
Appeal Decision

Site visit made on 9 November 2020

by Mr Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2020

Appeal Ref: APP/X0415/W/20/3249143

Hildreths Garden Centre, 169 Wycombe Road, Prestwood HP16 0HJ

- 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 Richard Hildreth, on behalf of Hildreths Limited, against the decision of Buckinghamshire Council.
 - The application Ref PL/19/2722/FA, dated 24 July 2019, was refused by notice dated 17 December 2019.
 - The development proposed is addition to retail area.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposed extension would amount to inappropriate development;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the locality, having regard to the Chilterns Area of Outstanding Natural Beauty (AONB); 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 CS1 of the Core Strategy for Chiltern District 2011 (CS) seeks to focus development on land outside of the Green Belt. Saved policy GB2 of the Chiltern District Local Plan 1997 (including alterations adopted 2001, Consolidated September 2007 and November 2011)(LP) explains that most development in the Green Belt would be 'inappropriate development'. Accordingly, it states that development will be refused unless it satisfies the limited exclusions as listed in categories (a) to (f). The proposal would not qualify for any of the exclusions listed.

4. The National Planning Policy Framework (the Framework) explains that the Government attaches great importance to the Green Belt. Paragraph 133 identifies that the fundamental aim of the Green Belt is to prevent urban sprawl and keep land permanently open. Paragraph 145 establishes that new development would be inappropriate unless it meets a listed exception. Exception (c), allows for “the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building”. Inappropriate development is harmful to the openness of the Green Belt. Such development should only be approved if very special circumstances exist. As a result, there is some inconsistency between saved policy GB2 of the LP and the Framework as an extension to a building may not be inappropriate if it complies with criterion 145(c).
5. The building would be extended from two modules to three. The Council identifies that the proposal would extend the volume of the host building by around 50%. This figure has not been contested by the appellant. The proposal would result in a substantial increase in volume. Due to the scale of the proposed extension this addition would result in a substantive increase to the volume of the original building. This would not therefore be a subdued or subservient addition. As such, it would result in the provision of a disproportionate addition that would significantly increase the overall mass of the building.
6. The appellant suggests that the extension would not be disproportionate when the whole site is taken into account. However, the existing buildings are dispersed across the site. As a result, the two-storey building at the front has a limited visual link to the building proposed to be extended at the rear. Consequently, a visual link does not exist between the front and rear run of buildings. As such, a cumulative approach to assessing the effect of the proposal would be unsuitable. Furthermore, although the subject building is adjacent to a canopy structure and gift shop, these elements were later additions and therefore not part of the original building. Accordingly, the original building appears to consist of the two modules although the evidence indicates that may have proceeded the other. In any event, the proposed extension would amount to a sizeable and substantive extension to the existing two modules. This would be neither subordinate nor proportional to the scale of the original building.
7. As it has not been demonstrated that the proposal would be any of the exceptions listed in Paragraph 145 of the Framework, it would amount to inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt.

Effect on openness

8. The openness of the Green Belt has both spatial and visual dimensions. The garden centre is within the open Green Belt within a settlement that is over swept by Green Belt policy. The rear of the site is exposed with trees and hedging forming a distant screen some distance from the boundaries of the appeal site. The site is elevated from lower land to the east and this would emphasise the visual impact of the proposal in views from the rear. It would therefore convey moderate harm to the Green Belt visually. However, due to the scale of development proposed, the spatial impact on the Green Belt would

be substantial. The increased mass of the building would represent a significant intrusion into the openness of the site and the surrounding Green Belt.

9. Moreover, the proposal would extend development beyond the establish limits of the site and intrude into the open field beyond. This would both project into currently undeveloped land and expand the use in a manner that would encroach further into the Green Belt. The proposal would therefore also fail a key purpose of Green Belt policy through encroachment.
10. Consequently, the proposal would also have a significantly harmful effect on the openness of the Green Belt and through encroachment.

Character and appearance

11. The site is within a small village which largely consists of traditional housing within relatively spacious plots. The site presents several buildings with large footprints, in comparison to local dwellings. The garden centre is therefore, to some extent, an anomaly within this setting. The site includes three key buildings with a two-storey retail element to the front and two single-storey buildings to the rear. These rear buildings are visually linked by a wall and canopy covered area. The buildings are arranged within the northern part of the site and form a defined front and rear of built form that brackets the site and encloses a central car park area. As a result, the outer edge of the built group creates a clear delineation between built form and undeveloped areas. Beyond the rear boundary the character alters to an open landscape. This grades down away from the site to a distant line of trees and hedging.
12. The building subject to the proposal is a large retail unit consisting of two interlocking modules. The rear elevation of the building forms the physical boundary of both the building and the site itself. The area of land beyond the rear of the building contains areas used for ad hoc open storage. Nevertheless, the area remains open and undeveloped. The site subject to development therefore currently makes a positive contribution to the wider open countryside setting.
13. The appeal site is within the Chilterns AONB. Saved policy LSQ1 of the LP seeks to enhance the natural beauty of the AONB through a range of criteria including assessment of the siting and visual impact of development. The importance of an AONB is further emphasised at paragraph 172 of the Framework which requires great weight to be given to conserving and enhancing its landscape and scenic beauty. The proposed extension would project beyond the envelope of both the existing cluster of built form and the site itself into the countryside. Although, the proposal would complement the existing building in terms of design and general form it would visually intrude into the open area to the rear. The effect of this would be to harmfully disaggregate the established rear boundary of the site. This diffuses the currently clear delineation between the urban edge and the countryside and intrudes into the open landscape beyond.
14. The proposal would not relate well to the characteristics of the site being a currently enclosed and defined cluster of development. Consequently, the proposal would have a harmful impact on the character and appearance of the area including the Chilterns AONB. Mitigating screening would not address this identified harm and would further emphasise the reduction in the open character of the existing area to the rear of the site.

15. Accordingly, the proposal would be contrary to saved policies GC1 and LSQ1 of the LP. These policies seek to achieve a high standard of design and to relate well to their surroundings. Furthermore, the proposal would not satisfy policies CS20 and CS22 of the CS. These seek, amongst other things, a high standard of design that respects the character of the surrounding area and that conserves and enhances the special landscape character, heritage and distinctiveness of the Chilterns AONB. These policies are generally consistent with the Framework which seek development to be sympathetic to local character and landscape setting.

Other considerations

16. The proposed extension would result in the creation of 4 new employee positions, supplementing the 26 existing posts on site. The Framework supports the creation and promotion of a prosperous rural economy. However, the described growth would represent a relatively limited gain to the local economy and would be of moderate weight in favour of the appeal.
17. The proposal would increase the range of goods for sale on offer. The appellant suggests this would reduce travel need for local customers and reduce car use generally. However, the garden centre is within a rural location and would therefore instead be likely to increase and attract new custom from further afield. As such, any local travel benefits for an increased range of products would be more likely to be offset by increased travel distances for an expanded customer base.
18. The garden centre provides a number of social benefits beyond traditional retail provision, such as hosting a weekly farmers' market. Furthermore, the proposal has gained support from the parish Council and a local councillor. This support identifies that the garden centre is an asset to the community and attracts the local people and trade to the site and area. However, although these benefits are recognised, they are only of moderate weight. It is also not adequately explained how the proposed extension would make a strong or necessary additional contribution towards the existing business.
19. The biodiversity gains of the proposed landscape screen would not specifically address an impact to wildlife interests and would result in limited real gain to biodiversity.

Whether there would be Very Special Circumstances

20. 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.
21. 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 appeal scheme would result in moderate harm to the openness of the Green Belt and would result in encroachment. Furthermore, the proposal would harm the character and appearance of the area including the Chilterns AONB, a point

of further significant weight. Paragraph 144 of the Framework requires substantial weight to be given to any harm to the Green Belt.

22. On the other hand, the other considerations I have identified are of limited to moderate weight in favour of the proposal. As such, the harm to the Green Belt is not clearly outweighed by the other considerations identified and therefore the very special circumstances necessary to justify the development do not exist. Accordingly, the proposal fails to adhere to the local and national Green Belt policies I have already outlined.

Conclusion

23. 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.

Mr Ben Plenty

INSPECTOR