



Appeal Decision

Site Visit made on 23 March 2021

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 April 2021

Appeal Ref: APP/X0415/W/20/3250428

Mill Farm Barns, Chenies Mill Road, Chenies, Bucks, WD3 6EU

- 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 J Swann against the decision of Buckinghamshire Council - Chiltern Area.
- The application Ref PL/19/1258/FA, dated 9 April 2019, was refused by notice dated 9 October 2019.
- The development proposed is the demolition and replacement of the existing detached bungalow and large barn / stable, with 1no single storey detached dwelling and garage, together with the formation of new access onto Chenies Hill.

Decision

1. The appeal is dismissed.

Procedural matter

2. The planning application was submitted to and decided by Chiltern District Council but following a local reorganisation in the meantime the appeal falls within the remit of Buckinghamshire Council.

Main Issues

3. The main issues are:
 - Whether the proposal constitutes 'inappropriate development' in the Green Belt;
 - The effect on the openness of the Green Belt; and
 - If inappropriate development, whether the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances.

Reasons

Background

4. The appeal site lies in an area of countryside to the north of Chorleywood and which forms part of the Metropolitan Green Belt, the Chilterns Area of Outstanding Natural Beauty (AONB) and the Chenies and Latimer Conservation Area. The site contains a single storey timber cabin and much larger barn/stables of a utilitarian form with walls and roof of corrugated metal sheets. It is proposed to demolish the cabin and replace it with a larger single storey dwelling with some accommodation in the roof space. A treble bay garage is also proposed along with the demolition of the barn/stables.

5. It is apparent from the planning history of the site that planning permission was originally granted on appeal in 1985 for the stationing of a mobile home on a temporary basis for the occupation of an agricultural worker. The Council subsequently accepted that the mobile home could remain on a permanent basis without restriction on its occupancy. The Council advises that a proposal in 2005 to replace the mobile home with a bungalow was dismissed at appeal as the inspector concluded that the new considerably larger property was inappropriate development in the Green Belt and would not improve the area significantly.

Policy context and housing land supply

6. The development plan includes saved policies in the Chiltern District Local Plan 1997 (including adopted Alterations made in 2001 and 2004). This plan predates the National Planning Policy Framework (the Framework) and therefore the relevant policies have to be considered in respect of their consistency with the Framework and the weight to be applied. Three policies are referred to by the Council in the reason for refusal:- GB2, GB7 and GB16.
7. Taking these in turn, Policy GB2 indicates that generally new development in a Green Belt is inappropriate but sets out the exceptional categories where permission may be given. The relevant one to this case is (c) which includes the replacement of an existing dwelling in line with other policies. The relevant linked one here is Policy GB7 which indicates that to be acceptable the replacement dwelling should not be materially larger, taking account of permitted development. Considered together the provisions of these policies are not inconsistent with paragraph 145 of the Framework which indicates in criterion (d) that replacement buildings will be acceptable as an exception provided that the new building is in the same use and not materially larger. Therefore, full weight should be given to the relevant aspects of these saved policies.
8. Regarding Policy GB16, this says that the extension of a residential curtilage of a property onto land in the Green Belt will not be permitted. However, the policy refers to the national guidance in PPG2 which is long superseded, and the Framework does not directly refer to residential curtilages, so this policy can only be given very limited weight.
9. On housing land supply, the appellant submits and the Council accepts that at the moment it cannot demonstrate a five year supply of deliverable housing sites in accordance with paragraph 67 of the Framework, (although the parties do not set out what the shortfall of housing supply is). Therefore, the proposal must be considered under paragraph 11(d) of the Framework.

Whether inappropriate development in the Green Belt

10. The erection of a new building in the Green Belt should be regarded as inappropriate development, unless it involves, as relevant to this case, a building that is not materially larger. The same test is put forward for a new building in paragraph 144 (d) of the Framework for a replacement dwelling as per Policies GB2/GB7.
11. In order to consider the relative sizes, the Council advises that the existing bungalow has a footprint of about 110sqm and a ridge height of 4m. This is compared to the footprint of the proposed dwelling of 210sqm and a ridge

height of about 6m (all figures rounded by me). Further, the detached garage would have a footprint of 55sqm and a ridge height of 4.6m. Moreover, the submitted plans indicates that the volume of the existing cabin is about 396m³ with the replacement dwelling being 915m³.

12. From these dimensions it is clear that the replacement dwelling would be more than double the volume of the existing wooden cabin. This increase is such that the new dwelling would be materially larger, even taking account of the scope of 'permitted development' additions if the cabin has the status of a dwellinghouse. On the facts of the case I find that the proposed dwelling constitutes 'inappropriate development' in the Green Belt and conflicts with the relevant policies GB2/GB7 and the Framework.

Effect on openness

13. The Courts have held that the concept of openness of the Green Belt has a spatial aspect as well as a visual aspect. Regarding the spatial element, the large increase in physical bulk of the proposed dwelling compared to the existing cabin would harm the openness of this part of the Green Belt
14. It is the appellant's case that the increase in bulk of the new dwelling would be off-set by the demolition of the existing barns/stables which the plans indicate have a volume of about 1740m³. The appellant says that this would result in a 52% reduction of developed footprint. However, it appears to me that the barns have an agricultural form and history. Such buildings for agricultural use are recognised in paragraph 145 (c) of the Framework to be an exception in the Green Belt and there is no test of the effect on openness applied to their appropriateness. Therefore, little weight can be given to the demolition of agricultural buildings when considering the spatial aspect of openness.
15. In terms of the visual aspect, the site lies in a prominent position on a bend in Chenies Mill Road and the barns are visible to the public realm and from the bridge over the River Chess. The cabin is less prominent as it is generally screened by a roadside hedge and trees. The existing barns have a simple utilitarian form and do not appear materially out of place in the sensitive rural landscape of the AONB. The demolition of the barns would only have a very limited visual benefit and would be replaced by the bulk of the new dwelling which would have a greater width across the site when viewed from the south. Moreover, the physical presence of the barns would also be partly replaced by the proposed three bay garage at the front of the site.
16. Overall on the issue of openness, I find that the replacement dwelling proposed would result in a net increase in building bulk which would harm the openness of the Green Belt, contrary to the Framework, and the demolition of the existing barns carries little weight under this spatial aspect. In visual terms, there would be, at best, a limited net benefit in the spread and bulk of buildings on site viewed from the public realm.

Green Belt and planning balance

17. On the main issues I have found that the proposed replacement dwelling would be materially larger than the existing residential cabin and constitutes inappropriate development in the Green Belt contrary to the relevant policies in the development plan and the Framework. As such the proposal would be harmful to the Green Belt and substantial weight needs to be given to this

harm. The proposal would also harm the openness of the Green Belt in spatial terms as the demolition of the present barns are not in themselves classed as inappropriate development. However, the net difference in building bulk would result in a very modest positive effect on the openness of the Green Belt in visual terms.

18. These findings have to be balanced with other considerations. The appellant says that a larger dwelling is required to meet market demand and local needs, but there is little proper evidence put forward in terms of a local housing needs assessment to substantiate this, although I note the evidence of local house sales averaging over £1.2 million per property.
19. The appellant also refers to a large property allowed by the Council locally under ref.PL/19/2577/FA and says that similar circumstances to this case apply and this should be regarded as a precedent. However, the Council advises that the scheme largely involved the conversion of an existing building which is recognised in the Framework as an exception in the Green Belt, and that proposal was not inappropriate development. Therefore, I cannot place much weight on this comparison in setting a meaningful precedent.
20. Although there would not be an increase in housing numbers, the building work involved would contribute to the local economy but the extent of this is likely to be limited and short term. Moreover, in terms of housing supply, while the Council accepts that it cannot demonstrate an adequate supply at the moment, and paragraph 11(d) of the Framework takes effect, Footnote 6 of the Framework applies and this lists a Green Belt as an asset of particular importance which may provide a clear reason to outweigh a deficiency in housing land supply.
21. Overall, I find that the other considerations that apply in this case do not clearly outweigh the harm to the Green Belt, as set out in the Framework, and that this provides a clear reason for refusing the development proposed. Therefore, very special circumstances do not arise in this case. Neither do the other considerations outweigh the conflict with the development plan and this indicates that the appeal should not be allowed.

Conclusion

22. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR