
Appeal Decision

Site visit made on 5 October 2020

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2020

Appeal Ref: APP/K0425/W/20/3251688

The Yard, Sladmore Farm, Cryers Hill Road, Cryers Hill HP15 6JT

- 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 Roger Hunt against the decision of Wycombe District Council.
 - The application Ref 19/07440/FUL, dated 8 October 2019, was refused by notice dated 3 April 2020.
 - The development proposed is for the replacement of an existing building used for the storage of building materials and associated items with a single storey detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. 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 and its effect on openness;
 - the effect of the proposed dwelling on the character and appearance of the area, with particular regard to The Chiltern's Area of Outstanding Natural Beauty (AONB);
 - whether the proposal would result in the loss of a 'scattered business site';
 - the effect of the proposal on highway safety, with particular regard to the use of the access and pedestrian safety; 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

3. The site is within the Green Belt. Policy DM42 of the Wycombe Local Plan 2019 (LP) establishes its approach to Green Belt policy. This states that development in the Green Belt will be considered as inappropriate unless it accords with a Neighbourhood Plan (NP) or accords with the Framework and five specific

clarifications. 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(g) allows for “the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development”. It is not disputed between parties that the proposal would be located on previously developed land.

4. 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.
5. The existing site contains a small open fronted barn. The barn consists of a steel frame and is clad with metal sheeting. In comparison to the existing building the proposed dwelling would increase the volume by between 95% and 65%. An increase of 65%, as mooted by the appellants, would represent a significant increase in volume in comparison to the scale of the existing building. The proposal would therefore have a moderate impact spatially on the openness of the Green Belt.
6. In visual terms the site is located some distance from the highway. Nevertheless, it is fairly exposed to wider views due to the flat topography of the surrounding land and limited boundary screening. Moreover, the proposal would be located on a site separated from the cluster of local buildings and would therefore stand in a visually isolated location. The proposal would therefore be an intrusive addition to the landscape in a location away from existing built form. In contrast the visual impact of the existing barn has a neutral effect on the landscape. It is a relatively typical structure found in exposed locations in the countryside. As a result, the visual impact of the proposal would result in moderate harm to the openness of the site and surrounding Green Belt.
7. A condition to strengthen boundary landscaping would not reduce the effect on the development on the current open setting of the site and would itself reduce the open character of the area. Furthermore, inappropriate development cannot be made appropriate by screening alone.
8. The proposal would therefore not comply with paragraph 145(g) having a greater effect on the openness of the Green Belt than the existing development. 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.

Character and appearance

9. The village is a small settlement within the open countryside and the AONB. Policy DM30 of the LP requires development within this area to conserve and enhance the natural beauty of the area. The companion text to the policy explains that the AONB represents areas of the highest scenic quality. The Framework requires great weight to be given to conserving and enhancing the landscape and scenic beauty an AONB.

10. The local built vernacular consists of traditional buildings in a rural setting. The existing barn is relatively small and stands within a parcel of otherwise undeveloped land. Building materials are stored in and around the building. However, the site retains a generally open character that makes a neutral contribution to the appearance of the wider surrounding countryside. The storage within and around the building is therefore of limited visual impact. Furthermore, although surrounding screening is limited, this largely obscures the unkempt appearance of the site.
11. The proposed dwelling would include a projecting front gable and have a pitched roof. The design would follow a traditional form that would complement the design of local development. However, the proposal would be highly visible in the local area and would be prominent addition to the landscape. Furthermore, frequent traffic movements and activity would be associated with this domestic use. This activity would be in a location set away from the built form of the village and on a largely open site. As such, the proposed dwelling and its associated activity would be a discordant addition to the landscape from relatively distant views. It would be uncharacteristic and unsympathetic of the surrounding countryside in this rural setting. Consequently, the proposal would be harmful to the character and appearance of the surrounding countryside.
12. As a result, the proposal would be contrary to policies DM30 and DM35 of the LP. These seek development to improve the character of the area and the way it functions. These policies accord with the Framework seeking development to recognise the intrinsic character and beauty of the countryside.

Scattered business site

13. Policy DM5 of the LP relates to scattered business sites. Criterion 2 of this policy states that planning permission will only be granted for residential purposes if it has been clearly demonstrated that the re-use of the site for employment use is no longer practical. Furthermore, criterion 3 explains that if a site is no longer practical for employment generating use then this must be proven through the submission of a marketing report. The site is subject to a recent certificate of lawfulness for storage use. This is therefore a commercial use that functions in support of employment activity.
14. During my visit I observed that the building and surrounding area was being used for the storage of building materials. It is therefore in active use although it appears to be a relatively low-key activity. Therefore, in consideration of the lawful use of the site and my observations, the site is a scattered business site and subject to policy DM5.
15. Being of comparatively low intensity, the current use, would make a limited contribution towards employment use in the area. However, this limited gain would not marginalise or negate the contribution it makes within the rural setting. There is also no evidence before me to indicate that the use is not viable.
16. Therefore, the proposal would be contrary to policy DM5 of the LP. This is consistent with the Framework which seeks to support a prosperous rural economy through the sustainable growth of all types of business in rural areas.

Highway safety

17. The site is accessed from a driveway which itself connects to a small lane leading to Sladmore Farm, cottages and an equestrian use. The driveway is a narrow unmetalled single width track. The lane it connects to has a slightly more robust tarmac surface, although it is only around 3 metres wide, with grass verges each side. The lane widens to around 6 metres as it approaches the highway for a distance of about 10 metres. The lane is relatively short and includes a right angle turn halfway along its length. I therefore anticipate that vehicles using the lane would be driven slowly and cautiously. The highway is subject to a 30mph speed limit. The carriageway is comparatively level and straight, affording good visibility in both directions.
18. The proposed dwelling would have one bedroom and the site would accommodate parking for two vehicles. Travel movements would be likely to mostly relate to vehicle use, rather than pedestrian, due to the need for future occupiers to travel some distance for day-to-day goods and services. The grass verge is sufficient to provide pedestrians with space to move off the lane if required for passing vehicles. Furthermore, a formal refuge could be secured by planning condition if I had been minded to allow the appeal. This would adequately accommodate the needs of pedestrian safety and to avoid the anticipated infrequent and slow-moving vehicles using the lane. Consequently, the proposed access would provide future occupiers with a safe and convenient access onto the highway.
19. Accordingly, the proposal would satisfy policy DM33 of the LP which seeks development to provide safe and convenient access to the local highway. The proposal would also satisfy the Framework which seeks development to only be refused if it would have an unacceptable impact on highway safety.

Other considerations

20. The removal of Permitted development (PD) rights has been offered by the appellant as a method to manage the impact of the proposal on the openness of the Green Belt. However, policy DM43 of the LP would allow the dwelling to be extended up to 360 cubic metres in the Green Belt, this would result in the dwelling being extended by around 200% of the existing building. As such, the removal of PD rights would not necessarily prevent the building be extended further. This would be likely to exacerbate the identified harmful impact of the building on the openness of the Green Belt.
21. The scale of the dwelling is of a size that would satisfy the Government's Technical Housing standards. However, an absence of harm in this respect can only be considered as a neutral factor in the planning balance or in justification for the size of the dwelling.

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 result in moderate harm to the openness of the Green Belt. It has therefore been found to be inappropriate development that would, by definition, harm the Green Belt. Moreover, it would also harm the character and appearance of the area and result in the loss of a scattered employment site. Both points are also of significant importance. 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.

Conclusion

25. 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