



Appeal Decision

Site visit made on 10 July 2020

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 20th August 2020

Appeal Ref: APP/X0415/W/20/3246783

Land South of Huge Farm, Chesham Road, Bellingdon HP52XW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Ms Emma Stratford against Chiltern District Council.
 - The application Ref PL/19/4123/FA, is dated 27 November 2019.
 - The development proposed is erection of a temporary mobile home for 24 months.
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Decision

1. The appeal is dismissed and planning permission for a temporary mobile home for 24 months is refused.

Procedural Matter

2. I note the Draft Chiltern and South Bucks Local Plan 2036 - Publication Version June 2019. However, since there is no certainty that the policies within will be adopted in their current form, I attach them limited weight.

Main Issues

3. The main issues are:
 - whether or not the proposal would be inappropriate development in the Green Belt, including its effect on openness;
 - the effect of the proposal on the character and appearance of the area and Chilterns Area of Outstanding Natural Beauty (AONB); and
 - would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

4. The National Planning Policy Framework (Framework) establishes that new buildings within the Green Belt are inappropriate with a number of exceptions. Mobile homes are not buildings for planning purposes, however, the proposal would involve the change of use of the land on which it would be sited. Paragraph 146(e) of the National Planning Policy Framework (Framework) provides the exception of material changes in the use of land provided they

- preserve its openness and do not conflict with the purposes of including land within it.
5. A fundamental aim of Green Belt policy, as set out in paragraph 133 of the Framework, is to keep land permanently open. While the proposal would be sited adjacent to an existing stable, the stationing of the mobile home would be on land that is currently undeveloped. Therefore, the scheme would diminish the spatial openness of the Green Belt.
 6. The views from the existing stables to the open countryside to the rear of the site would be restricted by the proposal. While the mobile home would be a similar height to the existing stables, its length and width would result in a significant mass being added to the site, thereby restricting the visual openness of the Green Belt. I note the trees and vegetation around the boundary of the site. However, given its massing, there would be glimpses of the proposal from the countryside and public paths that run along the rear and side boundaries of the wider site. Furthermore, the screening provided by the deciduous trees along the boundaries would be significantly reduced during winter. As such, the visual openness of the Green Belt would be substantially harmed by the proposal.
 7. I acknowledge the evidence relating to paragraphs 145 (b) and (e). While I note the evidence relating to security on the site, since the mobile home would constitute living accommodation, there is insufficient evidence before me to demonstrate that the proposal would provide an appropriate facility for outdoor recreation, in this case private equestrian activities, on the site.
 8. Paragraph 145(e) of the Framework provides an exception to inappropriate development of limited infilling in villages. The site is bound on three sides by undeveloped fields, and as such, the gap in the development frontage is significant. Therefore, while the term infilling is not defined in the Framework, the proposal would not meet the definition as set out in Policy GB4 of the Chiltern District Local Plan Adopted 1 September 1997 (LP).
 9. Therefore, even if the proposal did constitute a building for planning purposes, I do not consider the development to represent appropriate facilities for outdoor sport or recreation or limited infilling in a village, and would not accord with paragraphs 145(b) and (e) of the Framework.
 10. I note the evidence regarding a temporary permission. However, harm to the openness of the Green Belt for two years would be contrary to the aim of Green Belt policy to keep land permanently open.
 11. In summary, the proposed development would not preserve the openness of the Green Belt and would therefore be inappropriate development in the terms of LP Policy GB2 which relates to development in the Green Belt and would conflict with the Framework in this particular regard.

Character and appearance and Chilterns AONB

12. From the evidence before me, the existing use of the land is private equestrian use for the keeping, exercising, schooling and riding of horses. While there are dwellings on the opposite side of the road and in the wider area, the site itself has an agricultural feel and since it is bounded to the rear by open countryside and on two sides by undeveloped fields, it has a closer relationship to the countryside and provides an attractive rural setting for the village.

13. The proposed mobile home would be single storey and of a similar form with pitched roof and the walls would be finished with wood panelling. However, it would be larger in footprint than the existing individual buildings on the site. In addition, while the structure would be sited adjacent to the existing buildings, it would increase the number of structures on the site and the two bedroom mobile home would be likely to result in domestic paraphernalia that would have an urbanising effect on the character and appearance of the site and area.
14. The site lies within the Chilterns AONB and the primary objective of the designation as set out in LP Policy LSQ1 is to conserve and enhance the natural beauty of the landscape. The Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. Given the urbanising effect on the character and appearance of the area identified above, the scheme would not conserve the natural beauty of the AONB.
15. Consequently, the proposed development would harm the character and appearance of the area and would not conserve the Chilterns Area of Outstanding Natural Beauty (AONB). Therefore, it would conflict with CS Policy CS20 and LP Policy GC1 which among other things seek development that respects the character of the surrounding area. The proposal would also conflict with CS Policy CS22 and LP Policy LSQ1 which seek to conserve the Chilterns AONB.

Other Considerations

16. The application was for a temporary permission of two years and I acknowledge the case law cited by the appellant. While the degree of harm would be reduced by the temporary nature of the proposal, since the Framework states that substantial weight is given to any harm to the Green Belt, I attribute this point limited weight.
17. I note the evidence with regard to the need for enhanced security at the appeal site and the cost of the horses. While it may be said to require a 24-hour presence at the appeal site, there is likely to be a range of solutions available other than the proposed development alone. Therefore, I give this point limited weight. Furthermore, similar circumstances are likely to be experienced by other equestrian centres and rural uses in the Green Belt, such that they can carry only limited weight in assessing whether very special circumstances exist in the terms of the Framework.
18. I note the comments of the Inspector for the previous appeal on the site¹. However, since that proposal related to a stable block with hay store and tack room, it is not directly comparable to this scheme. In any event, each case must be determined on its individual merits.
19. I also note evidence regarding the appellants change in circumstances and the information before me relating to rural workers as well as local concerns regarding drainage. I also acknowledge concerns regarding the service provided by the Council. However, these matters have not altered my overall decision.

Conclusion

20. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special

¹ Appeal Ref: APP/X0415/W/17/3187052

circumstances. Substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations. The substantial weight to be given to Green Belt harm is not clearly outweighed by the other considerations sufficient to demonstrate very special circumstances.

21. For the reasons given above the appeal should be dismissed.

R Sabu

INSPECTOR