



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: 9 November 2020

Appeal Ref: APP/X0415/W/20/3253141

Two Counties Equestrian Centre, Whelpley Hill, Chesham, HP5 3RL

- 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 Ms Claire Webb against the decision of Buckinghamshire Council.
 - The application Ref PL/19/4401/FA, dated 19 December 2019, was refused by notice dated 3 April 2020.
 - The development proposed is proposed café/meeting room log cabin and terracing.
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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. A retrospective application is not a description of development, so I have removed this from the description.

Preliminary matters

4. 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

5. 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

6. The building was constructed in September 2019 and comprises a single-storey log cabin of modest size, which is intended to be used as a cafe, meeting room and community centre. The proposal also includes small scale terracing and an access track, which have not been constructed yet.

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 with few exceptions, two of which are potentially applicable to this development; limited infilling in villages and development of previously developed land.
8. Local policies in the Chiltern District Local Plan (adopted September 1997, including alterations adopted May 2001) Consolidated September 2007 & November 2011 (the 'LP') predate the current Framework. They refer to allocated land for infill development in the Green Belt, which does not reflect current Case Law¹. In addition, they do not refer to the exception for development on Previously Developed Land ('PDL'). For the purposes of this appeal, they are therefore limited in their degree of consistency with the Framework and I therefore afford them limited weight taking into account paragraph 213 of the Framework.
9. 'Limited infilling' is not defined in the Framework, but my own planning judgement is that this could reasonably be interpreted as construction in a small gap in a row of buildings forming an otherwise fully developed frontage to a road, which is broadly consistent with Policy GB4 of the LP. The Council does not disagree that the site lies within the village of Whelpley Hill and I have no reason to conclude differently. In addition, I am satisfied that the proposal is of sufficiently small-scale to compromise 'limited' development. The issue is therefore whether the appeal site satisfies the requirements of 'infill'.
10. The appeal site is situated towards the back of a paddock associated with an equestrian centre. The White House public house car park and fields are to the south and a car parking area associated with the equestrian centre is to the north, beyond which is another large paddock. To the east is a converted barn, stables and equestrian equipment. The other side of the road also comprises hedged fields, with some residential development opposite the public house. At the site visit I did not observe that the site was surrounded in all directions by residential or commercial development, but generally by open paddocks and fields. The appeal site does therefore not form a small gap in an otherwise fully developed frontage to a road. On this basis, I do not find that the development amounts to limited infilling taking into account both Policy GB4 of the LP and paragraph 145 of the Framework.
11. The site was historically part of Bovington airfield, but I did not observe remains of a permanent structure or fixed surface structure at the appeal site, which would be required to qualify as PDL according to the definition in the Framework. I therefore do not find that the appeal site comprises PDL and the exception in paragraph 145 g) does not apply.

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

12. I note the examples of recent appeal decisions^{2,3} brought to my attention by the appellant. In these cases, the Inspectors state that the appeal site is 'contained by existing development on all sides' and that 'the proposal would be fully surrounded by existing housing', neither of which is applicable to the current appeal.

The effect on openness

13. The open paddock has been partly replaced by a modestly sized log cabin, terraced area and an access track. It is distantly visible from the road through the village beyond the paddocks and partly screened by trees and hedging. I consider that the addition of a small volume of built form, distantly visible from the public domain, would have a minor harmful effect on the openness of the Green Belt in both visual and spatial terms.
14. The proposal therefore conflicts with Paragraph 133 of the Framework, which states that the fundamental aim of Green Belt policy is to keep land open.

Other considerations

15. The appellant intends to use the building as a community hub, including providing a café and free wifi, and holistic services such as yoga and baby massage. It would also provide a refreshment facility for visitors to the historic Bovingdon airfield site. I note that the Strategic Access Officer considered that a café would be likely to attract trade from the rights of way network that passes through the site. The development would generate economic and community benefits for the area, and these are positive matters to weigh in the planning balance.
16. I note that the appellant describes the land as underutilised. This may be the case, but no policy support for development on this basis has been drawn to my attention.
17. I also note that the design and scale of the building is appropriate to its setting, and that vegetation would not be removed. I consider these neutral factors in the planning balance.

Planning balance and conclusion

18. The development would constitute inappropriate development in the Green Belt and I afford this harm substantial weight. It would also have a minor 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 therefore neither accord with the Green Belt requirements of the Framework nor the LP. Therefore, the appeal should be dismissed.

B Davies

INSPECTOR

² APP/J3720/W/16/3167715 (25 May 2017)

³ APP/P0240/W/17/3185864 (11 January 2018)