



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: 7 October 2020

Appeal Ref: APP/N0410/W/20/3252972

Spring Cottage, Stoke Wood, Stoke Poges SL2 4AU

- 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 & Mrs Ray Wall against the decision of Buckinghamshire Council.
 - The application Ref PL/18/4806/FA, dated 19 December 2018, was refused by notice dated 25 November 2019.
 - The development proposed is the demolition of the existing house and outbuildings and erection of replacement 2 storey house.
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Decision

1. The appeal is dismissed.

Procedural matters

2. Amended plans have been submitted as part of the appeal submission. These show the removal of the garage block. The Council did not accept this revision during its assessment of the application, as it considered that the amendment would not alter its view. Nevertheless, I have dealt with the appeal on the basis of the amended plans, which do not materially change the substance of the proposal and would not prejudice any party.

Main Issues

3. The main issues are:
 - Whether the proposal would constitute inappropriate development in the Green Belt having regard to the National Planning Policy Framework (The Framework) and development plan policies;
 - the effect on the openness of the Green Belt; 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 site is within the London Green Belt. Policy GB1 of the South Bucks District Plan 1999 (LP) states that planning permission will not be granted for

- development in the Green Belt other than for listed exceptions. Criterion (e) of this policy allows for the replacement of existing dwellings in accordance with policies GB10 and GB11. Saved policy GB10 requires extensions to dwellings to be small in scale in relation to the host dwelling and its curtilage. The companion commentary to this policy explains that extensions will not be regarded as small scale if they would increase the floorspace by more than half the original floorspace. Saved policy GB11(b)(i) requires the size of a replacement dwelling to be no greater than the original dwelling plus any extensions that comply with saved policy GB10. However, the Framework requires a baseline to be set by the 'existing' rather than 'original' dwelling. Accordingly, there is some inconsistency between the requirements of these policies and the approach of the Framework. However, in broader terms these policies are in general conformity with the Framework's objectives.
5. The Framework explains that the Government attaches great importance to the Green Belt with substantial weight afforded to any harm. Paragraph 145 establishes that new buildings would be inappropriate unless they would meet a listed exception. Paragraph 145(d) states that a replacement building would not be inappropriate provided it is in the same use and would not be materially larger than the one it replaces.
 6. The existing dwelling is a large chalet bungalow. It has been extended to the rear and side. These extensions include a single storey pitched roofed rear addition and a wide dormer window and surround, crossing most of the rear elevation. There are also several outbuildings within the plot. These include a large double garage with workshop behind, an office cabin and a garden room. The appellant has provided a useful assessment of the existing and proposed floor areas. This shows that the existing dwelling, including extensions, has a Gross Internal Area (GIA) of 362sqm.
 7. The proposed dwelling would be two-storey and have a greater footprint. Accordingly, its floor-area is shown to be 596sqm. This would represent a substantial increase above the existing dwelling. Consequently, in quantitative terms the proposal would be materially larger than the existing dwelling.
 8. As it has not been demonstrated that the proposal would satisfy any of the exceptions listed in Paragraph 145 of the Framework, it would amount to inappropriate development which is, by definition, harmful to the Green Belt.

Effect on openness

9. Paragraph 133 of the Framework identifies that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. The openness of the Green Belt has both spatial and visual dimensions. In spatial terms the proposal would represent a significant increase in floor area in comparison to the scale of the existing dwelling. This would therefore have a moderate spatial impact resulting in harm to the openness of the Green Belt.
10. The proposed dwelling would be located within a group of large dwellings, each standing in spacious grounds. The site is relatively enclosed with mature tree planting to its boundaries and adjacent to the highway. Nevertheless, the proposed dwelling would be comparatively pronounced as viewed from the highway along the driveway and between gaps in landscaping. The existing garage is clearly visible from the highway. Accordingly, the proposed demolition of the garage structure would be of some visual benefit to the

openness of the site. Furthermore, the proposal would have a similar ridge height as the existing building. It would be set back further into the site and be of a reduced width by around 25%. Nevertheless, the proposed dwelling would have a more pronounced first floor. It would have a higher eaves height and greater depth. These characteristics would contribute to the perception of a dwelling with a substantially greater mass.

11. As a result, the visual impact of the proposal would be of moderate harm to the openness of the site and surrounding Green Belt. The harm to the openness would be in addition to the harm that I have found to the Green Belt by the proposal being inappropriate development.

Other Considerations

12. The evidence includes several decisions allowed by the Council in connection with replacement dwellings. These have taken into account unimplemented development and outbuildings in the assessment of existing floor-area, and the benefits to the openness of the Green Belt, through the amalgamation and reduction of built form.
13. The 'Tandridge' Court ruling¹ found that the reference to "building" in paragraph 145(d) should not be read as excluding more than one building, providing as a matter of planning judgement they can sensibly be considered together in comparison to what is proposed to replace them. The garage and various other smaller outbuildings are located within the site around the existing dwelling. The appellant proposes to demolish these and use their floor areas to partly off-set the effect of the proposal.
14. I have already found that the demolition of the garage block would be of some limited benefit to the openness of the site, but the other outbuildings are small single-storey structures whose demolition would have a minimal gain to the openness of the site or wider area. Therefore, the demolition of adjacent outbuildings would not substantially increase the openness of the site.
15. Furthermore, the appellants would seek to exercise their PD rights if the proposal were to be unsuccessful. These have been established through recently approved certificate of lawfulness applications and the prior approval permission. There is a real prospect that these would be constructed taking the appellants stated interests in modernising the property into consideration. The extension approved through Prior Approval would increase the mass of the dwelling. In accordance with the Athlone House court ruling², I have taken the effect of this into account.
16. The PD outbuildings would be single-storey and whilst relatively large in combination, would be dispersed within the extensive and spacious grounds of the site. The combined effect of these additions would consequently have a limited effect on openness due to the size of the plot, the degree of tree cover and nature of works capable within PD restrictions. Furthermore, the outbuildings would stand away from the existing dwelling and would therefore have a limited group impact on the openness of the wider Green Belt. As such, the combined mass of the existing and unimplemented development on site would have a lesser visual impact on the openness of the Green Belt than the proposal.

¹ Tandridge DC v SSCLG & Syrett [2015] EWHC 2503

² Athlone House Ltd v SSCLG [2015] EWHC 3524 (admin)

17. No mechanism has been offered by the appellants to prevent PD rights being exercised before the replacement dwelling is implemented, which could result in a substantially greater floorspace than just the proposed dwelling. The removal of PD rights through a planning condition would restrict further additional impacts on openness. However, such PD would result in relatively limited domestic-scale development which would not substantially increase floorspace and could reasonably be accommodated within a site of this scale. Therefore, this point would not address the fundamental harm caused by the proposal.
18. Recent changes to PD rights could result in further alterations being proposed to the dwelling that are not before me, as such these considerations can only be given limited weight in favour of the proposal.
19. Consistency in decision making is important in the interests of natural justice and to maintain confidence in the planning system. However, the evidence has not clearly illustrated that the approach offered by the appellants would lead to lesser harm than the proposed development.
20. In design terms the proposed development would be sympathetic to its surroundings. However, the existing dwelling also makes a positive contribution to the character and appearance of the area. Therefore, the design considerations are a neutral factor in considering the merits of the proposal.
21. The proposal would create a building with improved energy performance in comparison to the existing dwelling. This is of moderate benefit in support of the scheme, but similar benefits could be delivered by a smaller replacement dwelling within this or another site.

Whether there would be Very Special Circumstances

22. 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.
23. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. I have also concluded that the proposal would result in moderate harm to the openness of the Green Belt. Paragraph 144 of the Framework requires substantial weight to be given to any harm to the Green Belt.
24. I have taken account of the other considerations put forward in support of the scheme. As the appeal proposal would be relatively small scale, these matters when taken together would weigh moderately in favour of the proposed scheme. However, these considerations are to be weighed against the great weight attributed to the harm caused to the Green Belt. Consequently, these other considerations do not, either separately or cumulatively, clearly outweigh the substantial harm to the Green Belt. As a result, the very special circumstances that are required to permit the development do not exist. Accordingly, the proposal fails to adhere to the local and national Green Belt policies I have already outlined.

25. Consequently, the proposal would be inappropriate development and as such harmful to the Green Belt. The proposed dwelling would therefore be contrary to saved policies GB1 and GB11 of the LP.
26. Policy EP3 of the LP relates to the use, design and layout of development. This is a not a matter disputed between main parties and therefore there is no conflict with this policy.

Conclusion

27. The proposed development would not accord with the development plan or national policy and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Ben Plenty

INSPECTOR