a significant concern.
39. There would inevitably be some anticipated effects resulting from the proximity of the development to this tree and they would include potential threat of damage to building, loss of light/shading, and from other anticipated nuisances such as leaf littering. I note the appellant's use of architectural features to maximise light ingress, the indicated regular cleaning of windows and the potential to use design features to manage leaf litter, but I do not consider that these will significantly reduce these perceived nuisances.
40. The existence of the TPO is a relevant factor when gauging the level of future risk that retained trees would be subjected to. Indeed, separate future applications would need to be made and approved by the Council before works to protected trees could lawfully be carried out. The appellant is clearly fully aware of the presence of protected trees, but I do not consider that these factors would fully account for the anticipated future pressures that would be placed upon retained trees at the site. This is not least due to the significant scale and coverage of the tree canopies being retained and the potential threat of damage to building, loss of light/shading, and from other anticipated nuisances arising from the proximity of the development to the adjoining protected trees.
41. When combined with the concerns regarding the proximity of the development to the RPZ of protected tree T13, I consider that the proposal would be likely to have a negative long-term effect upon the integrity of protected trees. This would thus lead to a further erosion of the site's woodland character and the ASNW and would exacerbate the significant harm I have already identified that would be caused by the proposal to the character and appearance of the area.
42. The proposal conflicts with Policy TW3 of the LP, which seeks to protect trees covered by TPO's, including trees of good quality, or landscape significance, or amenity value; and Policy CS4 of the CS, which requires development to have regard to the sustainable development principles that include the preservation

and enhancement of important features of the natural environment, including trees and hedgerows.

Ecology/Biodiversity

43. In terms of the Council's fifth reason for refusal, it raised concerns that the PEA was based on ecological surveys undertaken in 2015 and that in the absence of up-to-date ecological assessments, it could not be certain that the proposal would not adversely affect protected species and/or their habitats and feeding grounds.
44. Although the Council declined to accept the PEA2, it has been submitted as part of the appeal and, for the reasons set out above, I have taken it into consideration. The PEA2 notes that, with the exception of ancient woodland, there are no statutory designated nature conservation sites within 1km of the application site.
45. It also considers it highly unlikely that the proposal will have any adverse impacts upon protected species. However, it recommends that trees should be double checked for potential bat roost features prior to their felling and vegetation removal and the demolition of buildings should only take place outside of the bird nesting season, unless a survey has been first undertaken that demonstrates there are no nesting birds on the area within the site to be cleared.
46. The PEA2 also notes that the proposal will result in the loss of an area of ASNW and that such woodland can have significant ecological, landscape and historical value. However, it considers the value of the woodland to be limited, at least in the immediate vicinity of the site, due to the relatively young and even age of the trees, paucity of woodland structure and general dominance of bramble at the expense of a more diverse ground flora.
47. Whilst the Council's Ecological Advisor raised objections to the originally submitted PEA, the Council have not provided any further comments or observations in regard to the PEA2. Indeed, no subsequent evidence, regarding this matter has been provided by the Council. Despite this, I note Natural England standing advised that ASNW is an irreplaceable habitat. Having considered the PEA2, and on the basis of the evidence before me, I am not persuaded by the PEA2 that the proposal would not result in an unacceptable impact on the ASNW habitat or that exceptional circumstances exist in order to make such loss of ASNW habitat possible on biodiversity grounds.
48. Bearing the above in mind and in consideration of the evidence before me, it is clear that the development would result in harm to the ASNW. As such, in line with paragraph 175 of the Framework, this harm to the loss or deterioration of irreplaceable habitats should be weighed against any public benefits of the proposal. I consider this 'habitat balance' in the Other Considerations and Overall Planning Balance sections of this decision letter.

Highway and pedestrian safety

49. The Framework considers that transport issues should be considered from the earliest stages of development proposals and seeks the fullest possible use of public transport, walking and cycling, and advises that parking standards should take account of (amongst other things) the accessibility of development and the levels of car ownership. It also states that "*Maximum parking*

standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport."

50. A Transport Assessment (TA) was submitted with the original planning application, which sought to justify the level of parking provision proposed. It considered the site to be sustainably located, with a range of facilities and services within an acceptable walking distance. Indeed, the site is located close to bus services and is only a short distance from the Chalfont and Latimer Train Station. As such, the site is accessible by a range of nearby public transport options.
51. The development proposes 22 off-street car parking spaces, including 3 disability parking spaces. Additionally, I note that a pay and display car park immediately adjoins the appeal site. The Highway Authority for the area provided comments on the proposal at the planning application stage and raised no objection to the development, subject to the imposition of conditions. Nonetheless, the Council points out that the Highway Authority is not responsible for setting parking standards, and is only responsible for assessing access and highway issues.
52. The Council's fourth reason for refusal considers the development would not meet its Parking and Manoeuvring Standards and states "*in the absence of evidence demonstrating that a lower level of on-site parking for a Class D1 use in this locality would be sufficient, it considered that the proposal would be likely to result in the onstreet (Sic) parking of vehicles, which would result in danger and inconvenience to users of the public highway.*"
53. Additionally, in regard to this issue, I note the Council's Officer report to its Planning Committee and its appeal statement of case refer to the absence of locally based evidence.
54. The Council acknowledges that its parking standards pre-date the Framework, but questions how closely the Highway Authority examined the data submitted in the appellant's TA. The Council considers that the records used in the TA did not give a clear indication of vehicular activity across a 7 day week and only covered ad hoc days. They also pointed out that the data used was dated several years ago. It also questioned whether the sites chosen for analysis, which were located elsewhere in the country, were representative of the high car ownership levels in Little Chalfont.
55. However, the Council has provided little, if any, evidence that counter the appellant's TA or indicates that a lesser standard in terms of on-site motor vehicle parking should not be applied. Indeed, no substantive or persuasive evidence that demonstrates the appellant's TA, or data within it, is flawed or that sites chosen for analysis were unrepresentative or incompatible with the appeal site has been provided.
56. Furthermore, this reason for refusal clearly raises highway safety issues, which the Council themselves acknowledge fall within the remit of the Highway Authority in terms of providing comment and advice in regard to the application.

57. The proposed development would be within easy walking distance of large residential areas in the vicinity of the site and is located close to public transport. Users of the development would have the option of accessing the site by methods other than the private car and alternative pay and display motor vehicle parking is available in close proximity to the site. Moreover, there is no clear evidence of a local parking issue within the locality before me. No evidence of high levels of on-street parking demand have been provided and, as stated above, the Highway Authority did not object to the proposal, subject to the imposition of appropriate conditions. Indeed, the Highway Authority noted "...there are parking restrictions in the form of double yellow lines which prevent inappropriate parking in the vicinity of the site..."
58. As such, I am not persuaded that a lower level of off-street parking provision on the development site, in conflict with Policies TR11, TR15 and TR16 of the LP would result in vehicles parking on-street. Additionally, I am not persuaded that the lower level of off-street parking provision would result in danger and/or inconvenience to users of the public highway or that harmful effect on highway safety would arise.
59. On the basis of the evidence before me, I therefore conclude that the proposal would not have a harmful effect on parking in the area or a severe impact on highway safety and find no conflict with Policy TR2 of the LP or Policies CS25 or CS26 of the CS. These Policies seek, amongst other things, to ensure new development integrates well with, and does not adversely impact, the transport network and provides appropriate and effective vehicle and cycle parking arrangements. I also find no conflict with the Framework in this regard, which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Other considerations

60. The appellant considers there to be a compelling need to replace the existing village hall, which it considers has come to the end of its useful life. They have put forward a number of considerations that it suggests are benefits in support of the proposal.
61. These benefits include, but are not limited to, the replacement of the existing village hall, with a larger and more modern community facility that would provide a greater amount of flexible space for existing and growing local community needs; the provision of a development, which the appellant states has overwhelming public support; the lack of suitable alternative facilities in the vicinity of the site; increased parking provision, including the provision of bicycle parking provision and improved accessibility to the village hall; environmental gains, including management of the ancient woodland; and economic gains through employment during construction.
62. The appellant makes reference to the accessibility and community benefits arising from a replacement facility. It refers to research undertaken into local needs and requirements, in terms of community facility provision for the current and growing population of Little Chalfont. Reference is also made to the development having a significant level of local support and that no suitable alternative sites with sufficient parking exist in the locality.

63. A 'Community Centre Justification Statement', prepared by the Parish Council, was submitted as part of the proposed development. This document is cross-referenced throughout other documents submitted with both the planning application and appeal. These documents include, but are not limited to, the appellant's Design and Access Statement, Planning Statement (titled Justification Statement June 2018); their appeal statement of case and final comments.
64. I have no doubt that a replacement facility would improve accessibility and would result in community benefits. I am sympathetic to the desire of the appellant to provide a village hall that is multi-functional and versatile to meet the current and future needs of the community; and mindful that such a proposal would be likely to attract local support. I also acknowledge that searches for alternative sites and research into the requirements of a new community facility may have taken place. However, there is no substantive or quantifiable evidence before me that physically demonstrates this to be the case. As such I afford only moderate weight to the level of local support; the process that informed the community needs and justification as to the scale of the proposed community centre; and alternative sites and options considered and discounted.
65. In terms of economic benefits, such benefits would be provided through construction related employment. However, such benefits would be modest and short lived and thus a matter of limited weight.
66. Turning to habitat and ASNW issues, I have afforded significant weight to the standing advice⁶ of Natural England in this regard. The approach in the Framework is that harm to the loss or deterioration of irreplaceable habitats should be weighed against any public benefits of the proposal. Against all the public benefits, outlined above, is the harm I have identified to the ASNW and its habitat. These public benefits do not, either individually or cumulatively, outweigh loss or deterioration of irreplaceable habitat.
67. Additionally, as noted above, the adjoining ASNW is not within the control of the appellant and it would not be reasonable to impose a Grampian condition. In the absence of a compensation strategy, related to the loss or deterioration of irreplaceable habitats, physically before me, I am not satisfied that the proposed development would provide adequate mitigation in this regard. As such, in regard to the habitat and ASNW issues, the public benefits and mitigation measures outlined above attract no more than very limited weight.
68. I note Policy CS29 of the CS, which is part of the Council strategy to ensure inclusiveness within the community. This policy contains a number of criteria, which includes seeking to encourage the provision of community facilities in areas of the District where there is an identified need. This criteria also states: *"An option would be to consider policy exceptions to encourage such facilities to be provided."*
69. When reading the policy as a whole, including the pre-amble, it is clear to me that the Council are seeking for communities to engage and identify their needs, and then discuss them further with the Council, so the Council can consider whether to introduce the necessary policy exemptions within a

⁶ Forestry Commission & Natural England standing advice - Ancient woodland, ancient trees and veteran trees: protecting them from development, published 2014, updated 2018

subsequent Development Plan Document (DPD). Indeed, they refer to some projects already having been included within the CS and further proposals being made subject to the '*Delivery DPD*'. There is nothing before me to qualify if the proposed development has been discussed with the Council in regard to its inclusion within the '*Delivery DPD*' or indeed the status of such a document. Therefore, I afford this matter very limited weight.

70. The appellant also refers to the potential for the site to be released from the Green Belt, as part of the emerging Chiltern and South Bucks Local Plan, and makes reference to a Green Belt assessment, entitled 'Green Belt Assessment Part 2 Draft Report' (GBA) and 'Green Belt Preferred Options Consultation' dated October - December 2016) (GBPOC). Both documents were prepared by Chiltern District Council and South Bucks District Council.
71. Whilst part of the appeal site is one possible site, considered as part of the GBA and GBPOC to be released from the Green Belt, it is true to say that the whole of the site currently lies within the Green Belt. I have no information before me as to the current status of the emerging Chiltern and South Bucks Local Plan. Bearing this in mind, as well as the fact that the whole of the site currently lies within the Green Belt, I give very limited weight to the potential release of part of the site from the Green Belt designation at this time or the appellant's suggestion that there is a level of acceptance that the site is of little value in Green Belt terms.
72. I conclude on whether or not the very special circumstances necessary to justify the proposal exist in the Overall Planning Balance and Conclusions section at the end of my decision.

Other matters

73. The appellant makes reference to a number of Listed Buildings within the vicinity of the site and specifically refers to Snells Farmhouse, located some 250 metres to the south-west of the application site, and Loudhams Farmhouse and an associated barn, located some 200 metres to the east of the application site. They advise both are Grade II listed. The Council have made no comment in regard to this matter.
74. Given the proximity of the proposal to the above listed buildings, the fact that there is no direct line of sight and the nature of the development, I am satisfied that the development would have a neutral impact on these listed buildings, thus preserving them and their setting. For these reasons, I conclude that the proposal would accord with the conservation requirements of Chapter 16 of the Framework.
75. My attention has been drawn by the appellant to a number of other appeal decisions and decisions made by the Council where they related to development within the Green Belt.
76. In terms of the appeal related to the replacement scout hall⁷ in Kemsing, I note that the increased floorspace and volumes of that building are substantially less than those proposed in the development subject to this appeal. I also note that the Inspector considering that appeal did not consider that the appeal proposal would appear visually intrusive or overly dominant and felt that it would

⁷ Appeal Reference APP/G2245/A/12/2178731

integrate successfully with its landscaped setting. I have not found that to be the case in this appeal.

77. In regard to the Effingham appeal⁸ I have only been provided with a copy of the Secretary of State's decision letter. I have not been provided with a copy of the Planning Inspector's report that informed the Secretary of State's decision. However, even in the absence of the Planning Inspector's report it is clear that the proposal before the Secretary of State was substantially different from the appeal before me. Indeed, the benefits identified within that appeal scheme and weighting applied to them differ to a significant degree from the appeal before me.
78. I note the appellant's reference to other Green Belt decisions made by the Council, including the decisions related to the Audley Centre⁹; the scout hut in Amersham; and the new community hall in Amersham. However, I have only been provided with a copy of the Council's Committee report related to the Audley Centre and from the details provided it is again clear that the development proposed, including its identified benefits and the weight applied to them, substantially differed from the appeal before me.
79. From the information provided to me, I do not consider any of the appeals highlighted or the Council's decisions on other Green Belt proposals to be directly comparable to the appeal before me. I consider the circumstances and planning considerations related to those appeals, and Council decisions, differ from the current proposal and I do not consider that they are directly relevant to this appeal. I have attributed limited weight to these examples in my determination of this appeal and have determined the proposed development before me on its individual merits.
80. I have noted the appellant's concerns about the Council's consideration of their planning application, including the content of the officer's planning committee report and alleged inconsistencies between that report and others on the same agenda. This is a matter for the Council and I note that it was taken up directly with them. Whilst I appreciate these concerns, in determining the appeal I have only had regard to the planning merits of the case before me.

Overall Planning Balance and Conclusion

81. Policy GB2 of the LP, CS1 of the CS and Paragraph 143 of the Framework, set out the general presumption against inappropriate development within the Green Belt. I have found that the proposed development amounts to inappropriate development in the Green Belt, including that it would cause harm to openness. It would also conflict with at least one of the purposes of the Green Belt, being the checking of the unrestricted sprawl of large built-up areas.
82. National policy is clear, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

⁸ Appeal Reference APP/Y3615/W/16/3151098

⁹ Planning Application Reference: CH/2017/2258/FA

83. I have found harm to the character and appearance of the surrounding area; the ASNW, which is, in part, recognised for its irreplaceable habitat; and trees protected by a TPO. Additionally, I have found that the proposal would be likely to have a negative long-term effect upon the integrity of protected trees, intended to be retained, that would lead to further erosion of the site's woodland character, the ASNW and would exacerbate the harm I have already identified to the character and appearance of the area. These harms are other harms for Green Belt purposes.
84. I attribute moderate weight to the public support; lack of suitable alternative facilities and the wider community benefits arising from a replacement facility; whilst I attribute neutral weight to the increased parking provision, including the provision of bicycle parking provision and improved accessibility.
85. In regard to the Council's Policy strategy to ensure inclusiveness within the community, including the option to consider policy exemptions to encourage the provision of community facilities (Policy CS29 of the CS), for the reasons set out above, I afford this matter very limited weight. Additionally, I also afford limited weight to the potential release of part of the site from the Green Belt and the suggestion that there is a level of acceptance that the site is of little value in Green Belt terms. I also afford very limited weight to environmental gain, including management of the ancient woodland, as these are limited and when measured against the public benefits and mitigation measures identified, they would not outweigh the harm.
86. Even when taking all of the above matters cumulatively, they do not clearly outweigh the totality of harm to the Green Belt and other harms identified above. As such very special circumstances to justify inappropriate development do not exist.
87. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. I have found conflict with saved policies GB2, GC4, TW3 and TW6 of the LP and Policies CS1, CS4, CS20, CS24 and CS32 of the CS and therefore consider that the proposal conflicts with the development plan as a whole.
88. The development is therefore unacceptable for the reasons set out above and accordingly the appeal should be dismissed.

Christopher Butler

INSPECTOR