



Appeal Decision

Site visit made on 6 October 2020

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 6 November 2020

Appeal Ref: APP/X0415/W/20/3252681

Field Parcel 7437, Land north of Waller's Oak, Village Road, Coleshill, HP7 0LG

- 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 Archimetric Design Ltd against the decision of Buckinghamshire Council.
 - The application Ref PL/19/4246/FA dated 9 December 2019 was refused by notice dated 10 March 2020.
 - The development proposed is a new build dwelling house, garage and vehicular access improvements.
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Decision

1. The appeal is dismissed.

Procedural matters

2. On 1 April 2020 Chiltern District Council merged with other local planning authorities into a new unitary authority named Buckinghamshire Council. While the original application was submitted to Chiltern District Council, the authority's new name has been referred to in the banner heading above.
3. The planning application was made in the name of Archimetric Design Ltd, but the appeal in the name of Mr and Mrs Hart. Archimetric Design Ltd have written to confirm that they are content for the appeal to continue in their name and I have proceeded on this basis.

Preliminary matters

4. A reason for refusal was reliance by the appellant on an out-of-date ecological report, which has been updated as part of this appeal. The Council is satisfied that this overcomes the reason for refusal and that the recommendations within the report could be subject to a condition. I do not disagree with the views now expressed by the Council about this matter and hence it does not form a main issue relating to the determination of this appeal.
5. On the 21 October 2020 the Council voted to withdraw the Chiltern and South Bucks Local Plan 2036 from Examination. I have therefore not included reference to the draft plan in my reasoning.

Main issues

6. The appeal site is located within an area of Green Belt. Accordingly, the main issues are:
- whether or not the proposed development would be inappropriate development in the Green Belt as defined by the National Planning Policy Framework and development plan policy;
 - the effect of the proposal on the openness of the Green Belt; and
 - if the development would be inappropriate, whether the harm to the Green Belt by way 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 the proposal would be inappropriate development

7. The site is in the Metropolitan Green Belt. Paragraph 145 of the National Planning Policy Framework (2019) (the 'Framework') states that construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions, one of which is limited infilling in villages. Both parties agree that the site lies within the village of Coleshill. The terms 'limited' and 'infilling' are not defined in the Framework.
8. Policy GB2 of the Chiltern District Local Plan Adopted September 1997 (including alterations adopted May 2001) Consolidated September 2007 & November 2011 (the 'LP') allows for limited infilling in the Green Belt. Infilling is defined in Policy GB4 of the LP as 'construction in a small gap in an existing row of dwellings, which form an otherwise fully developed frontage to a road'.
9. These local policies predate the current Framework. I note that they refer to allocated land for infill development in the Green Belt, which does not reflect current Case Law¹. They are, however, broadly consistent in respect of the exception for limited infilling, and I therefore afford them moderate weight taking into account paragraph 213 of the Framework. In considering what is meant by 'limited infilling in villages' in respect of the Framework, my own planning judgement is that this could reasonably mean construction in a small gap in a row of dwellings, which form an otherwise fully developed frontage to a road, as defined in Policy GB4.
10. A large, detached house called 'Waller's Oak' is located to the immediate south of the appeal site. To the north is a substantial garden attached to the side of the property 'Ardlair' beyond. The Council have calculated that a gap of approximately 35 metres would remain between the proposed building and the house at 'Ardlair', which is not disputed by the appellant.
11. This means that a sizeable gap between the buildings would remain, which would potentially be large enough to fit another house and, on completion of the development, the line of houses would not form a fully developed frontage.
12. The appellant has drawn my attention to the lack of requirement in the Framework for infilling to be a small site or in limited space. I consider that the

¹ Wood v Secretary of State for Communities and Local government [2014] EWHC 683 (Admin)

Framework's use of the term 'limited infilling' implies small-scale development. Nevertheless, I accept that this is a question of planning judgement having regard to the site's location, relationship to existing development and the nature and size of the development itself.

13. Although the appeal site is a particularly large plot with a long frontage compared to many other properties in the area, I am satisfied that a single detached house on a plot of this width would comprise small-scale development and to this extent would be 'limited'.
14. However, the site is just beyond the finer grained development and built-up frontages of the village core, at a point where the ribbon of development gives way to sporadic, detached buildings in large plots, separated by woodland. The pattern of development on this side of the road is not tightly constrained, which I consider to be a critical factor in meeting the requirements of 'infill'. Because I find that the site is beyond the built-up village core, I also consider that development at this location would encroach on a more open area of the Green Belt on the edge of the village, albeit in a minor way. The development on the opposite side of Village Road is of very different character because it comprises a continuous and intensive ribbon of development.
15. I consider that it would be reasonable to include some garden space around an adjacent building when considering if a site is constrained by built development. However, the house at Ardlair is separated from the appeal site by a plot that is the width of a field, which forms an essentially open gap much larger than that typically seen in the more built-up area, and for this reason I do not consider that the site is constrained for the purposes of infill.
16. I note the appellant's list of development in Coleshill reaching back to 1978. I do not have details of any these cases before me, which makes comparison problematic. Notwithstanding this, I note that there are no 'new dwellings' listed after 1989, from which point all development is described as 'replacement' or 'conversion', neither of which set a precedent for the current appeal.
17. The appellant has also provided a list of appeals from the website 'COMPASS online' relating to approved infill developments. Without having the full details and context of these appeals before me, it is not possible to draw meaningful comparisons. In any event, I have determined this appeal on its individual planning merits.
18. For the above reasons, I conclude that the proposal would not comprise infilling taking into account both policies GB2 and GB4 of the LP and paragraph 145 of the Framework. It would therefore amount to inappropriate development in the Green Belt.

The effect on openness

19. The appeal site comprises a large area of rough pasture divided by trees and mixed hedging that has previously been used as a paddock. The front half of the area is separated from the wider parcel of land by a post and rail fence, along which runs a grassed track for access to the rear of the site and a small field shelter. This would be replaced by a substantial detached house, garage, driveway and gated access. The addition of built form and domestic paraphernalia, conspicuous from Village Road, would have a moderately

harmful effect on the openness of the Green Belt in both visual and spatial terms.

20. The proposal would therefore conflict with Paragraph 133 of the Framework, which states that the fundamental aim of Green Belt policy is to keep land open.

Other considerations

21. The Council cannot demonstrate a five-year supply of deliverable housing sites. In that context, the proposal would make a positive contribution towards boosting the supply of housing in the area. In addition, there would be some associated economic benefits from both construction of the dwelling and its occupation in terms of supporting local services and facilities. Nonetheless, such contributions would be relatively modest from a single dwelling.

Planning balance and conclusion

22. The development would constitute inappropriate development in the Green Belt and I afford this harm substantial weight. It would also have a moderately harmful impact on the openness of the Green Belt. I conclude that the substantial weight given to Green Belt harm arising from the development would not be clearly outweighed by the other considerations sufficient to demonstrate very special circumstances. The proposal would neither accord with the Green Belt requirements of the Framework, nor with policies GB2 and GB4 of the LP.
23. For the reasons above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

B Davies

INSPECTOR