



Appeal Decisions

Hearing Held on 23 February 2021

Site visit made on 1 March 2021

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 April 2021

Appeal A Ref: APP/K0425/C/19/3242534

Land at Clayfield House, Whitepit Lane, Wooburn Green, Buckinghamshire HP10 0HR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Richard Potyka of Bucks Animal Rescue Centre against an enforcement notice issued by Wycombe District Council.
 - The enforcement notice, numbered 18/00392/CU, was issued on 31 October 2019.
 - The breach of planning control as alleged in the notice is without planning permission, the carrying out of development on the Land comprising:
 - (1) the material change of use of the land from agricultural use to a mixed use made up of equestrian, animal rescue centre, residential use, and agricultural use, and
 - (2) the siting of a mobile home for residential use (shown edged green on the attached plan)
 - (3) the erection of a canopy structure (shown edged brown on the attached plan)
 - (4) the erection of decking (shown edged pink on the attached plan)
 - (5) the erection of metal animal housing/cages (as shown marked blue on the attached plan)
 - The requirements of the notice are:
 1. Cease the use of land as an animal rescue centre;
 2. Cease the use of land for residential purposes;
 3. Remove from the Land the mobile home (outlined in green on the attached plan);
 4. Remove from the Land the canopy structure (shown edged in brown on the attached plan);
 5. Remove from the Land the decking (shown edged in pink on the attached plan);
 6. Remove from the Land the metal animal housing/enclosures (outlined in blue on the attached plan);
 7. Remove all materials and debris resulting from carrying out Steps 3-6 of this Notice, from the Land.
 - The period for compliance with the requirements is within 12 months of this Notice taking effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (c), (d), (e), (f) and (g) of the Town and Country Planning Act 1990 as amended.
-

Appeal B Ref: APP/K0425/W/19/3240252

Land at Clayfield House, Whitepit Lane, Wooburn Green, Buckinghamshire HP10 0HR

- 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 Potyka of Bucks Animal Rescue Centre against the decision of Wycombe District Council.
- The application Ref 19/05624/FUL, dated 11 March 2019, was refused by notice dated 30 October 2019.
- The development proposed is change of use of existing mobile home and retention of canopy and decking for residential purposes to house a rural worker in association with

the licenced Animal Rescue Centre (Bucks Animal Rescue Centre) at the subject property for temporary period of 3 years.

Appeal C Ref: APP/K0425/W/19/3240253

Land at Clayfield House, Whitepit Lane, Wooburn Green, Buckinghamshire HP10 0HR

- 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 Potyka of Bucks Animal Rescue Centre against the decision of Wycombe District Council.
 - The application Ref 19/06069/FUL, dated 30 April 2019, was refused by notice dated 30 October 2019.
 - The development proposed is change of use for the purposes of being used by the charity Bucks Animal Rescue Centre and retention of enclosures.
-

Decision: Appeal A Ref: APP/K0425/C/19/3242534

1. The enforcement notice is quashed.

Decision: Appeal B Ref: APP/K0425/W/19/3240252

2. The appeal is dismissed.

Decision: Appeal C Ref: APP/K0425/W/19/3240253

3. The appeal is dismissed.

Applications for costs

4. At the Hearing applications for costs were made by Mr Richard Potyka of Bucks Animal Rescue Centre against Buckinghamshire Council. These applications are the subject of a separate Decision.

Procedural Matters

5. The enforcement notice and refusals of planning permission were issued by Wycombe District Council, however, since its decisions it has now formed part of Buckinghamshire Council.
6. Given the issues concerning the notice I kept the hearing open so that matters concerning the notice could be discussed during the site visit.
7. Although I visited the site on 1 March 2021, the weather conditions were hazy, limiting distant views to the site. I visited the area again on Friday 26 March to view the site from various locations in Wooburn Green.
8. I have taken the description of development for Appeal C from the decision notice. It is evident that the appellant wishes to retain the enclosures which have been constructed and the appellant has submitted the appeal on this basis.

Appeal A Ref: APP/K0425/C/19/3242534: Matters concerning the notice

9. Section 171A (1) (a) to the Town and Country Planning Act 1990 as amended ('the Act') says that the carrying out of development without the required planning permission constitutes a breach of planning control. Section 173 (1) says that a notice shall state (a) the matters which appear to the local planning

- authority to constitute the breach of planning control; and (b) the paragraph of s171A (1) within which, in the opinion of the authority, the breach falls. Section 173 (2) says that a notice complies with subsection (1) (a) if it enables any person on whom a copy of it is served to know what those matters are.
10. Section 173 (3) states that an enforcement notice shall specify the steps which the authority require to be taken, or the activities which the authority require to cease, in order to achieve, wholly or partly, any of the following purposes. Section 174 (4) states that those purposes are – a) remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or b) remedying any injury to amenity which has been caused by the breach.
 11. A notice should be drafted so as to tell the recipient fairly, what he has done wrong and what he must do to remedy it. The appropriate test is derived from *Miller-Mead v MHLG* [1963] 2 WLR 225 – whether a notice is ‘hopelessly ambiguous and uncertain so that the owner or occupier could not tell in what respect it was alleged that he had developed the land without permission or that he could not tell with reasonable certainty what steps he had to take to remedy the alleged breaches’.
 12. The appellant raised a number of concerns about the notice, which were discussed in detail during the hearing. In particular, there is dispute regarding the planning unit. The appellant states that the entirety of Clayfield Estate is a single planning unit whereas the Council suggest the area identified within the enforcement notice is the planning unit. As established by case law¹, the identification of the planning unit is a matter of fact and degree for the decision maker.
 13. Clayfield House is a substantial dwelling set in generous grounds. There is no clear physical delineation between the main house and the land the subject of the notice. The caravan is located within a fenced off area which is accessed via gated access from the hardstanding to The Barn. The appellant advised during the site visit that the fenced off area, whilst used by the occupant of the caravan, is also used by other employees to gain access to the fields beyond. I have no evidence to contradict this and saw that access can easily be gained via a metal gate. It therefore seems a reasonable proposition to me that despite the fencing, the area within which the caravan is located is not a discrete planning unit.
 14. The Town and Country Planning Act 1990 (the Act) defines agriculture as including ‘horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of the land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and ‘agricultural’ shall be construed accordingly’.

¹ *William Newland v SSCLG and Waverly BC* QD 22 December 2008, *Johnstone v SSE* (1974) 28 P&CR 424 and *Church Commissioners for England v SSE* [1995] 2 PLR 99 and *Burdle v SSE* [1973] 1 WL 1207.

15. The animal rescue activities extend beyond the red line boundary identified in the notice, including fields, which accommodate a range of different animals, and a building which is predominantly used to accommodate reptiles. Although the keeping of some of the animals, such as goats, alpacas, chickens and geese could be considered agricultural, the use of the reptile house and keeping of exotic birds is, in my view, not. The reptiles and various exotic birds and animals are being kept for their own protection and not for the purposes of farming the land.
16. Although there is some delineation between the stables and the main house, the appellant explained that users of the stables use the car park adjacent to the Barn and users of the main house also use the stables. Furthermore, the appellant utilises land within the red line boundary of the enforcement plan for the keeping of horses as and when required.
17. It is common ground that the appeal site comprises a mixed use site and, before the alleged breach took place, was in mixed use. Therefore, from what I saw on site and from what I heard during the hearing, it seems to me that there is a significant interaction between the different uses within the site such that it is a single planning unit in mixed use.
18. As set out in S176 of the Act, I have wide powers of correction, so long as I am satisfied that the correction or variation will not cause injustice to the appellant or the local planning authority. The Council accepts that there is a drafting error in the notice and that the site was in mixed use before the alleged breach took place, not agricultural. To remedy this, the Council suggests deleting 'from agricultural use' from the allegation. The appellant, however, contends that failing to identify the mixed use that existed before the alleged breach took place renders the notice a nullity.
19. Whilst it is good practice for an enforcement notice alleging a material change of use to identify the previous use, it does not render the notice invalid or a nullity if it does not. It is the breach, which is what is alleged to have occurred, which must be identified. Whilst there is dispute regarding the planning unit, an enforcement notice does not have to identify or relate to the whole planning unit, but must identify the affected land. The nature of the activities carried out on the Clayfield Estate include residential, agricultural, equestrian and use as an animal rescue centre. Where there is a mixed use, the enforcement notice must describe all the components of the mixed use. In my view the notice does this and is therefore not invalid in this regard.
20. Difficulty arises, however, when considering the requirements of the notice. In 2010, the Council issued a Certificate of Lawful Use or Development (LDC) certifying that no enforcement action could be taken in respect of The Barn and the creation of hardstanding to the front of The Barn because they had taken place on the land in excess of four years. The LDC also confirmed that the use of The Barn ground floor as home office/storage and the first floor as additional guest accommodation ancillary to the main dwelling is lawful. The LDC did not address the use of the hardstanding.
21. The Council has purposefully drawn the notice to exclude the building known as 'The Barn' and suggests within its Statement of Case that lawful uses have been excluded from the land subject to the appeal. However, the notice includes the hardstanding. An issue arises because of Requirement 2 within the notice which is to cease the use of the land for residential purposes. The

appellant suggests that upholding the corrected notice would mean that the appellant would also have to cease the use of the hardstanding for residential purposes, which would cause the appellant to suffer injustice.

22. It was discussed at the hearing whether or not the notice could be corrected to require cessation of the residential use with the exception of the use of the hardstanding for parking, however, the appellant explained that the use of the hardstanding is not limited to parking in association with the residential use, it is also used for sitting in, with chairs and other paraphernalia located on the hardstanding.
23. During the site visit, I saw that there is residential paraphernalia, such as seating, situated on the hardstanding as well as elsewhere on the periphery of the car park. The appellant also pointed out that occupants of the main dwelling enjoy sitting out and watching the sun rise in the morning. It was also pointed out to me that the plan includes the access road, which is used by occupants of Clayfield House and the Barn.
24. The possibility of deleting the attached plan and substituting it with a plan excluding the hardstanding and access road was discussed, however, it includes a substantial area and whilst the LDC stated that the hardstanding is lawful, it does not confirm what the lawful use of the hardstanding is. Furthermore, from my inspection of the site, it would appear that the hardstanding extends across a wider area than is shown on the LDC.
25. The Council suggested that the appellant could apply for a Certificate of Lawful Use to establish the lawfulness of the hardstanding, however, such an approach would be wholly unacceptable since the enforcement notice has already been issued. The option of amending Requirement 2 to limit it to the residential use of the caravan was also discussed, however, this would cause injustice to the Council because it would in effect grant residential use elsewhere in the site.
26. The appellant has drawn my attention to appeal decision APP/T0355/C/20/3245392, which concerned a mixed use site. In this case, the Inspector concluded that the notice was invalid beyond correction, in part, because the consequence of correcting the notice would be that residential use of land outside the curtilage of the dwelling would benefit from a deemed grant of planning permission. Although there are some similarities with this appeal, the difficulties in this case arise because of uncertainty regarding the lawful use of the land and are unique to the appeal before me.
27. Since the notice in its current form would cause injustice to the appellant and the corrections or variations suggested during the hearing would cause injustice to either the Council or the appellant, I conclude that the notice is invalid beyond correction and must be quashed.

Conclusion

28. For the reasons give above, I consider the enforcement notice is invalid. In these circumstances, the appeal under the various grounds (a), (b), (c), (d), (e), (f) and (g) as set out in s.174(2) of the 1990 Act as amended do not fall to be considered.

Appeal C Ref: APP/K0425/W/19/3240253

Main Issues

29. The main issues of the appeal are:

- Whether the appeal scheme would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies.
- The effect on the openness of the Green Belt.
- The effect of the appeal scheme on the character and appearance of the area:
- Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the appeal scheme.

Reasons

Whether inappropriate Development in the Green Belt

30. It is not disputed that the appeal site lies within the Green Belt. Policy CP8 of the Wycombe District Local Plan (WDLP)(2019) seeks to protect Green Belt from inappropriate development and Policy DM42 of the WDLP sets out that inappropriate development will be refused unless there are very special circumstances.
31. The National Planning Policy Framework (the 'Framework')(2019) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in paragraph 145.
32. In addition, paragraph 146 identifies that certain other forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. One of the forms of development identified includes d) the re-use of buildings provided that the buildings are of permanent and substantial construction; and e) material changes in the use of the land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).
33. Appeal C relates to the proposed use of the land as an animal rescue centre. To facilitate the change of use, a number of enclosures have also been erected. There was some discussion at the hearing as to whether the enclosures constitute an engineering operation or should be considered buildings. Case law has established three primary factors in determining what is a building: size, permanence and physical attachment. The enclosures are substantial structures which are fixed to the ground and are not generally moved. The appellant conceded during the site visit that they should be considered buildings.
34. The appellant suggested the appeal scheme should be considered against paragraph 146 (d) the re-use of buildings provided that the buildings are of permanent and substantial construction. The reptile house building was already in situ and could be considered against this criterion. However, it forms part of

the overall animal rescue centre and cannot, in my view, be considered in isolation. The change of use and construction of buildings forms part of the overall appeal scheme.

35. The appellant also suggested that I could consider the erection of the enclosures against criterion 145 (c), the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. However, even if I were to accept that some of the enclosures were constructed as part of the Rhea building enterprise, a significant proportion of the enclosures were constructed as part of the animal rescue centre. The enclosures have therefore resulted in disproportionate additions over and above the size of the original 'building'.
36. I have also considered whether the enclosures could be considered against 145 (d), however, whilst I note some of the animals housed within the enclosures include chickens and turkeys which are used to produce eggs, the same enclosures also accommodate other rescue animals which would not be considered agricultural. The fencing previously erected was for an agricultural use, not the use of land as an animal rescue centre and so the enclosures cannot be considered to be in the same use as the building it replaced.
37. The appellant has drawn my attention to case law including Samuel Smith Old Brewery² and Euro Garages³. Whilst I have had regard to case law in this regard, these cases regarded development which fell within the exceptions identified by the Framework. Taking all the elements of the appeal scheme together, I conclude that the appeal scheme would be inappropriate development in the Green Belt.

Effect on openness

38. The Framework makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework sets out the purposes of Green Belt, including to check the unrestricted sprawl of large built-up areas and to assist in safeguarding the countryside from encroachment.
39. The appeal site is located in a prominent position outside Flackwell Heath, on a hillside which overlooks Wooburn Green. The buildings within the wider Clayfield House estate, including Clayfield House, the Barn and the Stables, are prominent buildings which are clearly visible from the other side of the valley, Wooburn Green. The enclosures, by contrast, are not clearly discernible as separate structures but are viewed against the pre-existing buildings.
40. Nevertheless, as set out in the Planning Practice Guidance (PPG), openness has a spatial aspect as well as a visual aspect. The enclosures are substantial structures which, despite their colour and surrounding buildings, have a modest adverse impact on the related Green Belt purpose to check the unrestricted sprawl of large built-up areas and safeguard the countryside from encroachment, contrary to Policies CP8 and DM42 of the WDLF which both seek to protect the Green Belt from inappropriate development and the relevant expectations of the Framework.

² Samuel Smith Old Brewery (Tadcaster) v North Yorkshire CC [2018] EWCA (Civ) 489

³ Euro Garages [2018] EWCH 1753 (Admin)

Character and appearance

41. Due to the topography of the area, public views of the site are generally only possible at distance on the other side of the valley around Wooburn Green and beyond. As set out above, although the site as a whole is visually prominent from various public view points, the enclosures are seen against other pre-existing development within the site, including the main house, stables and the Barn, and do not appear to be a dominant feature in the landscape.
42. Whilst I note the Council's concern regarding the cumulative effect of the built form along this prominent ridge line, given the above, the effect of the enclosures on the character and appearance of the area is very limited. Consequently, there is no harm to the character and appearance of the area and no conflict with Policies CP9 and CP10 of the WDLP, which seek to conserve the natural environment, and Policy DM32 of the WDLP which seeks to protect and reinforce the positive key characteristics of the receiving landscape and existing settlement patterns.
43. This is a neutral factor in my consideration of the appeal scheme before me.

Other considerations

44. The animal rescue centre is a registered charity which is privately funded by the appellant to provide temporary accommodation for a range of animals which are homeless or unwanted. The charity is described as acting as an official receiving centre for a number of public bodies and is partnered with Bucks College of Agriculture, enabling students to carry out work experience and is also associated with the Duke of Edinburgh Scheme.
45. The appellant suggests that there are a lack of rescue centres which can accommodate and care for reptiles, exotic species and small livestock suggests that, if it were not for the charity there is a risk that irresponsible owners could simply release unwanted animals into the wild. Whilst the Council point out that such matters are covered by other legislation, it is evident from the appellant's own submissions and from the letters of support submitted that the facility cares for animals which would otherwise have been euthanised due to a lack of alternative facilities. The care of animals is a benefit to which I attach substantial weight.
46. The animal rescue centre also employs three full time staff which provides economic benefits to the area and provides work experience placements. These are benefits to which I attach moderate weight.
47. Whilst the appellant could erect enclosures up to 2m in height for an agricultural use, the enclosures which have been erected greatly exceed this and are substantial structures compared with the wooden fencing I saw erected elsewhere within the site. I therefore afford this negligible weight.
48. The appellant requests that I consider whether the proposals require any mitigation measures and the type of such measures, however, it is not for me to put forward such measures. At the hearing, the appellant suggested mitigation in the form of planting, lowering the fencing and painting of the enclosures. However, I have no substantive details before me and am therefore unable to afford such matters weight.

49. The appellant has drawn my attention to application 20/05278/FUL, which considered the erection of a wooden stable block with a tack/feed/tool room. The application site is detailed as being in the Green Belt, however, it is not clear from the report how the proposal was assessed against the Framework and Council officers were unable to clarify this during the hearing.
50. Paragraph 145 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are: a) buildings for agriculture and forestry; b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation...' I do not have full details of the proposal before me. Nevertheless, it would seem that the proposal is likely to fall within either a) or b). The application is therefore not comparable to the appeal scheme before me and am unable to afford this matter weight.

Conclusion

51. The Framework sets out the general presumption against inappropriate development within the Green Belt. It states that inappropriate development is, by definition, harmful to the Green Belt and 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.
52. The animal rescue centre is inappropriate development in the terms set out in the Framework and has led to a modest loss of openness to the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt.
53. It is not disputed that the animal rescue centre needs to be in a rural area, however, the Council suggest there are areas outside the Green Belt and AONB within the District that may be available. Whilst Green Belt and AONB designations would affect elsewhere within the district, the appellant confirmed during the hearing that other sites have not been considered. I have no substantive evidence that the animal rescue centre needs to be located in the Green Belt or that there are no alternative sites outside the Green Belt, nor do I have any evidence that the cost of locating elsewhere would be prohibitive.
54. Whilst I consider that there is substantial benefit arising from the care of homeless animals and moderate benefit from the provision of employment and work experience placements, in my view, since it has not been demonstrated that the appeal scheme needs to be located in the Green Belt or that it would not be feasible to find a suitable site elsewhere, these considerations, together with the other considerations identified above, do not clearly outweigh the harm that I have identified.
55. Consequently, the very special circumstances necessary to justify the development do not exist and the appeal scheme would conflict with the Framework and with Policies CP8 and DM42 of the WDLP and the development plan taken as a whole.
56. Therefore, for all of the reasons given above I conclude that the appeal should be dismissed.

Appeal B Ref: APP/K0425/W/19/3240252

57. Whilst Paragraph 79 of the Framework states that decisions should avoid the development of isolated homes in the countryside, it is common ground that the appeal site is not isolated, forming part of the Clayfield estate which itself is on the edge of Flackwell Heath and I have considered the appeal on this basis.

Main Issues

58. The main issues of the appeal are:

- Whether the appeal scheme would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies.
- The effect on the openness of the Green Belt.
- Whether there is an essential need for a rural worker to live at the site:
- Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the appeal scheme.

Whether inappropriate Development in the Green Belt

59. The caravan is located to the rear of the Barn within an area which is enclosed by fencing and mature vegetation. The canopy and structure and decking had been removed by the time of my site visit, though the appellant indicated that he would like to reinstate them and so wished these to form part of my considerations. Although the canopy and decking had been removed by the time of my site visit, photographs show them to be substantial structures which would be a building for the purposes of the Act. I note the Inspector in the previous appeals⁴ found the structures to be building operations and see no reason to make a different finding in this regard. Buildings for residential use are not included within the exceptions identified within the Framework. Consequently, the canopy and decking are inappropriate development in the Green Belt.

60. Since the canopy and decking have been removed, it is clear that they are severable from the caravan. Paragraph 146 e) of the Framework sets out that material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

61. The Barn, a substantial building which, together with mature vegetation, significantly restricts views of the caravan from outside of the site. Nevertheless, whilst there would be limited effect on the openness of the Green Belt in visual terms, there would be spatial implications arising from the caravan itself and the likely use and storage of residential paraphernalia. A residential dwelling, albeit a temporary one, in this location would conflict with the purposes of including land within the Green Belt, in particular to check the unrestricted sprawl of large built-up areas and to assist in safeguarding the countryside from encroachment.

62. Consequently, the caravan constitutes inappropriate development in the Green Belt, contrary to Policies CP8 and DM42 of the WDLP and the Framework.

⁴ APP/K0425/C/13/2207263, APP/K0425/C/13/2207269 and APP/K0425/A/13/2198970

Whether there is an essential need for a rural worker to live at the site

63. Policy DM42 sets out that development in the Green Belt is inappropriate. Exceptions to this include b) Development that the NPPF classifies as not inappropriate, but only...ii Essential rural workers dwellings in accordance with DM27. Policy DM27 states that, for new rural enterprises, only temporary accommodation in the form of a caravan or mobile home will be permitted.
64. As set out above, I have found the animal rescue centre would be inappropriate development in the Green Belt and the appeal should be dismissed. Accordingly, since the mobile home would be used in association with the animal rescue centre, it follows that the residential use of the caravan would not be in connection with a 'new rural enterprise' and is therefore not permitted by Policy DM27 and would be contrary to Policy DM42 of the WDLP.

Other considerations

65. The main justification for the caravan is that its occupation is required in association with the animal rescue centre. However, as set out above, I have found that the animal rescue centre would be inappropriate development in the Green Belt and should be dismissed. I therefore afford this very limited weight.
66. I note the previous Inspector did not require the removal of the caravan and that the caravan could be retained as a shelter for estate workers in the event this appeal is dismissed. However, I consider it likely that someone using a caravan for residential use would choose to keep residential paraphernalia outside, such as seating and so on. As such, the use of the caravan for residential purposes would have a greater effect on the openness compared with its use as a shelter for estate workers. I therefore afford this moderate weight.

Conclusion

67. The Framework sets out the general presumption against inappropriate development within the Green Belt. It states that inappropriate development is, by definition, harmful to the Green Belt and 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.
68. The appeal scheme would be inappropriate development in the terms set out in the Framework and lead to a limited loss of openness to the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt. The other considerations which arise do not clearly outweigh the totality of the harm. Consequently, very special circumstances do not exist and the appeal scheme would conflict with the Framework and with Policies CP8, DM27 and DM42 of the WDLP and the development plan taken as a whole.
69. Therefore, for all of the reasons given above I conclude that the appeal should be dismissed.

M Savage

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Tom McArdle BSc (Hons) MRICS MNAEA	Pike Smith & Kemp Rural
Richard Potyka of Bucks Animal Rescue Centre	Appellant

FOR THE LOCAL PLANNING AUTHORITY

Gemma Davies	Planning Enforcement Team Leader (Wycombe Area)
Stephanie Penney	Principal Development Management Officer
Chris Kennett	Natural Environment Officer