



Appeal Decision

Site visit made on 27 October 2020

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2020

Appeal Ref: APP/X0415/W/20/3244474

Bendrose House East, White Lion Road, Little Chalfont HP7 9LJ

- 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 Stephen Keen against the decision of Buckinghamshire Council - East Area (Chiltern).
 - The application Ref PL/19/0705/FA, dated 4 March 2019, was refused by notice dated 10 July 2019.
 - The development proposed is erection of two 3-bedroom dwellings (starter homes) with associated parking and amenity space. Erection of new brick wall and relocation of existing access gate and brick piers 10 metres south of their current location. Access to be obtained from the existing private drive connecting to White Lion Road.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During the course of the appeal, the council who originally determined the planning application merged with a number of other local planning authorities into Buckinghamshire Council. The details in this decision reflect this change.
3. As part of the appeal submissions, the appellants have provided a unilateral undertaking (the UU) under section 106 of the Town and Country Planning Act 1990. The Council has had the opportunity to comment on the UU and I am satisfied no prejudice or injustice will be caused by taking it into account.

Main Issues

4. The main issues are:
 - whether the proposal would represent inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and development plan policy; and
 - the effect on Green Belt openness; and
 - the effect on the character and appearance of the area; and
 - if the development would be inappropriate, whether the harm by reason of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development in the Green Belt

5. The Framework defines the construction of new buildings as inappropriate development in the Green Belt, although a number of exceptions are set out. Policy GB2 of the Chiltern District Local Plan 1997 (LP) is not fully consistent with the Framework but resists inappropriate development in the Green Belt.
6. Limited infilling in villages is defined as not inappropriate development under paragraph 145 e) of the Framework. However, the proposal would lie outside the Little Chalfont built up area boundary as defined in the LP. Also, it would be away from development along the public highway and in a location where trees, hedges and open spaces are more dominant than buildings. The adjacent Grove Centre was previously developed but the land closest to the site is now largely cleared and generally screened from view by boundary vegetation. As such, the proposal would be seen as part of the open countryside rather than in the village. Furthermore, due to the lack of buildings on nearby land other than the appeal property, the development would be an addition to the extent of the built up area and not infilling in the settlement.
7. In addition, paragraph 145 f) of the Framework states that limited affordable housing is not inappropriate development. Starter homes are affordable housing as long as they are provided in accordance with terms set out in the Housing and Planning Act 2016. These requirements include that the properties are available for purchase only by qualifying first-time buyers.
8. The UU states the development would be provided for initial occupation by the appellant's 2 sons. The evidence indicates the sons currently comply with the definition of qualifying first time buyers but there is no certainty that this would be the case at the time of purchase or occupation of the dwellings. Moreover, there is no planning obligation that states the houses would only be available for purchase by qualifying first-time buyers. As such, the UU does not firmly secure the provision of the dwellings as starter homes.
9. In addition, the terms set out under paragraph 2.5.3 of the UU's first schedule only apply when the appellant's sons no longer require the dwellings and they wish to dispose of them. Such a clause would allow the dwellings to be vacated but retained by the sons and rented out at market values. As such, the UU would not ensure the dwellings remain as affordable housing in perpetuity as required by policy CS9 of the Core Strategy for Chiltern District 2011 (CS).
10. For the above reasons, the proposal would not represent limited infill in a village or limited affordable housing. Also, it would not comply with any of the other exceptions at paragraph 145 of the Framework or any of the categories of new buildings allowable under LP policy GB2. As such, I conclude the proposal would be inappropriate development in the Green Belt.

Openness

11. The dwellings would be markedly taller, wider and deeper than the outbuilding to be demolished and the scheme would include new fencing. As such the proposal would lead to a spatial loss of openness. The development would be away from public vantage points and partially screened by trees. Even so, it would be visible from the adjacent access drive and adjoining land and so would cause a localised loss of visual openness.

Character and appearance

12. The dwellings would be set among trees and bushes in the garden of the appeal property, which is one of a few buildings off the access drive and away from the road. The houses would be of a simple design with features that would complement the appeal property. As such, the scheme would harmonise with the existing development pattern and the semi-rural nature of the locality.
13. For these reasons, I conclude the proposal would not harm the character and appearance of the area and in this regard, it would accord with LP policies GC1 and GB30 and CS policy CS20. These all aim, amongst other things, to achieve high quality development that reflects the character of the surrounding area.

Other considerations

14. The proposal would address the accommodation needs of the appellant's family but there is little evidence to show that there is no alternative solution. As such, this factor attracts limited weight.
15. The proposal would boost the supply of housing in a location where there is reasonable access to services. Also, it would be a more efficient use of land, it would create construction employment and occupiers of the dwellings would support local businesses. Given the scale of the proposal, I attach modest weight to these benefits in my assessment.

Green Belt balance

16. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. These would only exist where the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations. The identified loss of openness would adversely impact on one of the essential characteristics of the Green Belt. The Framework dictates that substantial weight should be given to this harm in the balancing exercise.
17. Having regard to all relevant matters, I conclude that the proposal's benefits and all other considerations would not clearly outweigh the harm that would be caused to the Green Belt. As such, very special circumstances necessary to justify the scheme do not exist and it would conflict with LP policy GB2 and the Framework. These aim, amongst other things, to preserve the Green Belt's openness by resisting inappropriate development.
18. The Council is only able to demonstrate a 2.5 year supply of housing land, a significant shortfall against the Framework's minimum 5 year supply requirement. However, the Framework's Green Belt policies provide a clear reason for refusing the proposal. As such, the tilted balance towards granting permission as set out in paragraph 11d) of the Framework does not apply.

Conclusion

19. For the above reasons, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR