
Appeal Decision

Site visit made on 21 September 2020

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 October 2020

Appeal Ref: APP/N0410/W/20/3244924

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 Hussain against the decision of Buckinghamshire Council.
 - The application Ref PL/19/3570/FA, dated 17 October 2019, was refused by notice dated 17 December 2019.
 - The development proposed is the change of use from kennels to car mechanics and body shop repair.
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Decision

1. The appeal is dismissed.

Procedural matters

2. On my visit I saw cars parked within the appeal site in a different arrangement to that shown on the appeal drawings. I noted that an active car repair business was in operation within and around building B5. The appellant has identified on the application form that development has not already started. However, from my observations on site, it is clear to me that the use has at least partially commenced. As such, I shall consider the appeal on this basis.

Main Issues

3. The main issues are:
 - whether the proposed repair and body shop use would constitute inappropriate development in the Green Belt having regard to the National Planning Policy Framework (The Framework) and development plan policies and its effect in regard to openness;
 - the effect of the proposal on highway safety, with particular regard to the use of the access and the efficient operation of the highway network; and
 - if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances to justify it.

Reasons

Inappropriate development

4. The appeal site is within the London Green Belt. Saved policy GB1 of the South Bucks District Local Plan 1999 (LP) states that planning permission will not be granted for development unless it meets a listed exemption. This includes at (h) the re-use of buildings of permanent and substantial construction and be in accordance with policy GB2. Saved policy GB2 establishes criteria for the reuse of building in the Green Belt. Section GB2(g) requires the use of the land surrounding the buildings to not detract from the open and undeveloped character of the Green Belt. These aims are generally consistent with the objectives of the Framework.
5. The Framework explains that the Government attaches great importance to Green Belts. Furthermore, it requires substantial weight to be afforded to any harm. Paragraph 145 establishes that new buildings would be inappropriate unless they fall within one of the listed exceptions. Furthermore, paragraph 146 finds certain other forms of development to also not be inappropriate provided that they preserve its openness. Paragraph 146(d) allows for the reuse of buildings provided that they are of permanent and substantial construction.
6. Paragraph 133 of the Framework identifies that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. Impact on openness is a matter of fact and degree taking into account scale, locational context and visual/spatial matters. The site contains a dwelling and several outbuildings. Various other small buildings and incomplete structures are also within this cluster of development. The buildings the subject of the appeal, are located to the south and rear boundaries of the site, these are annotated as building B4 and B5 respectively. The two buildings are of breeze block construction. Building B4 has a flat felt roof and building B5 partially has a corrugated plastic and partly felt roof. Although basic in construction, I am satisfied that these buildings can be regarded as permanent for the purpose of paragraph 146(d).
7. As the use has at least partially commenced, I have taken into account my on-site observations of the existing activities associated with car repairs. It is unclear whether all activity observed would be associated with the proposed use. However, the site location plan shows car parking areas marked around the buildings. I have therefore regarded this plan as an indicator of the parking areas and scale of activity that would be associated with the proposal.
8. The site can be seen from the adjacent highway through gaps in the boundary trees and through the access gate. Views of the buildings B4 and B5, and adjacent activity, would be less overt due to their distance from the highway. The proposal would be principally contained within the buildings. However, the attendant activity associated with the use would result in significant levels of vehicle parking around the buildings. I also observed that large areas around these buildings contained car parts and deconstructed vehicles that in combination created a far-reaching appearance of commercial activity. In spatial terms this would have a significant effect on the openness of the Green Belt. Furthermore, whether used for vehicles or parts, the storage areas outside the buildings were not enclosed. The visual effect of vehicles and associated paraphernalia connected with the proposal would contribute to the general mass of vehicles and parts on site. The visual effect of the proposal

would therefore be substantive. The effect of this would result in moderate visual harm to the openness of the site.

9. The proposal would therefore constitute inappropriate development, having a significant effect on openness and would fail to satisfy the requirements of paragraph 146(d).

Highway safety

10. The access is onto Langley Park Road and is around 4 metres wide. The site entrance is about one metre lower than the highway itself. The highway is subject to a 30mph speed limit, but this increases to the national speed limit just to the north of the site. Although only offering a snapshot in time, the highway was relatively busy during my visit with a steady stream of traffic moving in both directions.
11. Buildings B4 and B5 are relatively small and stand a substantial distance from the access onto the highway. Furthermore, the activity associated with the use would be likely to be low intensity. Accordingly, the traffic movements would be likely to be limited and have a low impact on the adjacent highway. Therefore, the use would not have an unacceptable impact on highway safety.
12. Accordingly, the proposed use would accord with saved policy TR5 of the LP. This seeks to allow development where the material increase in the use of an access would not compromise the safe movement and free flow of traffic on the highway network. The proposal would also comply with the Council's Local Transport Plan 4. This seeks to ensure that new development provides a safe and suitable access. Also, the proposal would satisfy the Framework which seeks to only refuse development that would have an unacceptable impact on highway safety.

Other considerations

13. The application form explains that the previous use of the site was for kennels. The Council is of the view that this business ceased in the past. I also saw no evidence of such a use whilst on site. There is therefore no substantive evidence to illustrate that on the balance of probabilities there is a defined fall-back position. In any event, whether the previous use remains established or not, its impact on the Green Belt would have been substantially lessened than that advanced by the proposal.

Whether there would be Very Special Circumstances

14. Paragraphs 143 and 144 of the Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development 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.
15. I have concluded that the proposal would result in significant harm to the openness of the Green Belt. I have therefore also concluded that the proposal would be inappropriate development that would, by definition, harm the Green Belt. Paragraph 144 of the Framework requires substantial weight to be given to any harm to the Green Belt.

16. On the other hand, the other consideration I have identified is of limited weight in favour of the proposal. As such, the harm to the Green Belt is not clearly outweighed by the other considerations identified and therefore the very special circumstances necessary to justify the development does not exist. Accordingly, the proposal fails to adhere to the local and national Green Belt policies I have already outlined.
17. Consequently, the proposal would be contrary to saved policies GB1, GB2 and EP3 of the LP, which require the re-use of buildings to not detract from the open and undeveloped character of the Green Belt or the character of the locality in general. The proposal would therefore also be contrary to the Framework as it would not preserve its openness of the Green Belt.

Conclusion

18. For the above reasons the appeal does not succeed.

Ben Plenty

INSPECTOR