



Appeal Decision

Site Visit made on 20 April 2021

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd April 2021

Appeal Ref: APP/N0410/W/20/3261722

Stoke Grange, Fir Tree Avenue, Stoke Poges, Buckinghamshire SL2 4NN

- 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 Mrs Yasmin Rauf against the decision of Buckinghamshire Council - South Area (South Bucks).
- The application Ref PL/20/1590/FA, dated 20 May 2020, was refused by notice dated 13 August 2020.
- The development proposed is a detached dwelling house with garage.

Decision

1. The appeal is dismissed.

Procedural Matters

2. Although expressed differently on the Council's decision notice, neither of the main parties has provided written confirmation that a revised description of development from that entered on the planning application form has been agreed. Accordingly, I have used the one given on the original application.
3. The Council's second reason for refusal referred to a failure to provide mitigation for recreational impacts associated with the development on the Burnham Beeches Special Area of Conservation (SAC). However, the Council confirms that this would be overcome by the Unilateral Undertaking (UU) submitted by the appellant containing planning obligations made pursuant to Section 106 of the Town and Country Planning Act 1990. I return to this matter later in my decision.

Main Issues

4. The appeal site is within the Green Belt. Accordingly, the main issues are:
 - i) whether or not the proposal would be inappropriate development in the Green Belt including with regard to its effect on openness, and the effect of the proposal on the purposes of Green Belt; and
 - ii) if the development would be inappropriate, 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.

Reasons

Whether Inappropriate Development and Green Belt Purposes

5. The appeal site forms part of the garden to Stoke Grange, and predominantly comprises an area of grass which sits between this property and the neighbour at

Alderbourne. It includes an access from Stoke Poges Lane which would serve the dwelling and the detached garage that are proposed on the site.

6. Saved Policy GB1 of the South Bucks District Local Plan 1999 (SBLP) sets out that permission will not be granted for development in the Green Belt other than in specified circumstances. These include limited infilling in villages in accordance with Policy GB3, but the appeal site is not identified by Policy GB3 as within an area considered appropriate for infilling. Nevertheless, the SBLP pre-dates and is not wholly consistent with the terminology of the National Planning Policy Framework (the Framework). The Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt. However, exceptions to this include limited infilling in villages, and limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development.

Limited infilling in villages

7. The Framework does not define the term 'village'. However, court judgements cited by the appellant¹ indicate that designated settlement boundaries are not determinative. Instead, whether an area constitutes a village will be a matter of planning judgement according to the 'facts on the ground'.
8. The appellant suggests that the appeal site is part of a linear outlier connecting Stoke Poges to Slough. I note that there is a fairly continuous ribbon of development along Stoke Poges Lane from the junction of Northern Road on the edge of the main built up area of Slough to the site, but this is only to the opposite side of the road from the appeal site. In any event, even if I were to find that the site was part of an area contiguous with Slough, the very large size, mix of uses, and extensive range of available services and facilities mean that I do not consider that Slough could reasonably be described as a village.
9. Extending towards Stoke Poges, development along Fir Tree Avenue from the junction with Stoke Poges Lane is not continuous. The majority of the north side of the street is lined by sports grounds, with only occasional buildings. There is also a large gap to the south between Calladown and Harrison House. I accept that sports grounds, fields or parks are often found together with villages, but in my experience such features are of typically modest scale commensurate to the size of the village, and are integrated with it. In contrast, I found no clear indication of a close association between the large spaces along Fir Tree Avenue and Stoke Poges or nearby Stoke Green, and they did not seem to me to be directly serving these areas. Their size also provides for both physical separation and a clear visual break.
10. Moreover, those buildings that are present are typically set on large plots resulting in a loose and irregular grain to the area. Together with the intervening gaps between some of the buildings, the pattern of development is somewhat sporadic as a result. While I accept that some variation in the density of development within a village is not unusual, this contrasts notably with the more tightly constrained and regular pattern of development that I saw around the core of Stoke Poges, and in my view further serves to distinguish the area around the appeal site from the village.

¹ Julian Wood v The Secretary of State for Communities and Local Government, Gravesham Borough Council (2015) EWCA Civ 195 and R (Tate) v Northumberland County Council (2017) EWHC 664

11. Although the distances may not be great, taking these factors together I find that the site is part of a discrete ribbon of development that is distinct and separate from Stoke Poges. The ribbon itself has no clear focal point or centre around which it is arranged, nor features such as a shop, village green or pub which are commonly found within villages to meet day to day needs. As a result, I do not consider that the area has the characteristics of a village.
12. I see no reason to disagree with the main parties that the proposal would comprise infilling between existing buildings. However, from my observations of the area and the evidence before me and for the reasons above, I conclude that the proposal would not comprise limited infilling in a village.

Infilling or redevelopment of previously developed land

13. The appeal site is in residential use as part of the garden associated with Stoke Grange, and adjoins other residential properties and their gardens. At my visit, I observed a few vehicles parked towards the front part of the site and some signs of burning having taken place, but these are largely screened by the existing boundary treatment, and given their height and extent have a very limited visual impact on the surrounding area. There are no buildings or notable structures currently present on the site, and in views including from the street scene its largely undeveloped nature provides for a significant sense of openness and a distinct gap between Stoke Grange and Alderbourne.
14. The considerable width and depth of the dwelling and its two-storey height would result in a large structure, with the flat section and projecting front gables adding significant bulk to its roof level. Although single storey, the garage would add further to the mass of development on the site, and both would be set back from the road frontage behind surfacing facilitating access and parking. The introduction of these features would result in a significant loss of openness in spatial terms in comparison to the existing site circumstances. I note that there is some vegetation to the site boundaries, but this is not complete, and in any event could not be relied on to fully screen the development. The overall bulk and scale of development, and the dwelling in particular, would be readily apparent including in views from Stoke Poges Lane, where it would have a significant visual impact and would erode the existing open gap between Stoke Grange and Alderbourne.
15. As a consequence, I conclude that the proposal would harm the openness of the Green Belt, both spatially and visually. Accordingly, it would not meet the terms of the exception for limited infilling or redevelopment of previously developed land specified within the Framework.

Findings on inappropriate development and Green Belt purposes

16. For these reasons, I conclude that the proposal would not fall within the exceptions specified within the Framework and would comprise inappropriate development which is, by definition, harmful to the Green Belt and which would conflict with Policy GB1 of the SBLP. There would also be harm to the openness of the Green Belt which the Framework identifies alongside permanence as one of the essential characteristics of Green Belt.
17. Furthermore, the introduction of new built form into the spacious gap between Stoke Grange and Alderbourne and loss of openness resulting from the proposal would lead to the conspicuous encroachment of more intense

development along this part of Stoke Poges Lane. Notwithstanding that the site is part of the garden to Stoke Grange and the adjacent buildings and gardens, this would result in conflict with one of the stated purposes of Green Belt as serving to assist in safeguarding the countryside from encroachment.

Other Considerations

18. The Council is unable to demonstrate a 5-year supply of deliverable housing, and the results of the 2020 Housing Delivery Test also show that delivery over the previous 3 years has been significantly below required levels. The proposal would provide an additional dwelling towards supply, and in this regard would align with objectives within the Framework seeking to significantly boost the supply of housing. The benefit would be limited by the small scale of the development, but given the past and ongoing housing undersupply position, I afford it great weight.
19. I am also sympathetic to the appellant's desire for accommodation on the site to provide for family members. However, the development would remain long after the current personal circumstances cease to be material. Moreover, very little detail regarding the need for the accommodation, or information to show that the appeal proposal would be the only means by which any needs could reasonably be met, has been provided. The weight that I can afford to this factor is accordingly limited.
20. No firm details have been provided to demonstrate that the impact on the Green Belt of outbuildings which the appellant suggests could be provided on the site utilising permitted development rights would be similar to or greater than the appeal development. From the evidence before me, it is also far from certain that such development would be likely to occur as a realistic alternative to the appeal development. Accordingly, this is not a factor which I find offers compelling support for the proposal.

Other Matters

21. The Burnham Beeches SAC is protected as a European Site of Nature Conservation Importance and is subject to statutory protection under the Conservation of Habitats and Species Regulations 2017 (the Regulations). Had I found the proposal to be otherwise acceptable, the Regulations impose a duty to consider within the framework of an Appropriate Assessment whether it would have a significant effect on the conservation objectives of the SAC either alone, or in combination with other plans and projects. As part of this, I would need to consider the likely effectiveness of mitigation proposed by the UU. However, given the harm that I have identified above and that I am dismissing the appeal for other reasons, it is not necessary for me to consider this matter further as it could not alter my decision.

Planning Balance and Conclusion

22. The Framework advises that substantial weight should be given to any harm to the Green Belt, and that 'very special circumstances' will not exist unless harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.
23. In accordance with the Framework, I give substantial weight to the harm that the proposal would cause to the Green Belt by virtue of inappropriateness and harm to openness, and additionally to one of the purposes of Green Belt. While

I give great weight to the provision of an additional dwelling, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, very special circumstances necessary to justify the proposal have not been demonstrated, and it would conflict with the Framework.

24. Policies within the Framework relating to Green Belt therefore provide a clear reason for refusing the development. As a consequence and irrespective of the housing supply position and the results of the Housing Delivery Test 2020, footnote 6 of the Framework makes it clear that the presumption in favour of sustainable development at paragraph 11 would not apply.
25. The proposal would be contrary to Policy GB1 of the SBLP, as well as the Framework. I find that it would conflict with the development plan when it is read as a whole and material considerations, including the Framework, do not indicate that a decision contrary to the development plan should be reached.
26. For the reasons given above, I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR