The Planning Inspectorate

Appeal Decision

Site visit made on 23 March 2021

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th March 2021

Appeal Ref: APP/X0415/W/20/3264194
Halfway House Farm, Missenden Road, Chesham HP5 1JY

- 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 Carey against the decision of Buckinghamshire Council - East Area (Chiltern).
- The application Ref PL/20/0677/FA, dated 20 February 2020, was refused by notice dated 11 November 2020.
- The development proposed is demolition of existing agricultural barn (lean-to) and erection of new agricultural barn.

Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site is located within the Green Belt and the Chilterns Area of Outstanding Natural Beauty (AONB). The main issues are accordingly:
   i) whether or not the proposal would be inappropriate development in the Green Belt; and
   ii) the effect of the proposal on the character and appearance of the area including with particular regard to the location of the site within the Chilterns AONB.

Reasons

3. The appeal site straddles the access to Halfway House Farm from Missenden Road and includes an agricultural lean-to barn. This barn is attached to a neighbouring building which the main parties indicate has been granted prior approval for change of use from light industrial to residential use. The appeal proposes demolition of the lean-to barn, and the construction of a replacement agricultural building to the other side of the access through the site.

Whether Inappropriate Development

4. The development is intended to provide for storage of agricultural machinery and equipment associated with the Halfway House Farm agricultural enterprise, and there is no dispute between the parties that it would be for agriculture. However, to comprise an exception to inappropriate development in the Green Belt as agricultural development, Policies GB2 and GB27 of the Chiltern District Local Plan 1997 (including alterations adopted 2001, Consolidated September 2007 and November 2011) ('the LP') establish that the building must be reasonably required for the functioning of the agricultural enterprise on the unit on which it would be located. Further criteria applicable to agricultural buildings

within the Green Belt within Policy GB27 of the LP include that no other building which could be used or reasonably converted for the use or purpose of the proposed building exists on the unit.

5. From the evidence before me, the need for the proposed building would only arise as a consequence of the demolition of the existing barn on the site. The existing access and manoeuvring arrangements around the barn may not be optimal, but it is clear that any inconvenience is not so severe as to preclude its use. Instead, the appellant advises that the predominant reason for relocating the existing barn is because it could not functionally be used following change of use of the adjacent light industrial building to residential use. In this regard, I note particularly that the current prior approval for the change of use indicates windows serving habitable rooms that would face into the barn on the site, and the appellant's concern that a good quality residential environment could not therefore be delivered.

6. However, I have not been provided with evidence that the change of use of the adjacent building to residential is necessary for the continued functioning of the agricultural enterprise or that there is otherwise a particular requirement for this residential use to come forward. Nor do I know whether consideration has been given to potential alternatives to the demolition of the appeal building, for example revised fenestration arrangements to serve the dwelling as suggested by the Council. It is not therefore clear that demolition of the appeal building would be the only solution to facilitate adjacent residential use. While change of use of the adjacent building may be attractive to the appellant, and I note general support within the National Planning Policy Framework (the Framework) for the delivery of new housing, it is not compelling evidence that the existing barn is unsuitable for agricultural use. I am not therefore persuaded that there is a clear imperative to demolish the existing barn so as to necessitate a replacement to instead meet the needs of the enterprise.

7. Moreover, even if I were satisfied that demolition of the existing building was necessary I have not been provided with clear evidence to substantiate the appellant's comment that other buildings within the farm are fully utilised and would not be suitable for storage of machinery. I can therefore afford limited weight to this assertion. Accordingly, I am unable to conclude with certainty that other buildings that I observed within the holding could not be used or converted to accommodate the intended use as is required by Policy GB27.

8. I am not therefore satisfied that it has been demonstrated the proposed agricultural building is reasonably required for the functioning of the agricultural enterprise, and in this regard, there would be conflict with Policies GB2 and GB27 of the LP.

9. Be that as it may, there is some inconsistency between the approach to inappropriate development at LP Policy GB2 and the more recent Framework which outlines at paragraph 145 d) that in addition to buildings for agriculture, the replacement of a building may be regarded as an exception to inappropriate development in the Green Belt provided that the new building is in the same use and not materially larger than the one it replaces.

10. The existing and proposed buildings would be in the same use. The proposed building would also have a slightly reduced volume, and while it would have a pitched roof rather than the asymmetric form of the existing barn, the increase in maximum height would be very minimal, and there would be a reduction in

height at the eaves in comparison to the existing structure. On this basis, I am satisfied that it would not overall be materially larger. Accordingly, I find that the replacement building would comprise an exception to inappropriate development under the terms of paragraph 145 d) of the Framework. The Council has raised concerns that the siting of the building means it would be more visually obtrusive and would encroach on the countryside, but these factors do not affect the assessment of whether a proposal meets the exception at paragraph 145 d) of the Framework. Although I have also noted the suggestion that there would be additional hardstanding on the site, this does not form part of the proposal before me as part of this appeal.

11. While I have found that the proposal would conflict with Policies GB2 and GB27 of the LP, it would nevertheless comprise an exception to inappropriate development in the terms of the Framework. On this basis, the development should not be regarded as harmful to the openness of the Green Belt or to the purposes of including land within it, and there is no need to consider whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it. As a more up to date statement of national policy, the Framework is an important material consideration, and reduces the weight that I afford to the conflict with Policies GB2 and GB27 of the LP in this regard.

Character and Appearance

12. This part of the AONB predominantly comprises large open fields with some blocks of woodland. Despite a few dispersed small clusters of buildings, the area is largely uninfluenced by built form and as a result, there is a significant openness and an attractive rural and scenic quality to the rolling landscape.

13. As a result of its fairly boxlike form and external materials of profile sheeting wall, corrugated fibre cement roof, and roller shutter doors, the proposed building would have a relatively bland appearance which would emphasise its overall bulk and mass. I acknowledge that it would be of slightly lesser volume than the building to be replaced which is also of utilitarian appearance. Nevertheless, the existing barn is seen together with the adjacent taller building to which it attaches, and by virtue of its close relationship to other structures to this side of the access to Halfway House Farm from the highway, it is appreciated as part of the small cluster of built form.

14. In contrast, the proposed building would be set apart from the cluster, positioned to the opposite side of the access which runs through the appeal site, and entirely beyond the side of the Halfway House Farm dwelling and a small outbuilding to its side as they are viewed from Missenden Road. This dwelling is reached from the top of the access, but the land to the north west of the access is largely undeveloped with an open paddock extending from the side of the dwelling towards the rear of the appeal site, and open fields beyond.

15. At my visit, I observed some loose material stored on this part of the site. However, the much greater height and regular mass of the proposed building would not be fully screened by existing boundary vegetation and would be significantly more conspicuous in views including from Missenden Road and the adjacent right of way towards Hawthorn Farm, as well as in longer distance views from the surrounding area. In these views, I find that the development would result in a noticeable incursion of built form to this side of the access.

While the distances would not be great, the building would be perceived as somewhat divorced from the existing cluster of buildings here, an impression that would be reinforced by the mixture of low level fencing and vegetation to the boundaries of this part of the site which mark it out from its surroundings.

16. I recognise that the appearance of the building would not be dissimilar to others commonly found in agricultural areas and that agriculture is integral to the character and appearance of the countryside. Nevertheless, it remains important to ensure that development, including for agriculture, does not detract from the qualities of an area, particularly within landscapes of recognised importance, and the appeal site is in a sensitive location within the AONB. Irrespective of the proposed dark green external finish, the above factors in combination would increase the prominence and visual impact of the development in comparison to the existing building. In addition, its siting would increase the spread of buildings overall and lead to the unwelcome encroachment of built form onto a currently undeveloped section of the appeal site. As a consequence, the proposal would detract from the generally open and rural character and appearance of the area and the natural beauty and landscape quality of this part of the AONB. Given my findings above, there is insufficient agricultural justification to outweigh this harmful impact.

17. I note that there was historically a dwelling on this part of the site, but this is no longer present and the Council advise that it was replaced by the existing Halfway House Farm dwelling. As a result, the make up and extent of the cluster has since altered, and I do not therefore consider the fact that this part of the site may have accommodated a building in the past to be a compelling justification to allow a proposal that would result in harm to the character and appearance of the area with regard to the current site circumstances. Moreover, the information before me suggests that the dwelling had a smaller footprint than the building now proposed, and given its differing form and appearance, I do not consider that it is directly comparable to the development that is before me.

18. I find for these reasons that the proposal would cause unacceptable harm to the character and appearance of the area and the quality of this part of the AONB. It would therefore conflict with Policies GC1 and LSQ1 of the LP and Policies CS20 and CS22 of the Core Strategy for Chiltern District 2011 which seek, amongst other things, a high standard of design that respects the character of the surrounding area and that conserves and where appropriate enhances the special landscape character and scenic quality of the AONB. There would also be conflict with Policy GB27 of the LP which includes a requirement that agricultural buildings within the Green Belt have an acceptable visual impact on the countryside. These policies are broadly consistent with the Framework which seeks development that is sympathetic to local character and which confirms that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection.

Other Matters

19. The appellant has referred to the potential to construct an agricultural building utilising permitted development rights. However, this would be subject to prior approval for matters of siting, design and external appearance, and given my findings above that a requirement for an agricultural building has not been

adequately demonstrated, I cannot be sure that this would represent a realistic fallback position. Nor do I have firm details to show that the effects of any such fallback scheme on the character and appearance of the area would be similar or worse than the development that is before me. Accordingly, I can only give this potential fallback limited weight.

Conclusion

20. The proposal would conflict with Policies GB2 and GB27 of the LP in respect of development within the Green Belt, although I have found that it would comprise an exception to inappropriate development in the Green Belt in accordance with the Framework and therefore give limited weight to this conflict. However, the proposal would also cause harm to the character and appearance of the area contrary to the development plan and to the Framework, and I give great weight to the harm that would be caused to the landscape and scenic beauty of the AONB.

21. The proposal would be contrary to the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be dismissed

J Bowyer

INSPECTOR