



Appeal Decision

Site visit made on 9 November 2020

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 December 2020

Appeal Ref: APP/X0415/W/20/3252392

The Old Brickworks Site, Chesham Road, Chartridge, Bellingdon HP5 2XR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Belster Properties Ltd against the decision of Buckinghamshire Council.
 - The application Ref PL/19/0797/OA, dated 6 March 2019, was refused by notice dated 13 December 2019.
 - The development proposed is an outline application for 9 no. bungalows (5 no. shared ownership & 4 no. affordable rent).
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application is for outline planning permission with all matters reserved. I shall consider this appeal on the same basis. The submission includes an indicative site layout plan showing nine bungalows including a single access from Chesham Road. This shows dwellings arranged around a horseshoe shaped cul-de-sac with associated parking. I shall treat this layout plan as indicative only.
3. The Draft Chiltern and South Bucks Local Plan (2036) has been withdrawn by the Council. Accordingly, this has no weight in the consideration of this appeal.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt;
 - the effect of the proposal on the openness of the Green Belt;
 - whether the appeal site offers a suitable location for new housing development having regard to local and national policies and the accessibility of services and facilities;
 - the effect of the proposal on the character and appearance of the area, including on the adjacent heritage assets and the Chilterns Area of Outstanding Natural Beauty (AONB);
 - the effect of the proposed development on bio-diversity; 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

5. The site is within the Metropolitan Green Belt. Saved Policy GB2 of the Chiltern District Local Plan (adopted 1997, including alterations 2001 and consolidated 2007 and 2011)(LP) states that there is a general presumption against most development in the Green Belt and lists exemptions that are not applicable to this proposal.
6. Policy CS9 of the Core Strategy for Chiltern District 2011 (CS) establishes its approach to affordable housing policy in rural areas. Of particular note this identifies that such housing should meet an established need, be for people with a strong and demonstrable local connection and is no greater than that required to meet the current need. This approach is consistent with the requirements of paragraph 145(f) of the National Planning Policy Framework (the Framework). This states that limited affordable housing, for local community needs, would not be inappropriate if it satisfied policies (including rural exception sites) set out in the development plan.
7. The appellants states that the proposal would provide 9 affordable housing units, consisting of 5 shared ownership and 4 affordable rent properties. These would include one-bed, two-bed and three-bed properties. A Housing Needs Assessment (HNA) was undertaken in 2017 by an independent adviser for the Community Council for Berkshire. The study area included the settlements of Ashridge, Bellingdon and Chartridge. This found support for the provision of affordable housing and identified a potential need for 14 affordable homes. The report recommended that these be provided in the form of predominantly shared ownership tenures and as one, two and three bed properties.
8. The report is now three years old and can only be considered as a snapshot in time. Also, to be robust the required size and tenure of houses should be reviewed prior to making a planning application to ensure it would meet the required needs. There is no evidence that a review has been undertaken. Furthermore, the report casts doubt as to the local availability of future occupiers to qualify for the proposed shared ownership units. Therefore, whilst the size of houses would accord with recommendation of the 2017 Report a different mix may be necessary following the required review. Furthermore, the report also explains that any decision to progress requires the support of the parish Council. Although the Parish Council has provided historical support for the proposal it has most recently objected to the scheme.
9. Moreover, although the Parish Council supported the proposal in the past this was on the understanding that affordable housing would be provided. In limited circumstances a planning condition can be used to secure affordable housing. However, the Planning Practice Guidance advises against the use of a negatively worded condition that requires a planning obligation to be entered into, as this would be unlikely to be enforceable. As such, even if I were to accept that the type and amount of affordable housing was required to meet a clear local need, the proposal is not supported by a legal mechanism to secure

such affordable housing in perpetuity. As such, for the above reasons the site would not qualify as a rural exemption site.

10. In regard to the requirements of Policy CS9 of the CS the HNA is robust in so far as it has identified residents within the parish with a strong and demonstrable local connection and a affordable housing need in 2017. However, it has not illustrated that the proposal would meet a current identified established need or would meet a need no greater than that required.
11. Therefore, whilst acknowledging that there is a general need for affordable housing across the district there is no clear demonstration that this need is within Bellingdon, as the HNA covered the entire parish. Equally, although the Chiltern Housing Register indicates a need in the district for affordable housing, this does not illustrate that it should be delivered within the parish or Bellingdon. Furthermore, given the lack of local support it is unconvincing that there is a clear and identified requirement for affordable housing within the settlement of the amount, type or tenure proposed. As a consequence, and in consideration of the evidence before me, the site would not qualify as a rural exception site.
12. Accordingly, the proposal would neither satisfy the requirements of policy CS9 of the CS nor saved policy GB2 of the LP, as it would amount to inappropriate development which is, by definition, harmful to the Green Belt.

Effect on openness

13. The openness of the Green Belt has both spatial and visual dimensions. The appeal site is within a wide gap between two clusters of development. The site is relatively open with some hedge planting adjacent to the highway. It is also slightly lower than the adjacent highway enabling views through the site to the woodlands beyond.
14. Although the layout plan is indicative, it is clear that 9 dwellings and their associated domestic paraphernalia would undoubtedly fundamentally alter the openness of the site with substantive built form. This would be both visually and spatially harmful and represent a significant intrusion into the openness of the site and the surrounding Green Belt. For similar reasons the introduction of a new access road, driveways and buildings would alter the open character of the site and result in encroachment of development into the Green Belt which would undermine one of its key purposes.

Suitability of location

15. Policy CS4 of the CS establishes sustainable development principles. These include directing growth towards locations that are easily accessible by public transport, walking and cycling and receive fast broadband. The site is adjacent to the small village of Bellingdon. This is some distance from the town of Chesham.
16. However, the site is not isolated. It would be adjacent to the settlement boundary of Bellingdon which includes a village hall and parish church. Paragraphs 77 and 78 of the Framework seek to promote sustainable development in rural areas where housing would provide affordable housing to meet local needs, enhance or maintain the vitality of rural communities, and where it would support local services. The proposal would deliver a small development of nine dwellings adjacent to an existing settlement which has

some, albeit limited services. As such, the proposal would make a small contribution to the vitality of local services within the settlement and nearby settlements.

17. However, due to the limited access to services within the settlement, future occupiers would be reliant on car borne travel to access basic goods and services. Although the site would benefit from a nearby bus stop, the adjacent highway is unlit and does not include a footway. As such, it is not illustrated that the site would provide a suitable access for pedestrians to the surrounding village. Therefore, although the use of local building materials, sustainable drainage and the incorporation of renewable energy and energy efficient measures, these benefits would not outweigh the spatial conflict with the plan in regard to the locational unsuitability of the site. Accordingly, the proposed development would not accord with Policy CS4 of the CS.

Character and appearance

18. Bellingdon is a small village within the open countryside. Local housing consists of a range of styles, scale and plot sizes. Built form is generally two-storey and set back from the highway behind landscaping. These features contribute towards a verdant rural character. The site is a large area of open land between two rows of dwellings that run perpendicular of Chesham Road either side of the appeal site. The site includes mature trees and boundary hedging that emphasise its character as an undeveloped field in a wooded setting. Consequently, the site makes a positive contribution to the open rural character of the area.
19. The scheme would consist of development that is shown indicatively to be set back into the site and allow some views over to the distant woodland behind. As layout and scale are reserved matters only attribute limited weight. Nevertheless, the indicated arrangement would not relate well to the established form of local development. By setting the development back into the site it would form a cluster of inward-looking bungalows. This would result in development that would be dislocated from the local area and not make a positive contribution to the local character. It would also include a substantial central area of hardstanding. Accordingly, this form of development would have a demonstrably urbanising impact on the site. The introduction of hardstanding, built form and boundary divisions, would undermine the rural character of the site. Consequently, the extent of development and degree of change to the character of the site would harm the landscape setting of the site and the Chilterns AONB. Therefore, the harmful impact on the character of the site would be significant.
20. The grade II listed building of Huge Farmhouse is opposite the site. To the east of the farmhouse and adjacent to the highway is the grade II listed range of two barns and outbuildings. The barns are of timber framed construction and partly clad in timber cladding and with brick infill panels elsewhere. The barns are prominent in the public realm and stand in relative isolation due to the absence of development to the east. The significance of these listed buildings derives from their architectural interest and importance as part of a historic farmstead.
21. The indicative plan shows a development that would be set back from the highway and be single-storey. This would have a limited impact on the setting of the listed building. However, as details of scale and layout are reserved

matters these are not subject to formal consideration. Consequently, I am unconvinced that the proposal would not harm and would preserve the setting of the listed buildings. The site is also within the setting of two further listed buildings, being Bloomfield Farm and its barn. Due to the separation distance from the site and intervening trees and buildings their settings would be preserved.

22. Consequently, the proposal would fail to satisfy policies CS20 and CS22 of the CS. These seek for the design of development to respect the character of the surrounding area and to conserve and enhance the special landscape character of the Chilterns AONB. Furthermore, the proposal would be contrary to saved policies GC1, GC4, LSQ1 and LB2 of the LP which seek development to relate well to its surroundings, to retain established trees and hedgerows, preserve and enhance the special character of the Chilterns AONB and would adversely affect the setting of a listed building. This would also fail to satisfy the Framework which requires development to be sympathetic to the local character, including the built environment and landscape setting.
23. The Council identifies that an Oak tree on site is protected by a Tree Preservation Order. This is proposed to be retained as shown on the indicative plan. I therefore see no reason why it would be affected by the proposed development, or one similar. Accordingly, the proposal would accord with saved policy TW3 of the LP.
24. The proposal would result in harm to the setting of the adjacent listed building. The harm would be 'less than substantial'. The Framework requires less than substantial harm to heritage assets to be weighed against the public benefits of the proposal. The Framework seeks to significantly boost the supply of housing. However, this benefit alone would not outweigh the harm found to the heritage asset.

Effect on Bio-diversity

25. An ecological appraisal and reptile survey were submitted in support of the appeal. This identified that mitigation would be required to address the effect of the development on grass snakes. The Council's ecologist raised no objection to the ecological assessment but requested an eDNA survey for GCN due to the presence of the pond on site. However, the appellant's habitat suitability index found that the pond would be below average suitability for GCN habitat. Therefore, despite the Council's assertion that an eDNA survey would be required prior to determination, this matter could be adequately addressed by a planning condition.
26. Accordingly, the proposal would satisfy policy CS4 where it relates to biodiversity and policy CS24 of the CS which seeks development to protect biodiversity. These requirements are in accordance with the Framework which, at paragraph 170, requires development to minimise impacts and provide net gains for biodiversity.

Other Considerations

27. An appeal in 2012, for 12 affordable housing units on site, dealt with similar issues the subject of this current appeal. This is a material consideration. However, its conclusions on housing need derived from the now outdated Buckinghamshire Housing Market Needs Assessment of 2008. Furthermore,

local affordable housing needs have been partly addressed following development to the northwest of the site. This decision, and its consideration of then local housing needs, is therefore of limited weight in the consideration of this proposal.

28. The site was in previous use as a brick works that closed around 1964. The site is now overgrown with no obvious indication of previous development remaining. Accordingly, the site has since become blended into the landscape, and therefore is not considered to be previously developed land. Nevertheless, the Council identifies that the site may be subject to contamination. Its Strategic Environment Team found that the Soil Investigation was out of date having been compiled in 1997. Had I been minded to allow the proposal, further details would have been required prior to making a decision, to understand the extent of contamination.
29. The proposal includes biodiversity enhancements such as active management of the woodland and new landscaping opportunities. These would make only a limited net gain to the site and its surroundings.

Whether there would be Very Special Circumstances

30. 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.
31. 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 significant harm to the openness of the Green Belt and result in encroachment. The proposal would also be in conflict with the spatial strategy in the development plan, a point of significant further weight. Furthermore, I have found harm to the character and appearance of the area. Paragraph 144 of the Framework requires substantial weight to be given to any harm to the Green Belt.
32. 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

33. Main parties agree that the Council cannot deliver a 5 year housing land supply. Paragraph 11, of the Framework explains that strategic policies should provide for objectively assessed needs unless the application of policies that protect areas of particular importance provides a strong reason for restricting development. As the site is within the Green Belt, paragraph 11d of the Framework is not therefore engaged.

34. 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